



CITY OF YELLOWKNIFE

BY-LAW NO. 5028

BG 75

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to require the wearing of Face Coverings in Public Transit Vehicles;

WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and the COVID-19 pandemic remains a health risk;

AND WHEREAS the World Health Organization, Chief Public Health Officer for Canada and the Chief Public Health Officer for the Northwest Territories have identified Face Coverings as a way to reduce the risk of spreading COVID-19 in circumstances where physical distancing may not be possible;

AND WHEREAS physical distancing may not be possible in Public Transit Vehicles;

AND WHEREAS pursuant to section 70(1) of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c. 22 a council of a municipality may make by-laws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or a place that is open to the public;

AND WHEREAS Council considers it expedient and desirable for the health, safety, and welfare of the people of Yellowknife to require the wearing of Face Coverings in Public Transit Vehicles;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

APPLICATION

1. This By-law may be cited as the Temporary COVID-19 Face Coverings By-law.

DEFINITIONS

2. In this by-law:
 - (a) "City" means the municipal corporation of the City of Yellowknife;

- (b) "Face Covering" means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin;
- (c) "Officer" means a By-Law Enforcement Officer of the City of Yellowknife;
- (d) "Public Transit Vehicle" has the same meaning as defined in Public Transit By-law No. 4284; and
- (e) "Ticket" has the same meaning as defined in the *Summary Conviction Procedures Act* R.S.N.W.T. 1988, cS-15.

FACE COVERINGS

- 3. A person must wear a Face Covering at all times while on a Public Transit Vehicle.
- 4. Section 3 does not apply to the following persons:
 - (a) persons under the age of 2;
 - (b) persons who are unable to place, use, or remove a Face Covering without assistance;
 - (c) persons unable to wear a Face Covering due to a mental or physical concern or limitation, or protected ground under the Northwest Territories *Human Rights Act*;
 - (d) persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance; and
 - (e) persons engaging in services that require the temporary removal of a Face Covering.
- 5. Section 3 does not apply to areas exclusively accessed or used by a Public Transit Vehicle operator, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person.

ENFORCEMENT

- 6. A person who contravenes this by-law is guilty of an offence.
- 7. A person found guilty of an offence under this by-law is liable to:
 - (a) a fine in an amount not less than \$100; or
 - (b) upon summary conviction, in the discretion of the court a fine not exceeding \$5,000.
- 8. An Officer may issue a Ticket in the form accepted by the *Summary Conviction Procedures Act*, to any person who violates any provision of this by-law. If a Ticket is issued for an offence under this by-law, the Ticket may:
 - (a) specify the fine amount established by this by-law for the offense; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

- 9. A person who commits an offence may, if a Ticket is issued specifying the fine amount established by this by-law for the offence, make a voluntary payment equal to the specified fine amount on the Ticket.
- 10. In addition to any other penalty that may be imposed in this by-law, any person contravening this by-law may be directed to leave the Public Transit Vehicle by an Officer and any such person directed to leave shall do so immediately and shall not return within such period of time as specified in the direction.

SEVERABILITY

- 11. Should any provision of this by-law be found by a court to be invalid, then the invalid provision shall be severed and the remainder of this by-law shall be maintained.

EFFECT

- 12. That this by-law shall come into effect on August 31, 2020 and upon otherwise meeting the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 24 day of August, A.D. 2020.



Mayor



City Administrator

Read a Second Time this 24 day of August, A.D. 2020.



Mayor



City Administrator

Read a Third Time and Finally Passed this 24 day of August, A.D., 2020.

[Signature]
Mayor

[Signature]
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



[Signature]
City Administrator