

BYLAW NO. 9782

The COVID-19 Gathering Bylaw, 2021

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

Whereas the Medical Health Officers of Saskatchewan have expressed their continued and growing concern about the current state of COVID-19 in Saskatchewan, including the City of Saskatoon, and the need to strengthen gathering restrictions, including by municipal bylaw, to reduce the mixing of vaccinated and unvaccinated people to stop the uncontrolled community spread of COVID-19;

Whereas pursuant to section 8 of *The Cities Act* a council may pass bylaws 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 place that is open to the public; and
- (c) businesses, business activities and persons engaged in business;

Whereas the Council of the City of Saskatoon considers it expedient and desirable for the health, safety and welfare of the inhabitants of Saskatoon to strengthen gathering restrictions and reduce the mixing of vaccinated and unvaccinated people to stop uncontrolled community spread of COVID-19;

Now therefore, the Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The COVID-19 Gathering Bylaw, 2021*.

Definitions

2. In this Bylaw:
 - (a) **“COVID-19 test”** means any of the following tests administered at a testing site approved by the Minister of Health:

- (i) a polymerase chain reaction (PCR) test for SARS-CoV-2;
 - (ii) a point-of-care antigen test for SARS-CoV-2;
 - (iii) any other test for SARS-CoV-2 approved by the Minister of Health;
- (b) **“fully vaccinated”** means that:
- (i) the individual has received the recommended number of doses of a COVID-19 vaccine, or combination of COVID-19 vaccines, approved by Health Canada; and
 - (ii) 14 or more days have passed since the individual received the last of the recommended number of doses;
- (c) **“gathering”** means a grouping of individuals in general proximity to each other who have assembled for a common purpose or reason, regardless of whether it occurs in public or at a private dwelling or on other private property, but does not include, unless otherwise specified, a gathering in which all individuals are occupants of the same private dwelling;
- (d) **“household”** means the group of occupants who ordinarily reside in the same private dwelling;
- (e) **“indoor public place”** means all or any part of a building or other enclosed place that is open to the public or to which the public is customarily admitted or invited and includes:
- (i) a public building or facility, or any part of a public building or facility, that is rented out for private events;
 - (ii) a building, enclosed place or facility owned or leased by a private club that restricts admission to members and guests; and
 - (iii) the common areas of a multi-unit residential building;
- (f) **“personal identification”** means one of the following:
- (i) a driver’s licence issued by a government of a province or territory of Canada and that includes a photograph of the holder;

- (ii) a government (Saskatchewan or other) issued identification card, including health card;
 - (iii) a birth certificate, or a copy of a birth certificate, issued by a government of a province or territory of Canada;
 - (iv) a certificate of Indian Status;
 - (v) a Métis Nation Saskatchewan citizenship and identification card;
 - (vi) a passport attesting to citizenship or other national status, issued by a government of any jurisdiction, that includes a photograph of the holder;
 - (vii) a permanent resident or citizenship card; or
 - (viii) any other form of identification, issued by a government of any jurisdiction, that includes a photograph of the holder;
- (g) **“proof”**, as it relates to being fully vaccinated, means one of the following:
- (i) a wallet card received at the time of immunization;
 - (ii) a printed copy of a MySaskHealthRecord vaccine certificate, with or without a QR code;
 - (iii) a screenshot of a MySaskHealthRecord vaccine certificate, with or without a QR code;
 - (iv) a COVID-19 vaccine printout from Saskatchewan Health Authority, Public Health;
 - (v) a QR code/MySaskHealthRecord vaccine certificate uploaded to SK Vax Wallet;
 - (vi) a type of proof, whether electronic or in writing, that is issued:
 - (A) by the government of Canada or a province or territory of Canada, or
 - (B) by any other government of another jurisdiction;
- (h) **“occupant”** means an individual who ordinarily resides in a private dwelling;

- (i) **“outbuilding”** includes any area that has a roof and two or more enclosing walls. For greater certainty:
 - (i) umbrellas are not roofs;
 - (ii) a barrier, including a fence or wall, that is no higher than half the ordinary height of a wall is not an enclosing wall;
 - (iii) a barrier, including a fence, comprised of mesh or netting that does not block the movement of air through it is not an enclosing wall;
 - (iv) a barrier, including the wall of a tent, which is erected at an angle to the ground such that the barrier acts as a wall and a roof at once is simultaneously an enclosing wall and a roof for the purposes of this definition;
- (j) **“private dwelling”** includes any outbuildings associated with the private dwelling;
- (k) **“SARS-CoV-2”** means severe acute respiratory syndrome coronavirus 2, the virus that causes COVID-19.

Indoor Gatherings in Private Dwellings

- 3. (1) Subject to subsection (2), no person shall participate in any indoor gathering in a private dwelling.
- (2) Two households may participate together in an indoor gathering in a private dwelling if all occupants of both households are either:
 - (a) fully vaccinated; or
 - (b) under 12 years of age.

Private Indoor Gatherings in Public Places

- 4. Any person responsible for a private gathering held at an indoor public place must either:
 - (a) require each individual 12 years of age or older attending the gathering to provide proof of COVID-19 vaccination or negative test as described in section 6 before entering the gathering; or

- (b) (i) limit the number of individuals attending the gathering to 25% capacity of that part of the indoor public place where the gathering is occurring; and
- (ii) prevent food or beverage from being served at the gathering.

Places of Worship

5. Any person responsible for a gathering at a place of worship for ceremonial purposes must either:
- (a) require each individual 12 years of age or older attending the gathering to provide proof of COVID-19 vaccination or negative test as described in section 6 before entering the gathering; or
 - (b) limit the number of individuals attending the gathering to whichever is less:
 - (i) 25% capacity of that part of the place of worship where the gathering is occurring; or
 - (ii) 150 individuals.

Proof of COVID-19 Vaccination or Negative Test

6. (1) Subject to subsection (2), the person responsible for a gathering described in section 4 or section 5 shall require each individual 12 years of age or older who is attending the gathering to provide, at the point of entry:
- (a) one piece of personal identification; and
 - (b) proof that the individual:
 - (i) is fully vaccinated against COVID-19; or
 - (ii) has received a negative COVID-19 test administered within the previous 72 hours.
- (2) If an individual 12 to 17 years of age is accompanied by a person over 18 years of age who has provided the personal identification required by subsection (1), then the individual 12 to 17 years of age is not required to provide any personal identification for the purposes of subsection (1).

Administration and Enforcement of Bylaw

7. (1) The administration and enforcement of this Bylaw is delegated to the General Manager of Community Services.
- (2) The General Manager of Community Services is authorized to further delegate the administration and enforcement of this Bylaw to designated officers.
- (3) The General Manager of Community Services may appoint any employee or agent of the City as a designated officer for the purposes of enforcing this Bylaw.

Inspections

8. (1) The inspection of property by the City to determine if this Bylaw is being complied with is authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in the inspection.
- (4) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

Offences and Penalties

9. (1) No person shall:
 - (a) contravene or fail to comply with any provision of this Bylaw;
 - (b) obstruct or interfere with a designated officer or any other person acting pursuant to the authority of this Bylaw; or
 - (c) fail to provide their name, address and date of birth upon request by a designated officer or any other person acting pursuant to the authority of this Bylaw.

- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine:
 - (a) for a first offence, of not less than \$250.00;
 - (b) for a second offence, of not less than \$500.00;
 - (c) for a third or subsequent offence, of not less than \$750.00; and
 - (d) for any offence, of not more than:
 - (i) \$2,000.00 in the case of an individual; or
 - (ii) \$10,000.00 in the case of a corporation.
- (3) Notices of violation may be issued for offences mentioned in subsection (2) that are first or second offences as follows:
 - (a) for a first offence, for a fine of \$250.00; and
 - (b) for a second offence, for a fine of \$500.00.
- (4) The following procedure shall apply to notices of violation:
 - (a) a designated officer may issue a notice of violation to any person committing an offence mentioned in subsection (3). The notice shall require the person to pay to the City the fine specified in clause (3)(a) or (b);
 - (b) the fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
 - (ii) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
 - (iii) by mail, addressed to Corporate Revenue, City Hall, 222 – 3rd Avenue North, Saskatoon, Saskatchewan, S7K 0J5;
 - (c) if the fine is paid before the date when the person contravening this Bylaw is required to appear in court to answer the charge, the person shall not be prosecuted for the offence.

