

ORDER

Revisions to Order issued March 17, 2020 to Owners and Operators of Passenger Ropeways in Alberta

(Issued Pursuant to Section 49(1) of the Safety Codes Act, R.S.A. 2000 c. S-)

Date of Issue: March 23, 2020

Person upon whom this Order is being issued:

Owners and Operators of Passenger Ropeway Devices in Alberta

THIS ORDER CONCERNS THE FOLLOWING:

Mass gatherings of attendees in excess of 50 attendees that involve international participants, critical infrastructure staff, seniors or other high-risk populations and in excess of 250 attendees including sporting events and conferences should be cancelled by recommendation of the Province of Alberta's Chief Medical Officer of Health and the recent declaration of a state of emergency under the Public Health Act.

The following sections of the *Safety Codes Act*, RSA 2000, and c S-1 (the *Safety Codes Act*) apply:

WHEREAS:

Section 49 (1) of the *Safety Codes Act* provides that:

A safety codes officer may issue an order if the safety codes officer believes, on reasonable and probable grounds, that:

- (a) this Act is contravened, or
- (b) the design, construction, manufacture, operation, maintenance, use or relocation of a thing or the condition of a thing, process or activity to which this Act applies is such that there is danger of serious injury or damage to a person or property.

The **operation** of the passenger ropeways constitutes a danger of serious injury by permitting the mass gatherings of persons beyond the maximum as set out by the recommendations of the Province of Alberta's Chief Medical Officer of Health in order to prevent the spread of COVID-19. (<https://www.alberta.ca/assets/documents/covid-19-mass-gatherings.pdf>)

Continued operation is therefore in contravention of the *Safety Codes Act*, s 49

Section 47 of the *Safety Codes Act* provides that:

If a safety codes officer is, on reasonable and probable grounds, of the opinion that there is an imminent serious

danger to persons or property because of any thing, process or activity to which this Act applies or because of a fire hazard or risk of an explosion, the officer may take any action that the officer considers necessary to remove or reduce the danger.

Continued operation of passenger ropeways may represent an imminent risk of serious danger to persons as set out in Section 47 of the Safety Codes Act.

THEREFORE, YOU ARE HEREBY ORDERED TO:

1. Stop operation all passenger ropeway devices before March 18, 2020.

CONDITION OF ORDER:

- ✓ Maintenance, altered components, critical components and testing may be carried out provided they comply with the Passenger Ropeways and Conveyors Standards Regulation.
- ✓ Public access or use is prohibited.

To remove the conditions of this Order, the Provincial Administrator for Elevating Devices, Amusement Rides and Passenger Ropeways must be satisfied the danger is removed or reduced in accordance with the recommendations of the Province of Alberta's Chief Medical Officer of Health.

Alberta Municipal Affairs
Community and Technical Support
16th Floor, Commerce Place
10155 - 102 Street
Edmonton, AB T5J 4L4

Phone 1-866-421-6929
Email: safety.services@gov.ab.ca

If you are in non-compliance with this Order; pursuant to Section 55 of the Safety Codes Act, Alberta Municipal Affairs may take all necessary steps to enforce this Order.

Non-compliance with the instructions of this Order is an offence under the Safety Codes Act. If you do not comply with this Order, you may be charged with an offence under the Safety Codes Act.

Safety Codes Act

For a first offence, the fine is not more than \$100,000 and \$1000 for each day the offence continues and/or imprisonment not exceeding 6 months. For a second or subsequent offence, the fine is not more than \$500,000 and \$2,000 for each day the offence continues and/or imprisonment not exceeding 12 months.

Enclosed are the relevant provisions of the Safety Codes Act which set out instructions and information regarding the procedure for starting an appeal of this Order.

Regards,



Dean Bruce
Provincial Administrator

Elevating Devices, Amusement Rides, Passenger Ropeways
Government of Alberta

Cc:

The Safety Codes Council
500, 10405 Jasper Avenue NW
Edmonton, AB T5J 3N4
appeals@safetycodes.ab.ca

PROCEDURE FOR REQUESTING A REVIEW OF THE ORDER

person(s) who have been served this Order may submit a written request, within 14 days of service of the Order, to an Administrator to review the Order to ensure the Order is:

- a) proper, practical and reasonable,
- b) contains correct references and no typographical errors, or
- c) corrects or satisfies concerns about safety

PROCEDURE FOR STARTING AN APPEAL OF THE ORDER

A person on whom this Order is issued may, if the person objects to the contents of the Order, appeal the Order to the Safety Codes Council in conformance with the By-Laws of the Council, within 35 days of the date the Order was served on the person.

A signed, written request for an appeal of this order is to be directed to:

Coordinator of Appeals
500, 10405 Jasper Avenue NW
Edmonton, AB T5J 3N4
telephone: 780-413-0099 toll free 1-888-413-0099
fax: 780-424-5134 toll free 1-888-424-5134
email: appeals@safetycodes.ab.ca
website: www.safetycodes.ab.ca/Public/Appeals

A request for an Appeal shall:

- **be in writing, and signed by the appellant,**
- **contain a copy of the order being appealed,**
- **contain a concise statement concerning the matter being appealed setting out the grounds for appeal,**
- **contain the name, address and telephone number of the appellant, and**
- **be accompanied by a cheque or money order in the sum of \$500 made payable to the Safety Codes Council.**