

Village of Point Edward
By-Law 31 of 2020

Being a By-Law to Mandate the Wearing of Face Coverings in Public Indoor Spaces

WHEREAS the Council of the Corporation of the Village of Point Edward has the authority under subsection 11(2) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, to pass by-laws with respect to health, safety and well-being of persons;

AND WHEREAS on March 11, 2020, the World Health Organization (WHO) declared a worldwide pandemic due to the spread of the novel coronavirus COVID-19;

AND WHEREAS on March 17, 2020, as a result of the COVID-19 pandemic a provincial emergency was declared by the Government of Ontario under section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;

AND WHEREAS on March 18, 2020 the Mayor of the Village of Point Edward declared an emergency pursuant to section 4 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 in support of the Province's efforts to contain the spread of COVID-19;

AND WHEREAS the Council of the Corporation of the Village of Point Edward is desirous to implement a requirement to aid in flattening the curve and spread of COVID-19 for persons to wear a face covering while in certain enclosed public places within the Village of Point Edward;

NOW THEREFORE the Council of the Corporation of the Village of Point Edward hereby enacts as follows:

1. APPLICATION

This By-Law applies to all enclosed public places and persons located within the Village of Point Edward.

2. MANDATORY POLICY

- a) Every person within an enclosed public place shall wear a face covering.
- b) Every person that is the parent or guardian accompanying a child that is nine (9) years old or older in an enclosed public place shall ensure that the child wears a face covering.
- c) A "person" in subsections a) and b) of this section shall include any occupant within an enclosed public place and shall include, but not be limited to, any owner, operator, employee and worker in the enclosed public place and any

customer, patron or other visitor in the enclosed public place but shall not include any of the following persons:

- I. A child who is under the age of nine (9) years;
 - II. A person who is unable to wear a face covering as a result of a medical condition or a disability pursuant to the Human Rights Code, R.S.O. 1990, c. H.19, who is unable to put on or remove a face covering without assistance for whom a face covering would inhibit the person's ability to breathe;
 - III. A person engaged in a sport or other strenuous physical activity;
 - IV. A person while assisting or accommodating another person with a hearing disability; and
 - V. A person while consuming food or drink as part of a religious activity within a place of worship.
- d) No person shall be required to provide proof of any of the exemptions set out in subsections a).
- e) For the purposes of this section, an "enclosed public place" shall mean the indoor area of any building as part of the following establishments within the Village of Point Edward that are open to the general public:
- I. Stores and other establishments that sell or offer food, beverages, consumer products, vehicles, equipment or other goods;
 - II. Restaurants, bars and other establishments that sell or offer to sell food or drink to the public for on-site consumption or takeout, with the exception of the patrons while consuming food and drinks in the seating areas therein;
 - III. Establishments that provide or offer to provide services, including, but not limited to, professional, counselling, personal care, funeral home, transportation, repair and rental services, to the public, with the exception of services related to child care and day camps, care for the elderly and persons with a disability;
 - IV. Lobby areas of commercial buildings;
 - V. Laundromats;
 - VI. Concert venues, theatres, community centres and service clubs;
 - VII. Fitness centres, gyms and other recreational and sports facilities;
 - VIII. Real estate open houses;
 - IX. Libraries, historic sites and similar places;
 - X. Places of worship; and
 - XI. Municipal facilities.
- f) For greater certainty, a waiting area, lobby, service counter, washroom, hallway, stairwell, and elevator are included as part of any "enclosed public space" prescribed in subsection e) of this section if they are open to the general public.
- g) For greater certainty, the following places shall not be included as an "enclosed public space" for the purpose of this section:
- I. Schools
 - II. An indoor area of a building that is accessible only to employees.

- h) For the purposes of this section, a “face covering” shall mean a medical grade mask or non-medical cloth mask or other face covering, including a bandana, scarf or other fabric that covers the nose, mouth and chin to create a barrier to limit the transmission of respiratory droplets.
- i) Every person, who is the owner or operator, including a corporation of an enclosed public place shall post clearly visible signage attached to this policy as Schedule “A” visible at all entrances to the enclosed public place.

3. ENFORCEMENT

This By-Law may be enforced by:

- a) A municipal law enforcement officer or by-law officer appointed by the Council of the Village of Point Edward; and
- b) Such other person as designated from time to time by the Council of the Village of Point Edward.

4. OFFENCES

- a) Every person who contravenes any provision of this By-Law is guilty of an offence;
- b) Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding one thousand dollars (\$1,000), exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.

5. SEVERABILITY

If any section or portion of this By-Law and/or schedules is found by a court of competent jurisdiction to be invalid, it is the intent of Council of the Village of Point Edward that all remaining sections and portions of this By-Law and/or schedules continue in force and effect;

This By-Law shall not be interpreted to conflict with the Corporation of the County of Lambton, Provincial or Federal statute, regulation, or instrument of a legislative nature, including an order made under *the Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended.

6. EFFECTIVE DATE

That this By-Law shall come into force and effect on Tuesday, August 25 at 12:01 am.

7. REPEAL

- a) All By-Laws and motions of Council of the Village of Point Edward found to be inconsistent with the Provisions found in this By-Law shall be and are Hereby Repealed;
- b) This By-Law shall be reviewed at the last regularly scheduled meeting in November, 2020 and may be reviewed and repealed at any time prior to that by the Council of the Village of Point Edward.

8. SCHEDULES

Schedule "A" operator signage attached hereto shall be considered to form part of this By-Law;

This By-Law is Read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 20th day of August, 2020.

Mayor
Bev Hand

Clerk
Jim Burns