



The Corporation of Norfolk County
By-Law 2020-66

Being a By-Law to impose temporary regulations requiring the wearing of masks or other face coverings within enclosed public spaces.

WHEREAS the spread of a Novel Coronavirus, which causes the disease known as COVID-19, was declared to be a pandemic by the World Health Organization on March 11, 2020;

AND WHEREAS on March 17, 2020, the Province of Ontario declared an emergency under section 7.0.1(1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended, in response to the COVID-19 pandemic;

AND WHEREAS an emergency was declared by the Head of Council for The Corporation of Norfolk County on March 24, 2020 pursuant to section 4(1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended, also in response to the COVID-19 pandemic;

AND WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, (the "Municipal Act, 2001") provides that the powers of a municipality under that Act shall be interpreted broadly to enable a municipality to govern its affairs as it considers appropriate and to enhance a municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the Municipal Act, 2001 further provides a broad scope for municipalities to pass by-laws to, among other things, regulate or prohibit respecting a matter, and require persons to do things respecting the matter so regulated;

AND WHEREAS subsection 10(2)6 of the Municipal Act, 2001 provides that single tier municipalities may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS COVID-19 is readily communicable from person to person, carries a risk of serious health complications (including respiratory issues that may result in death) is present within the County, and constitutes a danger to the health, safety and well-being of persons within the County;

AND WHEREAS health authorities at the Federal, Provincial, and Local level have all recommended that persons wear face coverings in enclosed public space where physical distancing cannot be maintained;

AND WHEREAS the Province of Ontario has enacted regulations under Subsection 7.0.2(4) of the Emergency Management and Civil Protection Act closing businesses and other facilities and providing for their reopening for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials, which regulations are to be continued or modified under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020;

AND WHEREAS physical distancing is difficult to maintain in enclosed public spaces;

AND WHEREAS it is believed that the existence of a by-law requirement will help to educate the public on the importance of a properly worn face covering and encourage voluntary compliance;

AND WHEREAS Council for the Corporation of Norfolk County desires to enact a temporary by-law to require mandatory face coverings in enclosed public spaces as a necessary, recognized, practicable and effective method to help limit the spread of COVID-19, and thereby help protect the health, safety and well-being of the County residents;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

Part 1 - Definitions

1. In this By-law, the following terms shall have the following meanings:

“Emergency Order” means the emergency orders or regulations passed by the Province of Ontario pursuant to the Emergency Management and Civil Protection Act related to COVID-19 closures and reopening of businesses and other facilities and as extended or amended under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 or any other legislation the Province of Ontario may enact from time to time to address closures and reopening arising from COVID-19.

“Enclosed Public Place” means a place where goods or services are available in a building or portion of a building which is ordinarily accessible to the public, whether or not a fee or membership is required to gain entry, and which is permitted to be open in accordance an Emergency Order and is open to the public. For greater certainty, the following are excluded:

- a. day cares, child care facilities, day camps for children, schools, and post-secondary institutions;
- b. private and public transportation;
- c. hospitals, independent health facilities and offices of regulated health professionals;
- d. buildings from which services are offered by the municipality, the Province of Ontario or the Federal Government of Canada.

“Mask” or “Face Covering” means a cloth mask, medical mask, (face shield for persons with an underlying medical condition), or other face covering capable of filtering respiratory droplets, which must securely cover the nose, mouth, and chin and is in contact with the surrounding face without gapping.

“Operator” means an individual, corporation, company, association, firm, partnership, society or organization which is responsible for or otherwise has control over the operation of an Enclosed Public Place.

Part II - Requirements

2. (a) The Operator of an Enclosed Public Place shall adopt a policy as required under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any Enclosed Public Space unless the member of the public is wearing a Mask or Face Covering. The policy must be adopted August 3, 2020.
 - (b) The Operator of the Enclosed Public Place shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
3. (a) The policy shall include the following exemptions from the requirement to wear a Mask or Face Covering:
 - i. children aged two or younger;
 - ii. persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
 - iii. persons who are unable to place or remove a Mask or Face Covering without assistance;
 - iv. employees and agents of the person responsible for the Enclosed Public Space ~~within an area designated for them and not for public access~~, anywhere where 6 feet of social distancing can be maintained, or within or behind a physical barrier;
 - v. persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code or where the removal of a mask is necessary to assist and accommodate a person in accordance with the Ontario Human Rights Code; and
 - vi. any paramedic, fire fighter or police officer acting in the course of their duties.

- vii. A child between the ages of three (3) and five (5) who refuses to wear a mask or face covering and cannot be persuaded to do so by their caregiver.
 - (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of accessing services, such as while actively eating or drinking or while actively engaging in an athletic or fitness activity.
 - (c) Subject to the exemptions in section 3(a), the policy shall require that staff offering services wear a Mask or Face Covering when working in the enclosed public space.
 - (d) The policy shall not require staff offering services or members of the public to provide proof of any of the exemptions set out in section 3(a).
4. The Operator shall conspicuously post at all entrances to the Enclosed Public Space clearly visible signage containing the following text:

**ALL PERSONS ENTERING OR REMAINING
IN THESE PREMISES SHALL WEAR A
MASK OR FACE COVERING WHICH COVERS THE NOSE, MOUTH AND
CHIN AS REQUIRED UNDER NORFOLK COUNTY BY-LAW 2020-66**

5. The Operator shall ensure that all persons working at the Enclosed Public Space are trained in the requirements of the policy and this By-law.

Part III – Offence and Enforcement

- 6. An Operator who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- 7. A provincial offences officer appointed by the municipality to enforce municipal by-laws is authorized to enforce this By-law.

Part VI - General

- 8. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an Emergency Order.
- 9. For greater certainty, nothing in this By-law shall be construed as permitting the opening or access to an Enclosed Public Space that is not permitted or is

restricted by an Emergency Order. The Operator is responsible to ensure that the business or organization operates in accordance with all applicable Emergency Orders and laws, including the Occupational Health and Safety Act and the regulations made under it.

10. Where any provision of this By-law is inconsistent with or conflicts with any provision of any other by-law of the County, the provisions of this By-law shall prevail, but only to the extent of such inconsistency or conflict.

Part V – In Force and Effect

11. The effective date of this By-Law shall be the date of passage thereof and is revoked at 12:01 a.m. on the first day after the regularly scheduled Council meeting in October, 2020, (currently scheduled for October 20, 2020) unless extended by Council.

ENACTED AND PASSED this 24th day of July, 2020.



Mayor



County Clerk

Authority: Resolution 32
Meeting: Council July 21, 2020