

The Corporation of the Town of Parry Sound

By-law 2020 – 7057

A by-law to require the wearing of face coverings in enclosed public places and vehicles accessible to the public during the COVID-19 Pandemic in the Town of Parry Sound

Whereas on March 17, 2020 an emergency was declared by the Government of Ontario pursuant to Order in Council 518/2020 under section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 in response to the outbreak of COVID-19; and

Whereas health authorities at the Federal and Provincial level have recommended that persons wear face coverings in public where physical distancing cannot be maintained; and

Whereas the Medical Officer of Health for the North Bay Parry Sound District Health Unit has recommended the use of face coverings when physical distancing cannot be maintained especially when in an indoor setting; and

Whereas subsection 10(2) of the Municipal Act, 2001 authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

Whereas the Council of the Town of Parry Sound wishes to implement a requirement for persons to wear a face covering while in certain enclosed public places that are accessible to the public to help contain the spread of COVID-19;.

Now therefore the Council of the Corporation of the Town of Parry Sound enacts as follows:

1. Every person within an enclosed public place shall wear a face covering.
2. Every person who is the parent of guardian accompanying a child that is 5 years old or older in an enclosed public place shall ensure that the child wears a face covering.
3. A person in sections (1) and (2) 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:
 - a) A child under five years of age;

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- b) 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 or for whom a face covering would inhibit the person's ability to breathe;
 - c) Persons receiving services involving the face and requiring the removal of a face covering, provided such services are permitted to operate in accordance with the Emergency Orders issues pursuant to Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;
 - d) Police, fire or paramedics during the course of responding to an emergency call; and
 - e) Persons while testifying, examining or making submissions at a court, tribunal, arbitration or other quasi-judicial proceeding.
4. No person shall be required to provide proof of any of the exemptions set out in subsections 3(a) and (b).
5. An enclosed public place shall mean any portion of the indoor areas of any building or vehicle as part of the following establishments within the Town of Parry Sound that are open to the general public whether or not a fee or a membership is charged for entry:
- a) Stores and other establishments that sell or offer to sell food beverages, consumer products, vehicles, equipment or other goods;
 - b) Restaurants, bars and other establishments that sell or offer to sell food or drink to the public for on-site consumption or take-out, with the exception of the patrons while consuming food and drinks in the seating areas therein;
 - c) 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 disabilities;
 - d) Shopping malls;
 - e) Common areas of residential buildings, commercial buildings, hotels, motels and other short term accommodations; such as lobbies, elevators, washrooms, meeting rooms or other common use facilities but does not

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include the dwelling units or rented rooms within the residential buildings, commercial buildings, hotels, motels or other short term accommodations;

- f) Concert venues, theaters, cinemas, arcades and other entertainment facilities;
 - g) Fitness centres, gyms and other recreational and sports facilities;
 - h) Premises utilized as an open house, presentation centre or other facility for real estate purposes;
 - i) Museums, galleries, historic sites and similar attractions;
 - j) Places of worship;
 - k) Municipal buildings; and
 - l) Vehicles accessible to the public such as taxis, buses or any other public transportation.
6. The following places shall not be included as an enclosed public place for the purposes of this by-law:
- a) An enclosed public place that is owned or operated by or on behalf of the Provincial or Federal Government;
 - b) Day cares, schools, and post-secondary institutions;
 - c) Portions of buildings, that are being used for the purpose of providing day camps;
 - d) Hospitals and portions of buildings used by regulated health professionals;
 - e) An indoor area of a building that is accessible only to employees or if employees are within or behind a physical barrier; and
 - f) Private transportation for personal use and school transportation vehicles.
7. For the purposes of this by-law a face covering shall mean a medical mask or non-medical mask or other face covering including a bandana, scarf or face shield that covers the nose, mouth and chin to create a barrier to limit the transmission of respiratory droplets.
8. Every person who is the owner or operator of an enclosed public place shall

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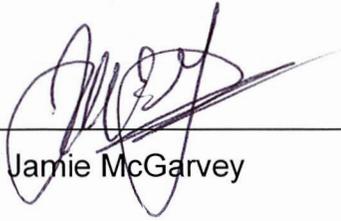
post at all entrances to the establishment or inside a vehicle clearly visible signage advising the public of the requirement of a face covering.

9. A person in section 8 shall include, but not be limited to, a corporation.
10. An owner or operator of an enclosed public place is not required to provide face coverings to the public for purposes of entry.
11. This By-law may be enforced by a Municipal By-law Enforcement Officer, the Ontario Provincial Police or other such persons appointed by the Town of Parry Sound.
12. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine not exceeding five thousand dollars (\$5,000) as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33 as amended, or any successor legislation thereto.
13. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.
14. 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 order made under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended.
15. If a Provincial, Federal or Medical Officer of Health statute, regulation, or instrument of a legislative nature regulating face coverings comes into effect after the date this by-law is passed this by-law will become null and void.
16. This By-law may be cited as the “Face Covering By-law”.
17. This By-law comes into force and effect on Friday, July 17th, 2020 at 12.01 AM to coincide with Phase 3 of the Province’s reopening plans.
18. This By-law shall be in effect until Tuesday October 13th, 2020 or until repealed on a date as determined by Council, whichever comes first.

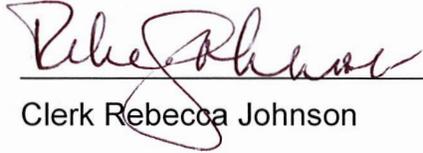
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Read a First time this 13th day of July, 2020.



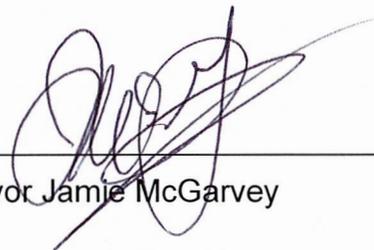
Mayor Jamie McGarvey



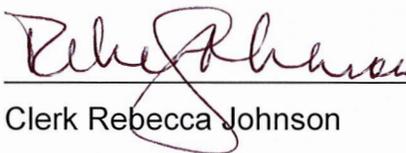
Clerk Rebecca Johnson

Read a Second and Third time, **Passed, Signed and Sealed**

this 13th day of July, 2020.



Mayor Jamie McGarvey



Clerk Rebecca Johnson