



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Special Meeting, Monday, July 6, 2020
Electronic Participation, 4:30 PM**

This Special Meeting of Council will be held through Electronic Participation in accordance with Bill 187, the Municipal Emergency Act, which was passed by the Province of Ontario on March 19, 2020.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting clerks@stcatharines.ca by Monday, July 6, 2020 before Noon. Comments submitted will be considered as public information and entered into public record.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

- 1. Adoption of the Agendas**
- 2. Declarations of Interest**
- 3. Motions**

4 - 29

- 3.1 Mandatory Face Masks and Coverings in St. Catharines
Mayor Sendzik will present the following motion:

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of St. Catharines declared a state of emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS COVID-19 continues to be present within the city, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

WHEREAS wearing masks and face coverings may act as a visual cue that public health measures, including maintaining a physical distance from others, are still required, that the COVID-19 Pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

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

THEREFORE BE IT RESOLVED that City Council enact a temporary by-law requiring individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19; and

BE IT FURTHER RESOLVED that masks or face coverings must be worn, unless it is reasonably required to temporarily remove the covering for services provided by the establishment or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- The person is under two years of age.
- The person has an underlying medical condition which inhibits their ability to wear a mask or face covering.
- Wearing a face covering would inhibit the person's ability to breathe in any way.
- The person is unable to place or remove a mask or face covering without assistance.
- Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier; and

BE IT FURTHER RESOLVED that employees working with members of the public in an enclosed space must also wear a mask or face covering, unless they are in an area not for public access or within or behind a physical barrier, or they meet one of the exemptions; and

BE IT FURTHER RESOLVED that the by-law also apply to City of St. Catharines facilities open to the public such as community centres, libraries and public transit; and

BE IT FURTHER RESOLVED that the by-law be in force for a temporary period of time, beginning July 14, 2020 and expiring August 24, 2020, unless extended by City Council; and

BE IT FURTHER RESOLVED that the City Solicitor be directed to prepare the necessary by-law.

[Addenda]

4. By-laws

4.1 Reading of By-Law

A By-law to confirm the proceedings of council at its special meeting held on the 6th day of July, 2020. (One reading - with respect to confirming the proceedings of the meeting held on July 6, 2020.)

5. Adjournment




Corporate Report City Council

Report from: Legal and Clerks Services, Director

Report Date: July 6, 2020 **Meeting Date:** July 6, 2020

Report Number: LCS-104-2020 **File:** 10.4.19

Subject: Motion to require the mandatory wearing of masks or face coverings

Strategic Pillar: 

Recommendation

That Report LCS-104-2020, in response to the Motion to require the mandatory wearing of masks or face coverings, be received for information.

Background

During the last several weeks the Medical Officers of Health (MOH) of two District Health Units, a County Warden and the City of Toronto have issued Orders or passed by-laws with respect to the wearing of masks or other face coverings in enclosed public spaces.

On June 12, 2020, the MOH for Wellington-Dufferin-Guelph issued a Class Order pursuant to Section 22 of the *Health Protection and Promotion Act* to all persons who own or operate a Commercial Establishment within that jurisdiction:

- to prohibit persons from entering the premises of the Commercial Establishment, or remaining on the premises if the person is not wearing a face covering; and
- to ensure the availability of alcohol-based hand rub at all entrances and exits.

Also on June 12, 2020, the Warden of the County of Wellington also used his authority pursuant to the *Emergency Management and Civil Protection Act*, supported by the advice of the MOH Wellington-Dufferin-Guelph to issue an identical Order.

On June 27, 2020, the MOH for Kingston, Frontenac, Lennox and Addington issued a similar order under the same authority.

In each Order, a “person” is defined as a customer, patron, employee or visitor who enters the “establishment, and face coverings are broadly defined to include both medical and non-medical masks and generally commercial establishments include only those areas openly accessible to members of the public. However, the specific types of establishments that are identified as included or alternatively excluded differ in each

community. For example, in the Guelph area Order churches or faith settings, day camps and daycare centres, and libraries are not subject to the Order whereas in the Kingston area Order they are all included.

Both Orders include exemptions for wearing masks to young children and persons who cannot wear a mask because it would inhibit their ability to breathe or for any medical reason.

On June 30, 2020, the City of Toronto, enacted pursuant to provisions of the City of Toronto Act, 2006, a municipal by-law to impose temporary regulations requiring the wearing of masks or other face coverings within enclosed public spaces.

The City of Toronto by-law is different from the MOH Orders in that it requires Operators of an Establishment open to the public to adopt a policy to ensure that no member of the public is permitted entry to, or remains within any enclosed space in the Establishment, unless the member of the public is wearing a mask or face covering. The Operator must provide a copy of the policy for inspection and post notice at their entrances that say that persons entering must wear a mask. The Operator is also required to ensure all persons working in the Establishment are trained on the requirements of the policy. The policy must require employees to wear masks in the enclosed public space and must contain exemptions for children, medical conditions and accommodation pursuant to the Ontario Human Rights Code. The definition of Establishment is broad and includes places of worship and libraries, but excludes childcare facilities.

The approach taken in each of the jurisdictions that have passed Orders or by-laws is to place the responsibility for the enforcement of mandatory masks with the operators of the establishments to which the regulation applies. There is no separate offence for a member of the public who does not choose to wear a mask.

The City of Brampton will be considering a by-law to require the mandatory wearing of masks at a meeting later this week.

Report

At this time, it is our understanding that the Medical Officer of Health for the Regional Municipality of Niagara is not considering an Order pursuant to his authority.

Section 4 of the Emergency Management and Civil Protection Act (“EMCPA”) gives the head of council (the Mayor) the ability to make orders considered necessary to protect the health, safety, and welfare of their residents. However, this order must be specific to implementing something contemplated under an existing municipal emergency plan. The City’s Municipal Emergency Control Group has not recommended the enactment of such an Order for the purposes of implementing the City’s Emergency Plan.

Like the City of Toronto, both the City of St. Catharines and the Regional Municipality of Niagara have authority pursuant to sections 10 and 11 of the *Municipal Act* to pass by-

laws regarding the economic, social and environmental well-being of the municipality, and the health, safety and well-being of persons, respectively. We have been advised that the Regional Municipality of Niagara intends to hold a special meeting on Wednesday, July 8, 2020, to debate the passing of mandatory mask by-law but we have no further details at this time.

Draft Order/By-Law – Important Considerations

Should Council wish to pass a temporary by-law to require the mandatory wearing of masks, the written support of the Medical Officer of Health for such regulation should be requested.

It will also be necessary to consider what if any establishments would be exempted from the proposed by-law and whether the by-law should prohibit the entry of persons not wearing a mask, or like the City of Toronto only require establishments to prepare a policy on the wearing of masks.

Prior to the meeting of July 13, 2020, staff will be consulting with the municipalities that have mask Orders or policies in place to obtain further clarity with respect to their enforcement plans as well as consulting with other municipalities that are considering such policies. The Region's Public Health Department has also offered to assist the City with the drafting of an appropriate by-law. Together with any direction received from Council at the Special Council Meeting of July 6, 2020, staff will use that information to prepare a draft by-law for Council's consideration on July 13, 2020.

Financial Implications

There are no financial implications of this report.

Prepared and submitted by

Heather A. Salter, Director of Legal and Clerks Services

Approved by

Shelley Chemnitz, Chief Administrative Officer

Appendices

1. City of Toronto By-law
2. Order of the MOH – Wellington, Dufferin and Guelph
3. Order of the MOH – Kingston, Frontenac, Lennox and Addington

Authority: Item CC22.3 adopted as amended, by City of
Toronto Council on June 29 and 30, 2020

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CITY OF TORONTO

Bill 511

BY-LAW -2020

To impose temporary regulations requiring the wearing of masks or other face coverings within enclosed public spaces.

Whereas under sections 7 and 8 of the City of Toronto Act, 2006 (the "Act"), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

Whereas, Novel Coronavirus is present within the City of Toronto, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

Whereas, on March 17, 2020, an emergency was declared by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, and has been extended pursuant to section 7.0.7 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and

Whereas subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

Whereas the City has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the City, and the health, safety and well-being of persons under paragraphs 5 and 6 of subsection 8(2) of the Act; and

Whereas the following is deemed necessary, as there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the City of Toronto within enclosed public spaces; and

Whereas it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance; and

Whereas the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

Whereas physical distancing is difficult to maintain in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations requiring businesses and

organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a necessary, recognized, practicable and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the City of Toronto;

The City of Toronto enacts:

1. (a) The Operator of an Establishment that is open to the public, 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 space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
- (b) The Operator of the Establishment shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
2. (a) The policy shall include the following exemptions from the requirement to wear a Mask or Face Covering:
 - (1) children under two years of age;
 - (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
 - (3) persons who are unable to place or remove a Mask or Face Covering without assistance;
 - (4) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier; and
 - (5) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
- (c) Subject to the exemptions in section 2(a), the policy shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
- (d) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 2(a).
3. The Operator shall conspicuously post at all entrances to the Establishment 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 CITY OF TORONTO BY-LAW ____-2020**

4. The Operator shall ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.
5. Every person 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.
6. In this By-law, the following terms shall have the following meanings:

"Establishment" means any of the following:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
- (b) churches, mosques, synagogues, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- (e) community service agencies providing services to the public;
- (f) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities

"Mask or Face Covering" means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.

"Operator" means a person or organization which is responsible for or otherwise has control over the operation of an Establishment.

7. Despite section 6 above, the following premises are not an Establishment for purposes of this By-law even if they would otherwise fall within the definition of an Establishment:
 - (a) schools, post-secondary institutions, and child care facilities;
 - (b) private transportation and public transportation; and

- (c) hospitals, independent health facilities and offices of regulated health professionals.
- 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 order made under the Emergency Management and Civil Protection Act.
- 9. This By-law shall come into force 7 days after the date of enactment and is deemed to be no longer in effect and revoked at 12:01 a.m. on the first day after the first Council meeting after the summer recess (currently scheduled for September 30 and October 1, 2020), unless extended by City Council.

Enacted and passed on June , 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



EMERGENCY ORDER NO.1 (AMENDED)

2

**THIS EMERGENCY ORDER ISSUED AND EFFECTIVE JUNE 12, 2020 AT 8:00 a.m.
REPLACES AND SUPERCEDES THE ORDER ISSUED JUNE 10, 2020 EFFECTIVE JUNE
12, 2020 AT 8:01 a.m**

WHEREAS pursuant to subsection 4(1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended (the “**EMPCA**”), the Warden of the Corporation of the County of Wellington has declared that an emergency exists in the County of Wellington due a public health emergency – COVID-19;

AND WHEREAS pursuant to subsection 4(1) of the EMPCA, the Warden may make such orders as he considers necessary and are not contrary to law to implement the emergency plan of the County and to protect the health, safety and welfare of the inhabitants of the County;

AND WHEREAS under sections 11(1) of the Municipal Act, 2001, the County has broad authority to provide any service or thing that the County considers necessary or desirable for the public , including passing by-laws in respect of the health, safety and well-being of persons;

AND WHEREAS the Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit has advised as follows:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 (Designation of Diseases), as amended, made under the Health Protection and Promotion Act, R.S.O 1990, c. H. 7, as amended (the “**HPPA**”).
2. COVID-19 can cause acute and severe respiratory illness and death in humans.
3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Wellington-Dufferin Guelph Health Unit:
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 15, 2020, the first case of COVID-19 was reported in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit;
 - c. On March 17, 2020, the spread of COVID-19 was declared an emergency in Ontario pursuant to the EMPCA, on the basis that COVID-19 constitutes a danger of major proportions;

- d. States of Emergency were subsequently declared by the City of Guelph and the Counties of Dufferin and Wellington (on March 23, 2020) in response to COVID-19;
 - e. As of June 9, 2020, there is evidence of continued community transmission of COVID-19 in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel.
4. COVID-19 is transmitted from person-to-person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
 5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
 6. Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.
 7. Use of Face Coverings is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.
 8. On June 11, 2020, the Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit issued an Amended Order pursuant to section 22 of the HPPA which Amended Order is attached as **Schedule “A”** to this Order.
 9. Effective June 12, 2020, Commercial Establishments in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit that previously had been prohibited to operate by Ontario Regulation 51/20 (Order under subsection 7.0.2(4) of the Act – Closure of Establishments), made under the EMCPA, will be permitted to resume operations as part of Ontario’s staged re-opening of the economy.
 10. Re-opening of Commercial Establishments will increase the frequency of contact and limit opportunities for physical distancing between persons in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit which, absent adequate preventative measures, will increase the growth rate of COVID-19 cases in the Wellington-Dufferin-Guelph Health Unit.

11. An increase in the number of COVID-19 cases will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of COVID-19 within the population of the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

AND WHEREAS the Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit has stated that she is of the opinion on reasonable and probable grounds that:

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the geographic area served by the Wellington-Dufferin-Guelph Health Unit;
- b. The communicable disease presents a risk to the health of persons in the geographic area served by the Wellington-Dufferin-Guelph Health Unit; and
- c. The requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

Therefore, I, Kelly Linton, Warden of the Corporation of the County of Wellington, enact, by issuing this Order, the following regulations with respect to the County of Wellington:

Definitions

1. For the purposes of this By-law the following terms shall have the corresponding meanings:

- i. **“County”** means the geographical area of the County of Wellington or the municipal corporation as the context requires;
- ii. **“Commercial Establishment” and “Establishment”** mean those portions of a fixed commercial premises that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale to members of the public and include a mall or other structure containing a number of commercial premises, and, without limiting the generality of the forgoing, include the following:
 - Retail stores
 - Convenience stores
 - Malls/plazas
 - Restaurants
 - Personal service settings
 - Grocery stores and bakeries
 - Gas stations
 - Farmer’s markets
 - Areas of Mechanics’ shops/garages / repair shops which are open to the public

Notwithstanding the foregoing the following are not subject to this Order even if they would otherwise fall within the definition of a Commercial Establishment:

- Churches or faith settings
- Day camps
- Day care centres
- Schools
- Libraries
- Community centres
- Offices that are not open to members of the public
- Professional offices where clients receive purchased services (e.g. lawyer's/accountant's office) that are not open to members of the public
- Private transportation (bus/taxi/limo)
- Public transportation (bus/train)
- Hospitals
- Independent health facilities
- Offices of regulated health professionals

The areas of a Commercial Establishment that are subject to the Face Covering requirements of this Order are:

- Any areas in which customers interact with one another or with staff members, OR
- Any areas that is open or accessible to members of the public.
- Except where:
 - The area is outside, whether or not the area is covered (e.g. a restaurant patio).

For greater clarity, examples of areas that are or are not subject to the Face Covering requirements of this Order are as follows:

Example Establishment	Parts of the Establishment Covered by the Order (Examples)	Parts of the Establishment Not Covered by the Order (Examples)
Retail Store	<ul style="list-style-type: none"> • Retail floor/aisles • Cashier area/queues • Service desks/counters • Publicly accessible washrooms 	<ul style="list-style-type: none"> • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Workshop/service room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public • Outdoor patios/display areas that form part of the retail

		store (e.g. outdoor garden centre)
Gas Station (self-serve)	<ul style="list-style-type: none"> • Inside the gas station store/kiosk 	<ul style="list-style-type: none"> • Pump area
Restaurant	<ul style="list-style-type: none"> • Indoor take-out counters • Indoor dining area when indoor dining becomes permissible • Food preparation areas that are open to the public 	<ul style="list-style-type: none"> • Outdoor drive-through windows • Outdoor dining area • Kitchen area that is physically separated from dining area and not accessible to the public • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public
Mall/Plaza	<ul style="list-style-type: none"> • Indoor areas accessible to members of the public 	<ul style="list-style-type: none"> • Outdoor areas accessible to the public • Administrative offices, service areas, or other areas that are not accessible to the public
Farmer's Market	<ul style="list-style-type: none"> • Indoor areas accessible to the public 	<ul style="list-style-type: none"> • Outdoor areas • Areas not accessible to the public

- iii. **“Face Covering(s)”** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.
- iv. **“Person(s)”** means any customer, patron, employee or visitor, who enters the Establishment.

Severability

2. If a court of competent jurisdiction declares any provision or part of a provision of this Order to be invalid, illegal, unenforceable or of no force and effect, it is my intention in enacting this Order that the remainder of this Order will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

Actions to be taken by persons who own or operate a Commercial Establishment in the County of Wellington

3. Every person who owns or operates a Commercial Establishment in the County of Wellington shall take the following actions effective 8:01 am on June 12, 2020:

1. **Prohibit Persons from entering the premises of the Commercial Establishment or remaining in the premises if the said Person is not wearing a Face Covering.**
2. The Face Covering must be worn inside the Establishment at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment.

A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
 - b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
 - c. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
3. **Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment.**

4. This Order shall come into force and take effect at 8:01 am on June 12, 2020.

5. Unless earlier rescinded, this Order shall remain in force and effect until the lifting of the County's March 23, 2020 emergency declaration.

Passed this 12th day of June, 2020.

Original signed by:


[Kelly Linton \(Jun 12, 2020 10:16 EDT\)](#), Warden


[Donna Bryce \(Jun 12, 2020 10:17 EDT\)](#), County Clerk

Dated this 12th day of June, 2020,

Time declaration made 10:00 a.m.

Kelly Linton

Warden or Alternate



Kelly Linton (Jun 12, 2020 10:16 EDT)

Signature of Warden or Alternate

SCHEDULE “A”

AMENDED ORDER

**OF THE MEDICAL OFFICER OF HEALTH FOR THE WELLINGTON-DUFFERIN-
GUELPH HEALTH UNIT**

Made under section 22 of the Health Protection and Promotion Act

CLASS ORDER

made pursuant to Section 22 of the Health Protection and Promotion Act,
R.S.O. 1990, c.H.7

THIS CLASS ORDER ISSUED AND EFFECTIVE JUNE 12, 2020 AT 8:00 a.m. REPLACES AND SUPERCEDES THE ORDER ISSUED JUNE 10, 2020 EFFECTIVE JUNE 12, 2020 AT 8:01 a.m

DATE: June 12, 2020

TO: All persons who own or operate a Commercial Establishment in the Wellington-Dufferin-Guelph Health Unit.

I, Dr. Nicola Mercer, Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on June 12, 2020:

1. **Prohibit Persons from entering the premises of the Commercial Establishment or remaining in the premises if the said Person is not wearing a Face Covering.** The Face Covering must be worn inside the Establishment at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment.

A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
 - b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
 - c. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
2. **Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment.**

THE REASONS for this ORDER are that:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
2. COVID-19 can cause acute and severe respiratory illness and death in humans.

3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Wellington-Dufferin Guelph Health Unit:
 - a. On March 11, 2020, the spread of COVID-19 was declared a pandemic by the World Health Organization;
 - b. On March 15, 2020 the first case of COVID-19 was reported in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.
 - c. On March 17, 2020 the spread of COVID-19 was declared an emergency in Ontario pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, on the basis that COVID-19 constitutes a danger of major proportions;
 - d. States of Emergency were subsequently declared by the City of Guelph and the Counties of Dufferin and Wellington in response to COVID-19;
 - e. As of June 8, 2020, there is evidence of continued community transmission of COVID-19 in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, as evidenced by newly identified cases not connected to facility outbreaks or travel.
4. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
6. Accumulating epidemiological evidence indicates that the widespread use of Face Coverings by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19
7. Use of Face Coverings is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.
8. Effective June 12, 2020, Commercial Establishments in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit that previously had been prohibited to operate by Ontario Regulation 51/20 and Ontario Regulation 82/20 will be permitted to resume operations as part of Ontario's staged re-opening of the economy.
9. Re-opening of Commercial Establishments will increase the frequency of contact and limit opportunities for physical distancing between persons in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit which, absent adequate preventative measures, will increase the number of cases of COVID-19 cases in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

10. An increase in the number of cases of COVID-19 will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of COVID-19 within the population of the jurisdiction of the Wellington-Dufferin-Guelph Health Unit.

I am of the opinion, on reasonable and probable grounds that:

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. The communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. The requirements specified in this order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the Wellington-Dufferin-Guelph Health Unit, so notice shall be provided through the public media and the internet via posting at: www.wdgpulichealth.ca.

DEFINITIONS AND SCOPE OF THE ORDER

The following definitions apply to this Order:

A **Person** means any customer, patron, employee or visitor, who enters the Establishment.

A **Face Covering** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.

Commercial Establishment and Establishment mean those portions of a fixed commercial premises that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale to members of the public and include a mall or other structure containing a number of commercial premises, and, without limiting the generality of the forgoing, include the following:

- Retail stores
- Convenience stores
- Malls/plazas
- Restaurants
- Personal service settings
- Grocery stores and bakeries
- Gas stations
- Farmer's markets
- Areas of Mechanics' shops/garages / repair shops which are open to the public

Notwithstanding the foregoing the following are not subject to this Order even if they would otherwise fall within the definition of a Commercial Establishment:

- Churches or faith settings
- Day camps
- Day care centres
- Schools
- Libraries
- Community centres
- Offices that are not open to members of the public
- Professional offices where clients receive purchased services (e.g. lawyer's/accountant's office) that are not open to members of the public
- Private transportation (bus/taxi/limo)
- Public transportation (bus/train)
- Hospitals,
- Independent health facilities,
- Offices of regulated health professionals

The areas of a Commercial Establishment that are subject to the Face Covering requirements of this Order are:

- Any areas in which customers interact with one another or with staff members, OR
- Any areas that are open or accessible to members of the public.
- Except where:
 - The area is outside, whether or not the area is covered (e.g. a restaurant patio).

For greater clarity, examples of areas that are or are not subject to the Face Covering requirements of this Order are as follows:

Example Establishment	Parts of the Establishment Covered by the Order (Examples)	Parts of the Establishment Not Covered by the Order (Examples)
Retail Store	<ul style="list-style-type: none"> • Retail floor/aisles • Cashier area/queues • Service desks/counters • Publicly accessible washrooms 	<ul style="list-style-type: none"> • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Workshop/service room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public • Outdoor patios/display areas that form part of the retail store (e.g. outdoor garden centre)
Gas Station (self-serve)	<ul style="list-style-type: none"> • Inside the gas station store/kiosk 	<ul style="list-style-type: none"> • Pump area

Restaurant	<ul style="list-style-type: none"> • Indoor take-out counters • Indoor dining area when indoor dining becomes permissible • Food preparation areas that are open to the public 	<ul style="list-style-type: none"> • Outdoor drive-through windows • Outdoor dining area • Kitchen area that is physically separated from dining area and not accessible to the public • Staff lounge not accessible to the public • Stock/storage room not accessible to the public • Private office (e.g. manager's office) • Shipping/receiving area not accessible to the public
Mall/Plaza	<ul style="list-style-type: none"> • Indoor areas accessible to members of the public 	<ul style="list-style-type: none"> • Outdoor areas accessible to the public • Administrative offices, service areas, or other areas that are not accessible to the public
Farmer's Market	<ul style="list-style-type: none"> • Indoor areas accessible to the public 	<ul style="list-style-type: none"> • Outdoor areas • Areas not accessible to the public

NOTICE

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5), requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law. In the context of the COVID-19 outbreak, all requests for appeals and reviews, submissions, materials, and inquiries must be sent by e-mail to hsarb@ontario.ca or faxed to the Health Services Appeal and Review Board at 416-327-8524.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.

Signed copy on file

Dr. Nicola Mercer
Medical Officer of Health,
Wellington-Dufferin-Guelph Public Health
160 Chancellors Way, Guelph, ON N1G 0E1









COW Emergency Order NO1 Amended V2

Final Audit Report

2020-06-12

Created:	2020-06-12
By:	Jennifer Adams (jennifera@wellington.ca)
Status:	Signed
Transaction ID:	CBJCHBCAABAABtrJtsr5Yb5yHs_TuSHGu3Y93Hj664xh

"COW Emergency Order NO1 Amended V2" History

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 2020-06-12 - 1:59:05 PM GMT- IP address: 72.136.96.192
-  Document emailed to Kelly Linton (kellyl@wellington.ca) for signature
 2020-06-12 - 2:00:24 PM GMT
-  Email viewed by Kelly Linton (kellyl@wellington.ca)
 2020-06-12 - 2:16:05 PM GMT- IP address: 167.100.66.130
-  Document e-signed by Kelly Linton (kellyl@wellington.ca)
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-  Document emailed to Donna Bryce (donnab@wellington.ca) for signature
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-  Email viewed by Donna Bryce (donnab@wellington.ca)
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-  Document e-signed by Donna Bryce (donnab@wellington.ca)
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-  Signed document emailed to Kelly Linton (kellyl@wellington.ca), Jennifer Adams (jennifera@wellington.ca) and Donna Bryce (donnab@wellington.ca)
 2020-06-12 - 2:17:52 PM GMT

ORDER OF THE KFL&A PUBLIC HEALTH MEDICAL OFFICER OF HEALTH
(Made pursuant to section 22 of the *Ontario Health Protection and Promotion Act*, 1990)

DATE: June 27, 2020

TO: All persons who own or operate a Commercial and Municipal Establishment in the Kingston, Frontenac and Lennox & Addington Public Health area.

WHEREAS the Province of Ontario declared a public health emergency as a result of the 2019 Novel Coronavirus (COVID-19) pandemic, pursuant to the *Emergency Management and Civil Protection Act*, 1990;

AND WHEREAS the World Health Organization has determined COVID-19 to be a highly contagious disease that presents a risk to human health and communities due to its rapid communicability;

AND WHEREAS a number of individuals in Kingston, Frontenac, Lennox and Addington communities have been infected with COVID-19 since its discovery and the extent of the virus is still present in the community.

AND WHEREAS under section 22 of the *Ontario Health Protection and Promotion Act* a medical officer of health may make an order requiring a person who is in charge of any thing or who is engaged in or administers an enterprise or activity in the health unit served by the medical officer of health, to take any actions specified in the order if the medical officer of health is of the opinion, upon reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist, or if there is a risk of an outbreak of a communicable disease in the health unit, that presents a risk to the health of persons in the health unit, and that the order is required to decrease or eliminate the health risks;

AND WHEREAS the KFL&A Public Health Medical Officer of Health has reasonable and probable grounds to believe that one or more persons residing or working at, or providing services to the community is infected or has been exposed to infection, or has potentially been infected or exposed to infection, with the COVID-19 virus;

I, Dr. Kieran Moore, Medical Officer of Health for the KFL&A Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on June 27, 2020:

1. Prohibit Persons from entering the premises of the Commercial Establishment or remaining in the premises if the said Person is not wearing a Face Covering. The Face Covering must be worn inside the Establishment at all times, unless it is reasonably required to temporarily remove the Face Covering for services provided by the Establishment. A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
- b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
- c. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.

2. Ensure the availability of alcohol-based hand rub at all entrances and exits for the use of all Persons entering or exiting the Establishment

REASONS FOR THE ORDER ARE THAT:

- 1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the Health Protection and Promotion Act.
- 2. COVID-19 can cause acute and severe respiratory illness and death in humans.
- 3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the KFL&A Health Unit:
- 4. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
- 5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
- 6. Accumulating epidemiological evidence indicates that the widespread use of **Face Coverings** by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.
- 7. Use of **Face Coverings** is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.

8. The re-opening of Commercial Establishments on June 12, 2020 has increased the frequency of contact and limited the opportunities for physical distancing between persons in the jurisdiction of the KFL&A Health Unit, which, absent of adequate preventative measures, has increased the number of cases of COVID-19 cases in the jurisdiction of the KFL&A Health Unit.

9. An increase in the number of cases of COVID-19 will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of COVID19 within the population of the jurisdiction of the KFL&A Health Unit.

I am of the opinion, on reasonable and probable grounds that:

- a. A communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. The communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. The requirements specified in this order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of the KFL&A Health Unit, so notice shall be provided through the public media and the internet via posting at: www.kflaph.ca.

DEFINITIONS AND SCOPE OF THE ORDER:

The following definitions apply to this Order:

A Person means any customer, patron, employee or visitor, who enters the Establishment.

A Face Covering means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.

Commercial Establishment and Establishment mean those portions of a fixed commercial premises that are openly accessible to members of the public and that are used for the purposes of offering goods or services for sale to members of the public and include a mall or other structure containing a number of commercial premises, and, without limiting the generality of the foregoing, include the following:

- Retail stores
- Convenience stores
- Malls/plazas
- Food Premises
- Personal service settings
- Grocery stores and bakeries
- Churches or faith settings
- Farmer's markets
- Areas of Mechanics' shops/garages / repair shops which are open to the public
- Libraries
- Community Centres
- Private Transportation (bus/taxi/limo)
- Public Transportation (bus/train)
- Day Camps (Staff only)
- Day care centres (Staff only)
- Business Offices Open to the Public

Notwithstanding the foregoing the following are **NOT** subject to this Order even if they would otherwise fall within the definition of a Commercial Establishment:

- Schools
- Business Offices that are not open to members of the public
- Professional offices where clients receive purchased services (e.g. lawyer's/accountant's office) that are not open to members of the public
- Hospitals,
- Independent health facilities,
- Offices of regulated health professionals

The areas of a Commercial Establishment that are subject to the Face Covering requirements of this Order are:

- Any areas in which customers interact with one another or with staff members, OR
- Any areas that are open or accessible to members of the public.
- **Except where:**
 - **The area is outside, whether or not the area is covered (e.g. a restaurant patio).**

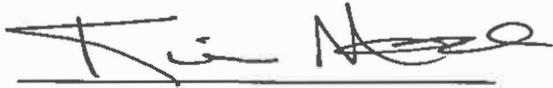
NOTICE:

Each member of the class to whom the order is directed is entitled to a hearing on this matter before the Health Services Appeal and Review Board and may apply for such a hearing upon request to me and to the Health Services Appeal and Review Board, at:

151 Bloor Street West, 9th Floor
Toronto, ON M5S 1S4

This Order takes effect immediately upon delivery and shall continue in effect until either rescinded by the Medical Officer of Health or a decision of the Health Services Appeal and Review Board rescinds or amends the Order.

Failure to comply with this Order is an offence for which you may be liable, on conviction, to a fine of note more than \$5,000.00 for every day or part of day on which the offence occurs or continues.

A handwritten signature in black ink, appearing to read 'Kieran Moore', written over a horizontal line.

Dr Kieran Moore, MD, CCFP (EM), FCFP, MPH, DTM&H, FRCPC

Medical Officer of Health

KFL&A Public Health

c/o KFL&A Public Health

221 Portsmouth Avenue

Kingston, ON K7M 1V5