



The Corporation of the Town of Orangeville

By-law Number 2020-023

A by-law to establish emergency measures during the COVID-19 Pandemic

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 hereinafter referred to as COVID-19;

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9*, as amended hereinafter referred to as "the Act" related to COVID-19;

AND WHEREAS on March 20, 2020 Mayor Sandy Brown for the Town of Orangeville declared an emergency pursuant to section 4(1) of the Act;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to various personnel including municipal law enforcement officers to enforce Orders issued by the Province under the Act;

AND WHEREAS section 4(1) of the Act provides that the Head of Council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such Orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

AND WHEREAS Council considers it desirable to enact regulations to support the intent and purpose of the Provincial Orders and the EMC Orders made under the Act in order to protect the health and safety of the citizens of the Town of Orangeville, by prohibiting certain activities and regulating physical distancing and closing certain municipal assets during the COVID-19 Emergency;

AND WHEREAS section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, hereinafter referred to as the "Municipal Act" provides that powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities

to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 11(1) of the Municipal Act provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 11(2) of the Municipal Act provides that a municipality may pass by-laws respecting:

- economic, social and environmental well-being of the municipality;
- health, safety and well-being of persons;
- and protection of persons and property, including consumer protection

AND WHEREAS without limiting sections 9 and 11 of the Municipal Act, a local municipality may prohibit and regulate matters such as dangerous places, public nuisances and business hours and closures, as well as regulate and govern real and personal property used for by a business and the person carrying it on or engaged in it;

AND WHEREAS section 425 of the Municipal Act provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the Municipal Act provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 441.1 provides the Treasurer of a local municipality authority to add any part of a fine for a commission of a provincial offence that is in default under the Provincial Offences Act to the tax roll for any property for which the owners are responsible for paying the fine and collect it in the same manner as municipal taxes;

AND WHEREAS the Medical Officer of Health for the Wellington-Dufferin-Guelph Public Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

NOW THEREFORE be it resolved that the Council for the Town of Orangeville hereby enacts as follows:

1 SHORT TITLE

1.1 This by-law may be cited as the "COVID-19 Emergency Measures By-law".

2 DEFINITIONS

2.1 In this By-law:

"COVID-19 Emergency" means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council and Province under sections 4(1) and 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9*, as amended in relation to the COVID-19 pandemic has been terminated.

"Municipal Act" means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

"Officer" means a By-law Enforcement Officer, a Property Standards Officer, a Police Officer, Public Health Inspector or any other person appointed to enforce the provisions of this By-law.

"Outdoor Recreational Amenity" includes the following:

- outdoor playgrounds, play structures and equipment
- outdoor sports facilities and multi-use fields, including,
 - baseball and softball diamonds
 - soccer fields
 - tennis and basketball courts
 - ball hockey pads
 - splash pads,
 - skate parks and BMX bike areas
- off-leash dog areas
- portions of park and recreational areas containing outdoor fitness equipment
- outdoor community gardens
- outdoor picnic sites, benches and shelters in park and recreational areas

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

"Provincial Offences Act" means the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

“Public Place” includes any place open to public view, and any place to which the public has access as of right or invitation, express or implied, regardless of whether it is owned by a public or private entity, and, for greater certainty, includes but is not limited to the following:

- parks, trails and natural areas in the **Town**;
- public and private parking lots;
- facilities owned by the **Town**, including arenas, community centres, libraries, parks, sports fields and pools;
- highways, streets, sidewalks, and any portion of a road allowance;
- all schools, daycare facilities, and other child care facilities; and,
- all retail, commercial and business establishments, including but not limited to shopping malls.

“Town” means the Corporation of the Town of Orangeville or the land within the geographical limits of the Town of Orangeville as the context requires.

3 REGULATIONS

- 3.1 No **person** during the **COVID-19 Emergency** shall be less than a 2.0 metre distance from another **person** when in a **public place**, except **persons** who reside together in the same premise.
- 3.2 No **person** during the **COVID-19 Emergency** shall permit a child under the age of 16 to be less than a 2.0 metre distance from another **person** when in any **public place**, except **persons** who reside together in the same premise.
- 3.3 No **person** shall permit any **person** to be seated or to be standing inside or outside a business operating during the **COVID-19 Emergency** at a distance of less than 2.0 metres from another **person**, except **persons** who reside together in the same premise or are the employees of the said business.
- 3.4 No **person** shall use an **outdoor recreational amenity**.

4 EXEMPTIONS

- 4.1 This By-law does not apply to **Officers**, **Town** employees or persons hired or engaged by the **Town** to do work or perform services in a **public place** while performing works and enforcement services, including but not limited to the enforcement of this By-law.
- 4.2 This By-law does not apply to hospital employees or persons hired or engaged

by the hospital to do work or perform services on its behalf.

5 ENFORCEMENT AND INSPECTION

- 5.1 The provisions of this By-law may be enforced by an **Officer**.
- 5.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law is being complied with.
- 5.3 For the purposes of conducting an inspection pursuant to this By-law, an **Officer** may:
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 5.4 No **person** shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an **Officer** who is exercising a power or performing a duty under this By-law, including refusing to identify themselves when requested to do so by an **Officer**.

6 ORDERS

- 6.1 An **Officer** may order a **person** to leave any **public place** or **outdoor recreational amenity** as a result of a contravention of this By-law.
- 6.2 An Order under this section may be given verbally or in writing.
- 6.3 An Order in writing shall identify:
- a) the location where the contravention occurred;
 - b) the reasonable particulars of the contravention;
 - c) the date and time by which there must be compliance with the order; and

- d) shall be served personally to the **person** to whom it is directed, or served by regular mail to the **person** which shall be deemed to be delivered on the fifth day after mailing, or by email to the **person** which shall be deemed to be delivered on the day the email is sent.

6.4 No **person** shall fail to comply with an Order given by an **Officer** under this By-law.

7 PENALTIES

7.1 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the **Provincial Offences Act** and the **Municipal Act**.

7.2 In addition to section 7.1, any **person** who is charged with an offence under this By-law by the laying of an information under Part III of the **Provincial Offences Act**, and is found guilty of the offence is liable, pursuant to the **Municipal Act**, to the following fines:

- a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
- b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000; and
- c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.

7.3 If a **person** is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

7.4 Where a **person** fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the **Provincial Offences Act** including any extension of time to pay the fine provided under that section, the **Town** Treasurer, or the Treasurer's delegate may

give the **person** a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.

- 7.5 If any part of a fine or a contravention of this By-law remains unpaid after the final date specified in the notice provided under section 7.4, the outstanding fine is deemed to be unpaid taxes pursuant to section 441.1 of the **Municipal Act**.

8 CONFLICTS

- 8.1 In the event of conflict between this By-law and:


- a) an order made under subsection 7.0.2 (4) or 7.1 (2) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9*, as amended; or
- b) any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada;

the specific provisions of this By-law that are in conflict with the above shall be of no force and effect to the extent of the conflict.


9 FORCE AND EFFECT

- 9.1 This By-law shall come into force and take effect on the date of passing thereof, and shall remain in force and effect until all legal proceedings commenced under this By-law have been completed.

By-law read three times and finally passed this 20 day of April, 2020.



Sandy Brown, Mayor



~~Karen Landry, Clerk~~
CAROLINA KHAN
DEPUTY CLERK

