



BY-LAW NO. 2020-0037

A by-law to require the wearing of a mask or face covering in enclosed public places during the COVID-19 pandemic

WHEREAS the Council for the Town of Halton Hills has the authority to enact by-laws, pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, 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;

AND WHEREAS on March 11, 2020 the spread of COVID-19 was declared a pandemic by the World Health Organization;

AND WHEREAS the Corporation of the Town of Halton Hills declared an emergency as a result of the COVID-19 pandemic pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990 c. E.9 as amended;

AND WHEREAS COVID-19 is a dangerous communicable viral disease that is spread from person to person primarily through droplets from an infected person;

AND WHEREAS there is a growing body of evidence that outlines the effectiveness of a mask or face covering to act as a barrier to prevent the spread of COVID-19 to others;

AND WHEREAS the Council for the Town of Halton Hills deems it necessary to implement a requirement for persons to wear a mask or face covering while in certain enclosed public places/spaces to assist in reducing the spread of COVID-19 within the Town of Halton Hills.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. (a) Individuals, businesses or organizations, or agents of individuals, businesses or organizations that are responsible for the operation of an establishment which have enclosed spaces open to the public are to put measures in place 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) A mask or face covering is to be worn at all times by employees and members of the public within the establishment, unless it is reasonably required to temporarily remove the covering for services provided by the establishment, or while actively engaging in strenuous athletic or fitness activity.
- (c) Every person that is the parent or guardian accompanying a child that is 5 years old or older in an enclosed public place/space shall ensure that the child wears a mask or face covering.

- (d) “Individuals”, “employees”, “members of the public”, and “persons” as noted in Section 1 (a), (b) and (c) shall include any occupant within an enclosed public place/space and shall include, but not be limited to any owner, operator, employee, agent 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;
- i. A child under 5 years of age.
 - ii. A person with an underlying medical condition or disability pursuant to the Human Rights Code, R.S.O. 1990, c. H.19 who is unable to put on or remove a mask or face covering without assistance.
 - iii. A person engaged in a sport or other strenuous physical activity.
 - iv. A person working within the establishment in an area without public access.
 - v. Employees and agents of the person responsible for the establishment are within an area designed for them and not for public access, or within or behind a physical barrier.
- (e) No person shall be required to provide proof of any of the exemptions set out in subsections 1.(d) i through v.
- (f) For the purposes of this section an “enclosed public place” and an “enclosed public place/space” shall mean the indoor areas of any building as part of the following establishments within the Town of Halton Hills that are open to the general public:
- i. Stores and other establishments that sell or offer to sell 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 take-out, with the exception of the patrons while consuming food and drinks in the seating area therein;
 - iii. Establishments that provide or offer to provide services to the public, including but not limited to professional, counselling, personal care, funeral home, transportation, repair and rental services;
 - iv. Shopping malls (indoor and outdoor);
 - v. Lobby areas of commercial buildings;
 - vi. Hotels and motels, with the exception of the rented rooms therein;
 - vii. Laundromats;
 - viii. Concert venues and theatres;
 - ix. Fitness centres, gyms and other recreational and sports facilities;
 - x. Arcades and other amusement facilities;
 - xi. Real-estate open houses;
 - xii. Museums, galleries, historic sites and similar attractions;
 - xiii. Places of worship;
 - xiv. Municipal buildings.

- (g) For greater certainty, a waiting area, lobby, service counter, washroom, hallway, stairwell and elevator are included as part of any “enclosed public place” prescribed in subsection 1. (f) i through xiv.
- (h) For greater certainty, the following places shall **not** be included as an “enclosed public place” for the purposes of this section:
 - i. Enclosed public places that are owned or operated by or on behalf of the Provincial or Federal government;
 - ii. Elementary and secondary schools and private child care facilities;
 - iii. Hospitals, independent health facilities and offices of regulated health professionals.
- (i) For the purposes of this section, a “mask or face covering” shall mean a medical mask or non-medical 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.
- (j) Every person who is the owner or operator of an establishment with enclosed public places/spaces shall post **clearly visible signage** at all entrances to the establishment 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 THE
TOWN OF HALTON HILLS BY-LAW 2020-0037**

2. OFFENCES

- a) Any person, other than those exempt as outlined in **1.(d) i through v**, who attempts to enter an enclosed public space in an establishment within the Town of Halton Hills without a mask or face covering, which covers the nose, mouth and chin, is in contravention of this by-law;
- b) Individuals, businesses or organizations, or agents of individuals, businesses or organizations that are responsible for the operation of an establishment which have enclosed spaces open to the public shall restrict entry to the enclosed public space within the establishment to any person who is in contravention of this by-law.
- c) Municipal By-law Enforcement Officers for the Town of Halton Hills may, from time-to-time, assist establishments with compliance education for patrons of said establishments.

3. PENALTIES

- a) Every person over the age of 12 who contravenes any provision of this by-law is guilty of an offense and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*, as each may be amended from time to time.
- b) In addition to Section 3 a), any person who is found in contravention of any provision in this by-law is liable to a fine not exceeding five hundred dollars (\$500), 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.

- c) If any provision of the 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.
- d) 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.

4. ENACTMENT OF BY-LAW

- (a) This by-law may be cited as the “**Mandatory Mask or Face Covering By-law**”.
- (b) This by-law is deemed a temporary by-law and may be repealed on a date as determined by Town Council.
- (c) This by-law is to come into force an effect on Thursday, July 16, 2020.

BY-LAW read and passed by the Council for the Town of Halton Hills this 9th day of July, 2020

MAYOR – RICK BONNETTE

CLERK – SUZANNE JONES