



LUCAN BIDDULPH COUNCIL AGENDA

FRIDAY, JULY 24, 2020 10:00 AM
Lucan Biddulph Township Office
270 Main Street P.O. Box 190 Lucan, ON

SPECIAL MEETING AGENDA

MEETING TO BE HELD ELECTRONICALLY. THE MEETING WILL BE AVAILABLE AS FOLLOWS AT 10:00 A.M. ON JULY 24, 2020

https://www.youtube.com/channel/UCeA4Y0M03UFY2O_nbymnWHg

1. Call to Order
2. Disclosure of Pecuniary Interest & Nature Thereof
3. Closed Session
4. Correspondence
5. Motions
6. By-laws

[33-2020 Face Mask By-law](#)

[34-2020 Confirming](#)

7. Adjournment

Township of Lucan Biddulph

BY-LAW NO. 33-2020

A BY-LAW TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS WITHIN ENCLOSED PUBLIC SPACES IN THE TOWNSHIP OF LUCAN BIDDULPH

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

WHEREAS Novel Coronavirus is present within Middlesex County, 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 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 (“the Act”), due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS an emergency was declared by the Municipality’s Head of Council On March 17, 2020 pursuant to the Act; and

WHEREAS the Province of Ontario has enacted O. Re. 263/20 (STAGE 2 CLOSURES) under subsection 7.0.2(4) (or as current) of the Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including advice, recommendations and instructions from public health officials; and

WHEREAS the Municipality has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the Municipality, and the health, safety and well-being of persons; 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 Township of Lucan Biddulph 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 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 Township of Lucan Biddulph;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LUCAN BIDDULPH AS FOLLOWS:

DEFINITIONS

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

“Council” means the Municipal Council of the Township of Lucan Biddulph;

"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, 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, and all other entertainment facilities;
- (j) municipal buildings.

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

Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers.

“**Officer**” means a police officer; a person appointed by Council as a municipal by-law enforcement officer; an officer, employee or agent of the municipality whose responsibility includes enforcement of this By-law.

“**Operator**” means a person or organization responsible for or otherwise controlling the operation of an Establishment.

2. Despite section 1 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;
 - (c) professional offices that are not open to the public and are open by appointment only;
 - (d) indoor areas of buildings that are accessible to employees only; and
 - (e) hospitals, independent health facilities and offices of regulated health professionals.

APPLICATION OF THIS BY-LAW

3. This By-law shall apply to all establishments and persons in the Municipality.
4. For the purposes of this By-law, an Establishment means any portion of a building that is located indoors.

OPERATOR RESPONSIBILITY UNDER THIS BY-LAW

5.
 - (a) The Operator of an Establishment that is open to the public, may adopt a policy as noted 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 should, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
6.
 - (a) The policy should include the following exemptions from the requirement to wear a Mask or Face Covering:

- (1) children under twelve 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) a person engaged in a sport or other strenuous physical activity;
 - (5) 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
 - (6) 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 6(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 6(a).

7. The Operator should 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 TOWNSHIP OF LUCAN BIDDULPH
BY-LAW 33-2020**

8. The Operator should ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.

INSPECTION AND ENFORCEMENT

9. This By-law shall be enforced by:
 - (a) An Ontario Provincial Police Officer;

- (b) A municipal by-law enforcement officer appointed by Lucan Biddulph; and
 - (c) Such other person designated from time to time by Lucan Biddulph.
- 10.** An Officer may enter on land or buildings at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the Municipal Act, 2001 for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) an order or other requirement made under this By-law; or
 - (b) an order made under section 431 of the Municipal Act, 2001.
- 11.** 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.
- 12.** Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding five hundred dollars (\$500.00), 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.
- 13.** Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:
- (a) prohibiting the continuation or repetition of the offence by the person or operator convicted; and
 - (b) requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.

ADMINISTRATION

- 14.** This By-law shall come into force immediately upon receiving first, second and third reading by the Municipal Council and shall remain in effect until the withdrawal of the local municipal health emergency described in the recitals of this by-law, or a date to be determined by the Mayor and the Chief Administrative Officer, in consultation with the Medical Officer of Health.
- 15.** If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be of full force and effect.

16. 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.
17. That this By-law comes into effect on the day it is passed.

PASSED and ENACTED this day of July, 2020.

Cathy Burghardt-Jesson, Mayor

Ron Reymer, Clerk

Township of Lucan Biddulph

BY-LAW NO. 34-2020

Being a by-law to confirm proceedings of the Council of The Corporation of the Township of Lucan Biddulph

WHEREAS under Section 5(1) of the *Municipal Act, 2001, S.O. 2001 c. 25*, the powers of a municipality shall be exercised by its council.

AND WHEREAS under Sub-Section 3 of Section 5 of the *Municipal Act, 2001, S.O. 2001 c. 25*, the powers of every Council of a municipality shall be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of The Council of the Corporation of the Township of Lucan Biddulph at the July 24, 2020 meeting be confirmed and adopted by By-law.

THEREFORE the Council of the Corporation of the Township of Lucan Biddulph enacts as follows:

1. That the action of the Council of the Corporation of the Township of Lucan Biddulph in respect of all motions and resolutions and all other action passed and taken by the Council of the Corporation of the Township of Lucan Biddulph, documents and transactions entered into during the July 24, 2020 meeting of Council, are hereby adopted and confirmed, as if the same were expressly included in this By-law.
2. That the Mayor and proper officials of The Corporation of the Township of Lucan Biddulph are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Lucan Biddulph during the said July 24, 2020 meeting referred to in Section 1 of this By-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Township of Lucan Biddulph to all documents referred to in said Section 1.

Read a FIRST, SECOND and THIRD time and FINALLY PASSED
July 24, 2020.

MAYOR

CLERK