

**THE CORPORATION OF THE CITY OF BURLINGTON**

**BY-LAW XX-2020**

**A by-law to amend By-Law 17-2020, being a by-law to promote and regulate physical distancing during the COVID-19 Pandemic State of Emergency**

**Whereas** on March 11, 2020 the World Health Organization declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19 Pandemic"); and

**Whereas** on March 17, 2020, the Province of Ontario declared an emergency relating to the COVID-19 Pandemic under the provisions of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9 ("*Emergency Management Act*"); and

**Whereas** section 4 of the *Emergency Management 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 they consider 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** on March 21, 2020 an emergency was declared by the Mayor of the City of Burlington, under the provisions of the *Emergency Management Act*, relating to the COVID-19 Pandemic; and

**Whereas** the Provincial Government's modelling and forecast projects that the State of Emergency will last months and will result in a severe and long-term challenge to the health care system; and

**Whereas** the Council of the City of Burlington considers the protection of health and safety of the public to be a paramount concern, and has suspended the operations of all City facilities, other than those deemed essential for the welfare of the citizens of the City of Burlington, during the COVID-19 emergency; and

**Whereas** the Medical Officer of Health recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least 2 metres from other individuals who are not members of the same household; and

**Whereas** The Corporation of the City of Burlington considers it necessary to enact a regulation to support the intent and purpose of the Provincial Orders made under the *Emergency Management Act* in order to protect property and the health, safety and welfare of the citizens of the City of Burlington, by prohibiting certain activities and regulating physical distancing during the COVID-19 Pandemic Emergency; and

**Whereas** sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Burlington to pass by-laws necessary and desirable for municipal purposes, and in particular, paragraphs 5, 6, and 8 of subsection 11(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of City, the health, safety and well-being of persons, the protection of persons and property; and

**Whereas** section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence; and

**Whereas** on April 6, 2020, Council of The Corporation of the City of Burlington passed By-Law 17-2020, being a By-law to Promote and Regulate Physical Distancing During the COVID-19 Pandemic State of Emergency;

**Whereas** an amendment to By-law 17-2020 is required to regulate the physical distancing of animals on Public Property;

**Now therefore** the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. By-law 17-2020 Part 1: Definitions 1 is amended by adding the following definitions:

"Animal" means any member of the animal kingdom other than a human;

"Leash" means a line or for leading or restraining an animal, including a dog, while the animal is being transported from place to place outside of a cage;

"Owns" includes possess, or have control over, or keeps or have care or custody of;

2. By-law 17-2020 is amended by adding the following new Section 7 immediately following Section 6, with all subsequent sections renumbered accordingly:

7. (1) While on public property, every person who owns an animal shall keep the animal on a leash not exceeding 2 metres in length at all times.

(2) While on public property, every person who owns an animal shall ensure that the animal does not come within 2 metres of any other person or animal that does not reside with them in a single household.

3. Subject to the amendments made in this by-law, in all other respects, By-law 17-2020 is hereby confirmed unchanged.

4. This by-law comes into force on the date of its passing.

PASSED this 25<sup>th</sup> day of May, 2020.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_