

The Corporation of the City of Burlington

City of Burlington By-law XX-2020

A by-law to amend the COVID-19 Mask By-law 62-2020, being a by-law to Regulate the Requirement of Wearing of Masks or Other Face Coverings Within Enclosed Spaces Open to the Public

File: 110-04-1(BB-05-20)

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 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 on July 13, 2020, Council of The Corporation of the City of Burlington passed By-Law 62-2020, being a By-law to Regulate the Requirement of Wearing of Mask or Other Face Coverings Within Enclosed Spaces Open to the Public; and

WHEREAS on July 14, 2020 the Regional Municipality of Halton passed By-law 47-20, being a temporary By-law to Require the Wearing of Non-Medical Masks/Face Coverings in Enclosed Public Places in the Regional Municipality of Halton; and

WHEREAS Council deems it appropriate to amend the COVID-19 Mask By-law to eliminate any inconsistencies between the two mask by-laws; and

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Section 1 of By-law 62-2020 definition of Establishments is amended by removing subsection (b) under the heading "The following are not considered Establishments for the purpose of this By-law", with all following subsections renumbered accordingly.
2. Section 1 of By-law 62-2020 definition of Establishments is amended by adding the following new subsection (f) under the heading "The following are not considered Establishments for the purpose of this By-law":
 - (f) staff-only areas within Establishments;
3. Section 1 of By-law 62-2020 definition of Mask or Face Covering is amended by removing the words "face shield."
4. Section 3 of By-law 62-2020 is deleted and replaced with the following:

3.(1) This By-law does not apply to persons under five years of age.

(2) That every person that is the parent or guardian accompanying a child that is five years old or older in an Establishment shall make best efforts to ensure that the child wears a Mask or Face Covering.

5. Section 7.(1)(i) of By-law 62-2020 is amended by deleting the word “three” and replacing it with the word “five”.

6. Section 7.(1)(ii) of By-law 62-2020 is amended by deleting the word “three” and replacing it with the word “five”.

7. Section 8 of By-law 62-2020 is deleted in its entirety and replaced with the following new section 8:

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 Burlington By-Law 62-2020 and Regional Municipality of Halton By-law 47-20

The following persons are exempt from the requirement to wear a Mask or Face Covering:

- (i) the person is under five years of age chronologically;
- (ii) the person is under five years of age developmentally and they refuse to wear a Mask or Face Covering and cannot be persuaded to do so by their caregiver;
- (iii) the person has an underlying medical condition where wearing a Mask or Face Covering would inhibit the person’s ability to breathe in any way;
- (iv) the person may experience a negative impact to their emotional well-being or mental health;
- (v) the person has a developmental disability which inhibits their ability to wear a mask or face covering;
- (vi) the person has a disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others or otherwise present a hardship for a person or persons assisting the individual;
- (vii) the person is unable to place or remove a Mask or Face Covering without assistance; or
- (viii) 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.

Please be respectful of the rights of individuals who are exempt from wearing a mask in conformity with the exemptions provided in these By-laws.

To report an incident of noncompliance, contact the Halton Regional Police Service COVID19 Hotline: 905-825-4722. For further information go to:

www.burlington.ca/coronavirus

If you have any questions or concerns, please call 311.

11. That in all other aspects, By-law 62-2020 be and is hereby confirmed.
12. This By-law comes into force on the date of its passing.

PASSED this 28 day of July, 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____