

The Corporation of the City of Burlington

City of Burlington By-law 64-2021

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  
File: 110-04-1 (BB-11-21)

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*") which emergency was terminated on July 24, 2020; 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 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 which was effective for the duration of the municipal emergency declaration; and

Whereas on July 24, 2020, the Province of Ontario ended the emergency declaration and implemented the *Re-opening Ontario (A Flexible Response to COVID-19) Act, 2020*, R.S.O. 2020, c.17; and

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

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

1. Section 1 of By-law 17-2020 definition of "Public Property" is amended by removing the words "swimming pools, recreational centers," from the 4<sup>th</sup> line of that section, and adding ", but expressly excludes community centres, recreation centres, and multi-purpose facilities" immediately after the word playgrounds.
2. By-law 17-2020 is amended by inserting the following new section 21.1 immediately after section 21:

Despite the amendment of section 1 definition of public property by By-law 64-2021, that By-law 17-2020 as it read prior to that amendment shall continue to apply to proceedings in respect to offences that occurred before the amendment.

3. By-law 17-2020 is amended by deleting section 22 in its entirety and replacing it with the following new section 22:

This by-law comes into force on the date of its passing and shall remain in effect until 12:01 a.m. on June 30, 2022, unless extended or revoked by City Council.

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

Enacted and passed this 23<sup>rd</sup> day of November, 2021.

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

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