

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 4th 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 23rd day of November, 2021.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____