

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NUMBER 50 OF 2020

A BY-LAW TO REQUIRE THE WEARING OF FACE COVERINGS IN ENCLOSED PUBLIC PLACES DURING THE COVID-19 PANDEMIC

WHEREAS the Council of the Corporation of the Municipality of Lambton Shores has the authority under subsection 11 (2) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, S.O. 2001 c. 25, as amended, to pass by-laws with respect to health, safety and well-being of persons;

AND WHEREAS the Province of Ontario and the Municipality of Lambton Shores have declared emergencies as a result of the COVID-19 pandemic pursuant to The Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended;

AND WHEREAS the Council of the Municipality of Lambton Shores wishes to implement a requirement for persons to wear a face covering while in certain enclosed public places to assist in reducing the spread of COVID-19 within the Municipality of Lambton Shores:

NOW THEREFORE, the Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

1. Every person within an enclosed public place shall wear a face covering.
2. Every person that is the parent or guardian accompanying a child that is nine (9) years old or older in an enclosed public place shall ensure that the child wears a face covering.
3. A "person" in Sections 1 and 2 of this by-law shall include any occupant within an enclosed public place and shall include, but not be limited to, any owner, operator, employee and worker in the enclosed public place and any customer, patron or other visitor in the enclosed public place but shall not include any of the following persons:
 - a) A child who is under the age of nine (9) years old;
 - b) A person who is unable to wear a face covering as a result of a medical condition or a disability pursuant to the Human Rights Code, R.S.O. 1990, c. H.19;
 - c) A person who is unable to put on or remove a face covering without assistance or for whom a face covering would inhibit the person's ability to breathe;
 - d) a person who needs to temporarily remove his or her Face Covering while in an Enclosed Public Place for purposes of:
 - i) providing or receiving services or treatment that require removal of the Face Covering;
 - ii) consuming food or drink within a restaurant, bar and other establishment that sells or offers to sell food or drink to the public for on-site

- consumption or as part of a religious activity within a place of worship;
 - iii) an emergency or medical purpose.
 - e) A person engaged in a sport or other strenuous physical activity while participating in the activity;
 - f) A person while assisting or accommodating another person with a hearing disability; and
 - g) A person who is an employee or agent of the Operator and is within an area designated for employees only and not for public access, or who is within or behind a physical barrier.
4. No person shall be required to provide proof of any of the exemptions set out in Section 3.
5. For the purposes of this By-Law, an “enclosed public place” shall mean the indoor areas of any building as part of the following establishments within the Municipality of Lambton Shores that are open to the general public:
- a) Stores and other establishments that sell or offer to sell food, beverages, consumer products, vehicles, equipment or other goods;
 - b) Restaurants, bars and other establishments that sell or offer to sell food or drink to the public for on-site consumption or takeout, with the exception of the patrons while the seated at an area for the purpose of consuming food or drink;
 - c) Establishments that provide or offer to provide services, including but not limited to professional, counselling, personal care, funeral home, transportation, repair and rental services, to the public, with the exception of services related to child care and day camps, care for the elderly and persons with disabilities;
 - d) Lobby areas of commercial buildings;
 - e) Laundromats;
 - f) Concert venues, theatres, community centres and service clubs;
 - g) Fitness centres, gyms and other recreational and sports facilities;
 - h) Real-estate open houses;
 - i) Libraries, historic sites and similar places;
 - j) Places of worship; and
 - k) Municipal facilities
6. For greater certainty, a waiting area, lobby, service counter, washroom, hallway, stairwell and elevator are included as part of any “enclosed public place” prescribed in Section 5 if they are open to the general public.
7. The following places shall not be included as an “enclosed public place” for the purposes of this By-Law:
- a) an enclosed public place that is owned or operated by or on behalf of the Provincial or Federal Government;
 - b) schools;
 - c) hospitals, independent health facilities and offices of regulated health professionals;
 - d) an indoor area of a building that is accessible only to employees including the area behind a physical barrier or within an area designated for them and to

which the general public is not invited;

8. For the purposes of this By-Law, a “face covering” shall mean a medical grade mask or non-medical cloth mask or other face covering, including a bandana, scarf or other fabric that covers the nose, mouth and chin to create a barrier to limit the transmission of respiratory droplets.
9. Every person who is the owner or operator, including a corporation of an enclosed public place, shall post the prescribed signage attached to this Bylaw as Schedule “A” at all entrances so as to be clearly visible to any person entering the enclosed public space.
10. Notwithstanding Section 9 any person who is the owner or operator of an enclosed public place may choose to post their own sign clearly visible at all entrances to the enclosed public place if it contains the following prescribed text in a minimum font size of 24 point:

***“Protect each other
Wear a face covering
Cover your nose, mouth, and chin
Required by the Face Covering By-Law 50 of 2020***

Does not apply to children under the age of nine and those who are unable to wear a face covering as a result of a medical condition or disability.”

11. This By-Law may be enforced by:
 - a) a municipal law enforcement officer or by-law officer appointed by the Council of The Municipality of Lambton Shores; and
 - b) such other person as designated from time to time by the Council of The Municipality of Lambton Shores;
12. Any person owner or operator who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
13. Upon conviction, every person, owner or operator who contravenes any provision in this By-Law is liable to a fine not exceeding one thousand dollars (\$1,000), 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.
14. If any section or portion of this By-Law and/or schedules is found by a court of competent jurisdiction to be invalid, it is the intention of the Council of the Municipality of Lambton Shores that all remaining sections and portions of this By-Law and/or schedules continue to be in force and effect;
15. This By-Law shall not be interpreted to conflict with a Corporation of the County of Lambton, Provincial or Federal statute, regulation, or instrument of a legislative

nature, including an order made under *the Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended.

16. This By-Law shall come into force and effect at 12:01 a.m. Monday, August 24, 2020.
17. This By-Law shall remain in effect until 11:59 p.m. on November 24, 2020 unless extended or repealed by Council.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 18th day of August, 2020.

Mayor

Clerk