

Authority: Item CC22.3, adopted as amended, by City of Toronto Council on June 29 and 30, 2020

CITY OF TORONTO

BY-LAW 541-2020

To impose temporary regulations requiring the wearing of masks or other face coverings within enclosed public spaces.

Whereas under sections 7 and 8 of the City of Toronto Act, 2006 (the "Act"), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

Whereas, Novel Coronavirus is present within the City of Toronto, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

Whereas, on March 17, 2020, an emergency was declared by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, and has been extended pursuant to section 7.0.7 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and

Whereas subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

Whereas the City has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the City, and the health, safety and well-being of persons under paragraphs 5 and 6 of subsection 8(2) of the Act; and

Whereas the following is deemed necessary, as there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the City of Toronto within enclosed public spaces; and

Whereas it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance; and

Whereas the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

Whereas physical distancing is difficult to maintain in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations requiring businesses and organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a necessary, recognized, practicable and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the City of Toronto;

The City of Toronto enacts:

1. (a) The Operator of an Establishment that is open to the public, shall adopt a policy as required under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
- (b) The Operator of the Establishment shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
2. (a) The policy shall include the following exemptions from the requirement to wear a Mask or Face Covering:
 - (1) children under two years of age;
 - (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
 - (3) persons who are unable to place or remove a Mask or Face Covering without assistance;
 - (4) 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; and
 - (5) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
- (c) Subject to the exemptions in section 2(a), the policy shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
- (d) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 2(a).

3. The Operator shall conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

**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 TORONTO BY-LAW 541-2020**

4. The Operator shall ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.
5. Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.
6. In this By-law, the following terms shall have the following meanings:

"Establishment" means any of the following:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
- (b) churches, mosques, synagogues, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- (e) community service agencies providing services to the public;
- (f) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities

"Mask or Face Covering" means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.

"Operator" means a person or organization which is responsible for or otherwise has control over the operation of an Establishment.

7. Despite section 6 above, the following premises are not an Establishment for purposes of this By-law even if they would otherwise fall within the definition of an Establishment:
- (a) schools, post-secondary institutions, and child care facilities;
 - (b) private transportation and public transportation; and
 - (c) hospitals, independent health facilities and offices of regulated health professionals.
8. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the Emergency Management and Civil Protection Act.
9. This By-law shall come into force 7 days after the date of enactment and is deemed to be no longer in effect and revoked at 12:01 a.m. on the first day after the first Council meeting after the summer recess (currently scheduled for September 30 and October 1, 2020), unless extended by City Council.

Enacted and passed on June 30, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)