

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 164-2020

A By-law of The Corporation of the City of Vaughan to amend COVID-19 Emergency Measures By-law 037-2020.

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (“COVID-19 pandemic”);

WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (“EMCPA”) related to COVID-19;

WHEREAS section 4 of the EMCPA provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

WHEREAS on March 17, 2020 the Corporation of the City of Vaughan declared an emergency pursuant to section 4 of the EMCPA;

WHEREAS the Province of Ontario has issued Orders under the EMCPA to prohibit and regulate certain activities in the interest of public health, safety and wellbeing during the COVID-19 declared emergency;

WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the EMCPA;

WHEREAS on July 24, 2020 the Province of Ontario designated Orders under the EMCPA to continue under the ROA;

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“*Municipal Act*”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

WHEREAS subsection 11(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

WHEREAS section 11(2) of the *Municipal Act* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; and Protection of persons and property, including consumer protection;

WHEREAS The Corporation of the City of Vaughan considers it desirable to enact regulations to support the intent and purpose of the Provincial orders continued under the ROA, as well as any other applicable legislation, in order to protect the health, safety and wellbeing of all persons within the jurisdictional boundaries of the City of Vaughan, by prohibiting or regulating certain activities of individuals and businesses during the COVID-19 Emergency;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That COVID-19 Emergency Measures By-law 037-2020 be amended as follows:

- (a) Amending the fifth recital paragraph by deleting the word “has”;
- (b) Adding the following recital immediately after the sixth recital paragraph, as follows:

WHEREAS on July 24, 2020 the Province of Ontario terminated the Declaration of Emergency under the EMCPA and designated Orders under the EMCPA to continue under the ROA;

- (c) Amending the second last recital paragraph by replacing the word “made” with the word “continued” and replacing “EMCPA” with “ROA, as well as any other applicable legislation,”.

2. That COVID-19 Emergency Measures By-law 037-2020 be further amended as follows:

- (a) Amend the definition of “Public Health Official” so that it reads as follows:
“Public Health Official” means any of the following: the Medical Officer of Health for the Regional Municipality of York, the Chief Medical Officer of Health for the Province of Ontario, the Chief Public Health Officer of

Canada, or any of their authorized officials acting on their behalf;

- (b) Add the following definition in alphabetical sequence to section 3.0(1) and renumber the subsequent definitions accordingly:

“ROA” means the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17.

- 3. That COVID-19 Emergency Measures By-law 037-2020 be further amended as follows:

- (a) Amend section 6.0(2) to read as follows:

(2) The Director may, for purposes of promoting any requirements or compliance under this By-law or the ROA, for implementing, supporting or promoting any recommendations, directives or precautions from the Chief Building Official, Fire Chief, Police Chief and a Public Health Officer or any other relevant level of government, or for abating any unsafe conditions, make an Order to place conditions or requirements on any place of business, including but not limited to hours of operation, social-distancing measures, and the posting of public service announcements.;

- (b) Amend section 8.0(5) by replacing the reference to the “EMCPA” with “ROA”;

- (c) Amend section 9.0(1) by replacing “An *Officer*” with “The *Director*, or an *Officer*”;

- (d) Amend subsection 15.0(1)(a) by replacing it with the following:

“(a) an order continued under the ROA; or”

Enacted by City of Vaughan Council this 17th day of November, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk