

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 150-2020

A By-law to amend Temporary Outdoor Patio By-law 096-2020.

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 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 Reopening Ontario (A Flexible Response to COVID-19) Act 2020, S.O. 2020, c. 17 (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 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 without limiting sections 9 and 11 of the *Municipal Act*, a local municipality may prohibit and regulate matters such as dangerous places, public nuisances and business hours and closures, as well as regulate and govern real and personal property used for by a business and the person carrying it on or engaged in it;

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 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;

WHEREAS the Province continues, through a phased approach, to permit specified businesses to resume operations under certain conditions and requirements;

WHEREAS there the list of such businesses includes eating establishments and banquet halls;

WHEREAS The Corporation of the City of Vaughan continues to consider it desirable to provide specific regulatory relief to eating establishments and banquet halls to respond to the ongoing economic challenges posed by the COVID-19 emergency measures;

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

1. That City of Vaughan By-law 096-2020 is amended as follows:

- (a) That the word “has” be deleted from the fifth recital;
- (b) That the following recital be added immediately after the sixth recital:

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

- (c) That the word “made” be replaced with the word “continued” in the fourth last recital;

- (d) That the reference to “EMCPA” in the fourth last recital be replaced with “ROA, as well as any other applicable legislation,”;
 - (e) That the word “considers” be replaced with “continues to consider” in the last recital;
 - (f) That Section 2.0(2) be deleted and replaced with the following:

This By-law shall be in force and effect for a period not to exceed 14 days beyond the termination of the *Emergency Declaration*.
2. That section 3.0(1) of Temporary Outdoor Patio By-law 096-2020 be amended as follows:
- (a) Add the following definition in alphabetical sequence and by renumbering the subsequent definitions accordingly:

“ROA” means the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17.
 - (b) Amend the definition for “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;
3. That Temporary Outdoor Patio By-law 096-2020 be further amended as follows:
- (a) Amend section 6.0(1) by replacing the word “The” with “Every *Owner* shall ensure that the”;
 - (b) Amend section 6.0(2) by replacing the word “Access” with “Every *Owner* shall ensure that access”;
 - (c) Amend section 6.0(3) by replacing the first instance of the word “A” with “Every *Owner* shall ensure that a”;
 - (d) Amend section 6.0(4) by replacing the word “Seating” with “Every *Person* shall ensure that seating” and by replacing the first instance of the word “may” with the word “does”;
 - (e) Amend section 6.0(5) by replacing the word “Tables” with “Every *Owner* shall ensure that tables” and by replacing the words “must be” with “are”;

- (f) Amend section 6.0(6) by adding “, and every *Person* shall comply with such conditions or requirements” after the word “nuisances”.
4. That Part 10.0 of Temporary Outdoor Patio By-law 096-2020 be further amended by adding the following section:
- (2) No *Person* shall disobey, contravene or otherwise fail to comply with an *Order* pursuant to 10.0(1).

Enacted by City of Vaughan Council this 21st day of October, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk