

Subject: Mandatory Face Covering By-law Extension
2021**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0103 –
Mandatory Face Covering Bylaw Extension;**

**AND THAT Council hereby resolves to extend the Mandatory Face
Covering By-law 4270(2010), as amended, until the revocation,
repeal or removal of requirements related to the wearing of face
coverings prescribed by orders issued by the Province pursuant to
the *Reopening Ontario Act, 2020, S.O. 2020;***

**AND THAT the Town Clerk be directed to prepare the necessary by-
law amendment extending the requirement for mandatory face
coverings in the Town of Pelham for consideration at the next
Regular Council meeting.**

Background:

In March of 2020 a pandemic was declared due to the outbreak of COVID-19. In an effort to slow the spread of the virus on August 10, 2020, Council for the Town of Pelham passed By-Law No. 4270(2020) requiring mandatory face coverings in enclosed public places.

On September 21, 2020, Council extended the Mandatory Face Covering By-law until December 7, 2020 by resolution.

On October 19, 2020, Council passed By-law Amendment No. 4285(2020) extending the By-law to include common areas of residential apartment buildings and condominium buildings.

On December 7, 2020, Council further passed By-law Amendment No. 4295(2020) to further extend the mandatory face covering bylaw which is due to expire on August 31, 2021.

On March 25, 2021, Niagara Regional Council voted to extend The Niagara Region's Temporary Face-covering By-law to expire when Provincial requirements no longer require mandatory face coverings in all enclosed public spaces within the Niagara Region. The Regional By-law aligns with face covering orders issued by the Province of Ontario under the *Reopening Ontario Act, 2020*. S.O. 2020. c.17.

Pursuant to the *Reopening Ontario Act*, amended order O. Reg 364/20, the use of masks or face coverings is mandatory in all public spaces, workplaces and vehicles that operate as part of a business or organization. Face coverings must fit securely to an individual's head, be made of at least two layers of tightly woven material and be large enough to cover the nose, mouth and chin.

Analysis:

The Town of Pelham is committed to the health and safety of its residents, visitors and in the fight against COVID-19. Staff recommend the Town's Mandatory Face Covering By-Law be amended to expire when Provincial requirements no longer require mandatory face coverings in all enclosed public spaces within the Niagara Region.

The proposed amendment is intended to align the Town of Pelham's By-law with the Niagara Region's Face Covering By-law and orders issued by the Province under the *Reopening Ontario Act*.

It is important to remember that COVID-19 continues to be a significant public health concern, which has been exacerbated by the spread of COVID-19 variants. While Niagara's vaccination efforts continue, it is important to follow the public health measures to stop the spread of COVID-19 including physical distancing, hand hygiene and wearing a proper face covering in public spaces.

Financial Considerations:

There are no financial considerations impacted by this report.

Alternatives Reviewed:

Should Council adopt the recommendation as proposed, Council would have the option of repealing the Mandatory Face-covering By-law prior to the revocation, repeal or removal of Provincial requirements by way of Council resolution.

As an alternative, Council could impose a date of extension. This alternative would require Council to direct staff to prepare the necessary bylaw citing the preferred date of extension. Should Council wish to proceed with this direction, the

recommended date of extension is December 20, 2021. If deemed necessary, staff would provide an additional report seeking further extension.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

While this amendment will not specifically make the community stronger, it is intended to protect the health, safety and well-being of residents and visitors while assisting in reducing the spread of COVID-19.

Consultation:

The Niagara Regional Mandatory Face Covering By-law and the *Reopening Ontario Act*, amended order O. Reg 364/20 was reviewed.

B. Lymburner, Community Emergency Management Co-Coordinator was consulted for this report.

Other Pertinent Reports/Attachments:

None.

Prepared and Recommended by:

Sarah Leach, B.A
Deputy Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer