

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2020-12

Being a By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency within the Township of Manitouwadge.

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

AND 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* (the "Emergency Management Act") related to COVID-19;

AND WHEREAS Section 4 of the Emergency Management Act 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;

AND WHEREAS on March 27, 2020, the Corporation of the Township of Manitouwadge declared an emergency pursuant to Section 4 of the Emergency Management Act;

AND 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 Emergency Management Act;

AND WHEREAS the Corporation of the Township of Manitouwadge considers it desirable to enact regulation to support the intent and purpose of the Provincial Orders made under the Emergency Management Act in order to protect the health and safety of the citizens of the Township of Manitouwadge, by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS Subsection 8(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended ("Municipal Act, 2001") 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;

AND WHEREAS Subsection 10(1) of the Municipal Act, 2001, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Subsection 10(2) of the Municipal Act, 2001, 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;

AND WHEREAS without limiting Sections 9 and 10 of the Municipal Act, 2001, 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;

AND WHEREAS Section 425 of the Municipal Act, 2001, provides that any person who contravenes any By-law of the municipality is guilty of an offence;

AND WHEREAS Section 444 of the Municipal Act, 2001, provides that a municipality may make an order requiring a person who contravened a By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

NOW THEREFORE the Council of the Corporation of the Township of Manitouwadge enacts as follows that:

PART 1 GENERAL PROVISION

SECTION

1.1 Short Title

This By-law shall be cited as the "Manitouwadge COVID-19 Emergency Measures By-law".

1.2 Enforcement

This By-law may be enforced by a Municipal Law Enforcement Officer or a Police Officer.

1.3 Obstruction

No person shall hinder or obstruct or attempt to obstruct any person exercising a power or performing a duty under this By-law, *Municipal Act, 2001*, S.O. 2001, c.25, s. 426(1), as amended.

1.4 Severability/conflict

If any section, subsection, part or parts of this By-law is declared by any court of law to be invalid, illegal, or beyond one's legal authority, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separated and independent and enacted as such.

1.5 Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other By-law of the Municipality.

1.6 Where a provision of this By-law conflicts with the provision of another By-law in force in the Municipality or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

1.7 The Clerk of the Corporation of the Township of Manitouwadge is authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedules after passage of this By-law where such modifications or corrections do not alter the intent of this By-law.

1.8 Interpretation

In this By-law;

1.8(1) "May" shall be construed as permissive.

1.8(2) "Shall" shall be construed as imperative.

1.8(3) "Includes"; the words - "include – includes – including and included" are not to be interpreted as restricting or modifying the words or phrases which precede them.

- 1.8(4) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- 1.8(5) References to terms in the plural include the singular, as applicable.
- 1.8(6) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- 1.8(7) Specific references to laws in the By-law are printed in Italic font and are meant to refer to the current laws applicable with the Province of Ontario at the time the By-law was enacted, as they are amended or replaced from time to time.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meaning which are commonly assigned to them in context in which they are used in this By-law. The words, phrases and terms used in this section have the following meaning for the purpose of this By-law.

SECTION

- 2.1 “**COVID-19 Emergency**” shall mean the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council under Section 4 of the Emergency Management Act in relation to the COVID-19 pandemic has been terminated;
- 2.2 “**Emergency Management Act**” shall mean the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9*, as amended;
- 2.3 “**Head of Council**” shall mean the Mayor of the Township of Manitouwadge;
- 2.4 “**Municipal Act, 2001**” shall mean the *Municipal Act, 2001, S.O. 2001, c.25*, as amended;
- 2.5 “**Officer**” shall mean a duly authorized person appointed by Council of the Township of Manitouwadge to enforce the By-laws of the Municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing Municipal By-laws or a police officer;
- 2.6 “**Person**” or any expression referring to a person, means an individual of any age;
- 2.7 “**Provincial Offences Act**” shall mean the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended;
- 2.8 “**Public Property**” shall mean any land, premises or buildings owned, managed, or maintained by the Township and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, recreation centres, parks and playgrounds;
- 2.9 “**Township**” shall mean the Corporation of the Township of Manitouwadge;

PART 3 REGULATIONS

SECTION

- 3.1** To support of the regulation and prohibitions imposed by the Government of Canada, the Province of Ontario and the Township of Manitouwadge, in response to the COVID-19 pandemic, the following regulations are hereby established in accordance with powers granted to the Head of Council under the Emergency Management Act and in accordance with the powers granted to municipalities under the Municipal Act, 2001, and:
- a) Every Person shall maintain at least a 2.0 metre distance from every other Person when on Public Property, except Persons who reside together in the same premises.
 - b) No Person shall permit a child under the age of 16 to be less than a 2.0 metre distance from another Person when on Public Property, except Persons who reside together in the same premises.
 - c) No business operating during the COVID-19 Emergency shall permit any Person to be seated or to be standing inside or outside the business at a distance of less than 2.0 metres from every other Person, except Persons who reside together in the same premises.
- 3.2** No person shall enter or use an outdoor recreation amenity described below except for maintenance, safety, law enforcement or other similar purpose:
- a) Playgrounds and other structures in parks;
 - b) Parks;
 - c) Outdoor sport facilities and outdoor fitness equipment, including but not limited to, sports fields, basketball, skate parks, and golf courses;
 - d) Outdoor picnic sites, benches and shelters in park and recreational areas;
 - e) Recreation and community centres and surrounding lands, and
 - f) All outdoor allotment gardens and community gardens;
 - g) Parking lots.

PART 4 OFFENCES

- 4.1** Every Person shall comply with this By-law during the COVID-19 Emergency.
- 4.2** Any person who contravenes any of the provisions of this By-law is guilty of an offence
- 4.3** An offence under Section 4 of this By-law may constitute a multiple offence as defined in Section 429(5) of the Municipal Act, 2001, as amended.

PART 5 ENFORCEMENT AND INSPECTION

- 5.1** The provisions of this By-law may be enforced by an Officer.
- 5.2** An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law is being complied with.

- 5.3** For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 5.4** No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law, including refusing to identify themselves when requested to do so by an Officer.

PART 6 ORDERS

- 6.1** An Officer may order a Person to leave any Public Property or business as a result of a contravention of this By-law.
- 6.2** An order made under this section may be given verbally or in writing.
- 6.3** An order in writing shall identify:
- a) the location where the contravention occurred;
 - b) the reasonable particulars of the contravention;
 - c) the date and time by which there must be compliance with the order; and
 - d) shall be served personally to the Person to whom it is directed, or served by Registered Mail to the Person which shall be deemed to be delivered on the fifth day after mailing.

PART 7 PENALTIES

SECTION

- 7.1** (1) Every Person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act, 2001.
- (2) If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

**PART 8
CONFLICT**

SECTION

8.1 In the event of conflict between this By-law and:

- (1) an Order made under Subsection 7.0.2(4) or 7.1(2) of the Emergency Management Act; or
- (2) any statute, regulation, rule, By-law, order or instrument of the Province of Ontario or the Government of Canada;
- (3) the specific provisions of this By-law that are in conflict with the above shall be of no force and effect to the extent of the conflict.

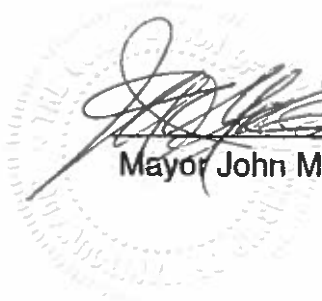
**PART 9
FORCE AND EFFECT**

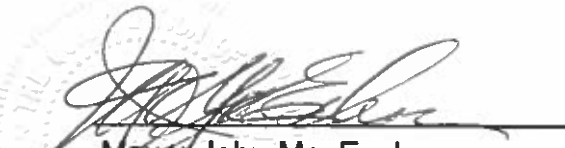
SECTION

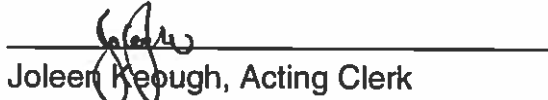
9.1 This By-law shall remain in force during the COVID-19 Emergency.

ORDER PURSUANT TO SECTION 4 OF THE EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT, R.S.O. 1990, c.E.9 ON THIS 22nd DAY OF APRIL, 2020.

READ A 1ST AND 2ND TIME this 22nd day of April, 2020 and
READ A THIRD TIME AND FINALLY ENACTED this 22nd day of April, 2020.




Mayor John MacEachern


Joleen Keough, Acting Clerk

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2020-12

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COVID-19 Emergency within the Township of Manitouwadge.**

**Part 1
PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Person failed to maintain a 2-metre distance from another Person	Section 3.1 a)	\$750.00
2	Person permitted child under the age of 16 to be less than 2.0 metres from another Person.	Section 3.1 b)	\$750.00
3	Business permitted Person to be {seated} {standing} {inside} or {outside} the business less than 2 metres from another Person	Section 3.1 c)	\$750.00

NOTE: The penalty provision for the offences indicated above is Section 7.1 (1) of By-law No. 2020-12, a certified copy of which has been filed.

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite the offences in the attached schedules of offences under the Provincial Statutes and Regulations thereunder and By-law No. 2020-12, Part I, of the Corporation of the Township of Manitouwadge, Thunder Bay District, attached hereto are the set fines for these offences, to take effect April 23rd, 2020.

Dated at Thunder Bay this 23rd, day of April, 2020.



The Honourable Joyce Elder
Regional Senior Justice
Northwest Region

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

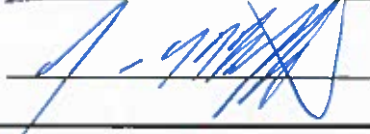
April 22, 2020

Session No. 2020-96

Moved by:



Seconded by:

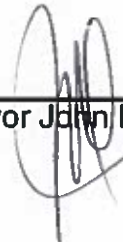


Being a **By-law** to Promote and Regulate Physical Distancing during the COVID-19 Emergency within the Township of Manitouwadge, **be read a first and second time.**

And Furthermore, be read a third time, passed and numbered as **By-law No. 2020-12**

Recorded Vote	FOR	AGAINST
Councillor David Arola	✓	
Councillor Kathy Hudson	✓	
Councillor Jim Moffat	✓	
Councillor Mike Scapinello	✓	
Mayor John MacEachern	✓	

CARRIED ✓ DEFEATED _____



Mayor John MacEachern