

Authority: Mayor's delegated authority under Section 59-6.1 of Chapter 59, Emergency Management of The City of Toronto Municipal Code and Emergency Order No. 2 issued by Mayor John Tory on April 3, 2020.

CITY OF TORONTO

BY-LAW 323-2020

To amend Municipal Code Chapter 636, Public Square to include Nathan Phillips Square within the emergency physical distancing regulations.

Whereas under sections 7 and 8 of the City of Toronto Act, 2006, the City has broad authority to provide any service or thing the City considers necessary or desirable for the public and to 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 City Council has enacted Chapter 59, Emergency Management, of the City of Toronto Municipal Code ("Chapter 59") with respect to numerous matters concerning the City's response to a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease, an accident or other health risk or an act whether intentional or otherwise; and

Whereas under the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, as provided in section 21; and

Whereas under section 59-6.1.A. of Chapter 59 City Council delegated its statutory authority under the City of Toronto Act, 2006, and under any other legislation, to the Mayor, exclusively for use in emergencies, subject to the specific restrictions and conditions imposed by Chapter 59, the Act, and otherwise; and

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

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization; 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, due to the health risks to Ontario residents arising from COVID-19; and

Whereas, on March 23, 2020 an emergency was declared by the head of council of the City of Toronto for purposes of s.4 of the Emergency Management and Civil Protection Act, and s.59-5.1 of Chapter 59 due to the risk to the health of the residents of the City of Toronto arising from spread of COVID-19 and its presence within the City of Toronto (the "Emergency"); and

Whereas this by-law is based on the advice of the Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

Whereas the City currently regulates and prohibits conduct on the specific City property known as Nathan Phillips Square under the regulations contained in the former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square; and

Whereas the City currently regulates and prohibits conduct on the other public squares of the City, through the provisions of City of Toronto Municipal Code Chapter 636, Public Squares, which includes in the listed prohibited conduct in these areas, a failure to maintain a distance of two metres from other individuals who are not members of their same household; and

Whereas it is my opinion that the harm caused by COVID-19 will be best alleviated by having regulations concerning the failure to maintain a distance of two metres from other individuals who are not members of their same household, contained in as harmonized of a set of regulations as possible, I believe that Nathan Phillips Square should be included in the definition of Public Square for the purposes of being subject to the specific regulations prohibiting a failure to maintain a distance of two metres from other individuals who are not members of their same household which is applicable to all other public squares of the City;

The Mayor of the City of Toronto enacts:

1. Chapter 636, Public Squares of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines within the public square known as Nathan Phillips Square by:
 - (a) Adding the following as new subsection 636-22.A.(4) to the definition of Square for purposes of section 636-22:
 - (4) for purposes of subsection 636-22.C.1, “Nathan Phillips Square” as defined in former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square.
2. The above amendment is deemed to be no longer effective, and thereby revoked 30 days from April 2, 2020, unless City Council authorizes an extension of these amendments.

Enacted and passed on April 3, 2020.

John Tory,
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)