

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. 1 issued by Mayor John Tory on April 2, 2020.

CITY OF TORONTO

BY-LAW 322-2020

To amend Municipal Code Chapters 608 and 636 to impose emergency physical distancing regulations with respect to Parks, and Public Squares.

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 order 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 in accordance with section 59-6.1.B. of Chapter 59, I believe that it is necessary to utilize the delegated authority to make the following order to address the Emergency in a timely manner, and that the exercise of the delegated authority is a reasonable basis to alleviate harm or damage as a reasonable alternative to other measures to address the Emergency for the following reasons: due to the fact that COVID-19 is a disease that is readily communicable from person to person and that time is of the essence in implementing measures to address the spread of COVID-19, which makes implementation of these measures through other means impractical in the circumstances; and

Whereas the City currently regulates and prohibits specific conduct on City property such as parks and public squares, which is undesirable, constitutes a nuisance, or presents health risks to other residents of the City of Toronto, it is my opinion that the harm caused by COVID-19 will be alleviated by adding to the list of 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, which shall be enforceable in the same manner as other currently prohibited conduct;

The Mayor of the City of Toronto enacts:

1. Chapter 608, Parks, of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:
 - (a) adding the following new paragraph (1.1) to subsection 608-3.A which lists prohibited activities in a park:
 - (1.1) Remain, for longer than an incidental period, closer than 2 metres to any other person who is not a member of the same household; and
 - (b) adding the following new section F to section 608-3 to except individuals providing services to the public from compliance with the physical distancing guidelines:
 - F. Despite subsection A(1.1), a person who is a police officer, City employee, or a person hired or engaged by the City to do work or perform services within the park, may be within 2 metres of another person who is not a member of their household, for the specific purposes of performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.
2. Chapter 636, Public Squares of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:

- (a) adding the following new subsection C to section 636-11 which lists prohibited activities on Yonge-Dundas Square:
 - C. Remain, for longer than an incidental period, closer than two 2 metres to any other person who is not a member of the same household;
 - (b) adding the following new subsection C.1 to section 636-22 to except individuals providing services to the public from compliance with the physical distancing guidelines:
 - C.1. With the exception of the police, City employees, or persons hired or engaged by the City to do work or perform services within a square, while performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, no person within a square shall remain, for longer than an incidental period, within 2 metres of any other person who is not a member or the same household; and
 - (c) Subsection 636-19.D. is deleted to remove the exclusion from the regulations establishing prohibited activities on Yonge-Dundas Square with respect to individuals engaged in location filming during a period and at a place as have been first approved in a permit issued by the City's Film Liaison with the approval of the Yonge-Dundas Square Board of Management.
3. The above amendments are deemed to be no longer effective, and thereby revoked 30 days from the date of this by-law, unless City Council authorizes an extension of these amendments.

Enacted and passed on April 2, 2020.

John Tory,
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)