

Authority: Item CC23.3, adopted as amended, by City of Toronto Council on July 28 and 29, 2020

## **CITY OF TORONTO**

### **BY-LAW 665-2020**

#### **To amend City of Toronto Municipal Code Chapter 545, Licensing with respect to reducing the risk from COVID-19 at establishments serving food and drink.**

Whereas under sections 7 and 8 of the City of Toronto Act, 2006 (the "Act"), the City may 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 COVID-19 is a disease which is present in the City of Toronto, is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

Whereas subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

Whereas the City has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the City, and the health, safety and well-being of persons under paragraphs 5 and 6 of subsection 8(2) of the Act; and

Whereas Council authorized the adoption of City of Toronto Municipal Code Chapter 545, Licensing, to regulate the operation of businesses within the City of Toronto; and

Whereas the Medical Officer of Health for the City of Toronto Health Unit has responsibilities for case, contact and outbreak management pursuant to section 7 of the Health Protection and Promotion Act, and the Infectious Diseases Protocol published by the Ministry of Health; and

Whereas the following is deemed necessary, as there exists a pressing need for establishments serving food and drink to implement appropriate measures to better prevent the spread of COVID-19 and protect the health, safety and well-being of their customers;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 545, Licensing, is amended by adding a new § 545-8.4.1 as follows:

#### **§ 545-8.4.1. COVID-19 measures.**

- A. Every person operating an adult entertainment club, billiard hall, eating or drinking establishment, entertainment establishment/nightclub or place of amusement shall:

- (1) Ensure that customers are seated at all times when in an indoor or outdoor area of the premises where food or drink is served or consumed except when a customer is entering or exiting the area, travelling to and from the premises' washroom or paying.
- (2) Ensure that:
  - (a) The number of customers permitted to be inside the premises at any one time is limited to a number that can maintain a physical distance of at least two metres from every other person inside the premises; and
  - (b) No more than 100 persons are permitted to be inside the premises at any one time, subject to the Medical Officer of Health or their designate's prior approval in writing of a plan submitted by the operator for more than 100 persons to be inside the premises at any one time.
- (3) Ensure that no more than 10 persons are seated at each table in an indoor or outdoor area of the premises.
- (4) Maintain a customer log that:
  - (a) Records customer information, in a legible manner, consisting of the name, email address and telephone number of at least one person from each party that attends an indoor or outdoor area of the premises where food or drink is served or consumed. The record shall include the date the person attended, the party's check in and check out times, and the party's table number or, if there is no table number, the location on the premises where the party was seated and was served or consumed food or drink;
  - (b) Is stored securely for 30 days and then destroyed; and
  - (c) Is produced on request of the Medical Officer of Health or their designate for the purpose of COVID-19 contact tracing or other public health purposes, in accordance with the Health Protection and Promotion Act.
- (5) Post a sign, in a form satisfactory to the Medical Officer of Health or their designate, at all entrances to areas of the premises where food or drink is served or consumed, and at such other locations satisfactory to the Medical Officer of Health or their designate, providing notice to the public concerning the collection of the customer information, and that it is being collected and recorded for the purposes of disclosure, upon request, to the Medical Officer of Health or their designate for the purpose of COVID-19 contact tracing or other public health purposes, the legal authority for the collection of this information, as well as the title, business address and

business telephone number of an employee of the City authorized by the Medical Officer of Health to answer questions about the collection.

- (6) (a) Establish a COVID-19 screening protocol to be applied to each employee before they start a shift that consists of at least the Toronto Public Health screening questionnaire attached as Appendix A; and
  - (b) Produce the COVID-19 screening protocol, without any information collected from individuals, on request to any person authorized to enforce this chapter;
- B. Section 545-8.4.1.A shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the Emergency Management and Civil Protection Act or the Reopening Ontario Act, 2020; and
- C. Section 545-8.4.1 comes into force seven days after the date of enactment and is deemed to be no longer in effect and revoked at 12:01 a.m. on the first day after the first Council meeting after the summer recess (currently scheduled for September 30 and October 1, 2020), unless extended by City Council.
2. This By-law shall come into force 7 days after the date of enactment and is deemed to be no longer in effect and revoked at 12:01 a.m. on the first day after the first Council meeting after the summer recess (currently scheduled for September 30 and October 1, 2020), unless extended by City Council.

Enacted and passed on July 29, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

Appendix A

# COVID-19

Please complete the following questions before beginning your work today.

Name: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

## Do you have any of the following:

Yes   
No



Fever

Yes   
No



Cough

Yes   
No



Difficulty breathing

Yes   
No



Sore throat,  
trouble swallowing

Yes   
No



Runny nose

Yes   
No




Loss of taste or  
smell

Yes   
No



Not feeling well

Yes   
No



Nausea, vomiting,  
diarrhea

Yes  Have you been in close contact with someone who is  
No  sick or has confirmed COVID-19 in the past 14 days?

Yes  Have you returned from travel outside Canada in the  
No  past 14 days?

**If you answered YES to any of these questions,  
go home & self-isolate right away. Call Telehealth  
or your health care provider, to find out if you  
need a test.**