



ORDER M02-2021

AN EMERGENCY ORDER FOR TEMPORARY PARK CLOSURE

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 on March 23, 2020 The Corporation of the City of Barrie declared an emergency pursuant to section 4 of the *Emergency Management Act*;

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

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 4 (1) of the *Emergency Management Act* provides that 4 (1) 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 City Council has enacted By-law, 2013-142 – Emergency Management By-law ("the Emergency Management By-Law") 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 section 6.1 the Emergency Management By-law authorizes the Mayor to make such orders as he or she considers reasonable and necessary and not contrary to law to declare in effect and implement the Emergency Plan and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

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;

AND WHEREAS as Head of Council, the Mayor of The Corporation of the City of Barrie enacted an Emergency Order to Enforce Emergency Physical Distancing Requirement with respect to parks and other public places on April 3, 2020 identified as M01-2020;

AND WHEREAS I am aware that gatherings have taken place at Meridian Place and Memorial Square contrary to the Provincial Stay-at-Home Order, provincial legislation and regulations, the City's COVID-19 Emergency Measures By-law, and Simcoe Muskoka District Health Unit's public health guidelines;

AND WHEREAS I am aware that persons have gathered at Meridian Place and Memorial Square without maintaining a physical distance of at least two metres from other groups of persons and without wearing a mask or face covering in a manner that covers their mouth, nose and chin;

AND WHEREAS the Province of Ontario has passed legislation and regulations requiring 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 prohibiting gatherings;

AND WHEREAS this order is based on the guidance of the Simcoe Muskoka District Health Unit that the measures in place reduce the risk of spreading COVID-19 when outdoors and curb the spread of COVID-19 in our community which may place further strain on our already stretched healthcare system where ICUs are approaching, at or exceeding capacity;

AND WHEREAS I believe that it is necessary to utilize my authority under s. 6.1 of the Emergency Management By-law to make the following order to respond to these gatherings in a timely manner, and that the exercise of my authority is a reasonable basis to alleviate harm 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 curb the spread of COVID-19, which makes implementation of these measures through other means impractical in the circumstances;

NOW THEREFORE the Head of Council, the Mayor of The Corporation of the City of Barrie hereby orders as follows:

1. That this By-law may be referred to as M02-2021 – the Barrie COVID-19 Park Closure 2021 By-Law.
2. That the property identified as Meridian Place and Memorial Square be closed to the public until such gatherings are no longer prohibited through legislation or regulations.

ORDERED PURSUANT TO SECTION 4 (1) PURSUANT TO THE EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT, 1990 THIS 29th DAY OF APRIL, 2021.



MAYOR – J.R. LEHMAN