



ORDER M01-2020

AN EMERGENCY ORDER TO ENFORCE EMERGENCY PHYSICAL DISTANCING REQUIREMENTS WITH RESPECT TO PARKS AND OTHER PUBLIC PLACES, AS AMENDED BY M02-2020, M03-2020, M04-2020, M05-2020, M06-2020, M07-2020, M08-2020, M09-2020 and M010-2020.

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 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 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 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 The Corporation of the City of Barrie 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 City of Barrie, by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

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 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;

AND WHEREAS the Head of Council of The Corporation of the City of Barrie deems it necessary to further amend Emergency Order M01-2020, as amended.

NOW THEREFORE the Head of Council of The Corporation of the City of Barrie **ORDERS AS FOLLOWS:**

1. That this by-law may be referred to as the "Barrie COVID-19 Emergency Measures By-law".

2. DEFINITIONS

"City" means The Corporation of the City of Barrie;

"COVID-19 Emergency" means 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 and Province under sections 4 and 7.0.1 of the *Emergency Management Act* in relation to the COVID-19 pandemic has been terminated.

"*Emergency Management Act*" means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9

"Head of Council" means the Mayor of the City;

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25

"Officer" means a Municipal Law Enforcement Officer or Fire Prevention Officer or Zoning Administration Officer

"Person" or any expression referring to a person, means an individual of any age;

"*Provincial Offences Act*" means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33

"Public Property" means any land, premises or buildings owned, managed, or maintained by the City and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, recreation centers, parks and playgrounds.

REGULATIONS

3. To support of the regulations and prohibitions imposed by the Government of Canada, the Province of Ontario, 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 metre from every other Person, except Persons who reside together in the same premises or the employees of a business. **(M02-2020)**
4. That Sections 10.10.0.0.0 and 10.11.0.0.0 of By-law 2019-059, the Parks Use By-law, shall not be in effect for the property identified as Audrey Milligan Park and Pond, for a period of 15 days from the date of this Order. **(M04-2020) (M05-2020)**
5. That parking in the following Municipal Parking lots and streets be prohibited with the exception of those vehicles displaying a City of Barrie Resident Waterfront Parking Pass until October 15, 2020 **(M09-2020)**:
 - Dock Road Park – 204 Dock Road
 - The Gables Park – 250 Tollendale Mill Road
 - Wilkin's Park
 - Crimson Ridge Road from Bluewater Trail to Capps Drive – both sides"
6. That the Marina Patron Parking Pass be permitted for use in the North Marina, Spirit Catcher and Lakeshore Lots.
7. That all forms of barbecues or other cooking appliances be prohibited at waterfront beaches and parks and along waterfront trails, including but not limited to Johnson's Beach, North Shore Trail, Heritage Park, Centennial Park and Beach, Minet's Point Park and Beach, the Gables Park, Tyndale Park and Beach, Dock Road Park and Wilkins' Park and Trail area.

8. That parking in the following Municipal Parking lots and streets be prohibited with the exception of those vehicles displaying a City of Barrie Resident Waterfront Parking Pass and until October 15, 2020:

- Capps Drive
- Crimson Ridge Road between Capps Drive and Tamarack Trail
- Royal Park Boulevard between Tamarack Trail and Crimson Ridge Road,
- Bluewater Trail
- Sandalwood Court
- Valleyview Court
- Vespra Street between Innisfil Street and Bradford Street
- Victoria Street between Innisfil Street and Sanford Street to Bradford Street on the north side
- John Street between Sanford Street and Ellen Street
- Sanford St between Vespra and John St
- Ellen Street south of Victoria (on the west side only)
- Dock Road between Turner Drive and Golden Meadow Boulevard
- Turner Drive between Dock Road and Royal Park Boulevard
- Bayshore Boulevard
- Clearwater Court
- Tyndale Road between Jean Street and Dock Road
- Plunkett Court
- Tyndale Road
- Tollendal Mill Road between Cox Mill Rd and Tyndale Road
- Jean Street
- Lismer Boulevard
- Brennan Avenue between White Oaks Road and Southview Road
- Southview Road
- Cliff Road
- Kempview Lane
- Whitty Lane
- The Boulevard
- White Oaks Boulevard
- Shanty Bay Road between Puget Street and Garrett Crescent
- Puget Street between Barrie North Shore Trail and Blake Street
- Johnson Street between Shanty Bay Road and Blake Street
- Campfire Court
- Indian Arrow between Johnson St and Algonquin Trail
- Vancouver Street between Kempenfelt Drive and Blake Street
- Garrett Crescent
- Shoreview Drive between Garrett Crescent **(M08-2020)**

9. That the following Municipal parking Lots be reclassified as Waterfront Parking lots until October 15, 2020 and that parking in the following Municipal Parking lots be paid parking except for those vehicles displaying a City of Barrie Resident Waterfront Parking Pass at the following locations:

- Lakeshore Lot,
- North Marina Lot
- Spirit Catcher Lot; and

That the hourly rate be increased to \$10 per hour and the daily rate be increased to \$50.

- Lakeshore Lot,
- North Marina Lot
- Spirit Catcher Lot **(M08-2020)**

10. That all forms of tents or other shade structures, with the exception of umbrellas or shades supported by a single pole, be prohibited at waterfront beaches and parks and along waterfront trails, including but not limited to Johnson's Beach, North Shore Trail, Heritage Park, Centennial Park and Beach, Minet's Point Park and Beach, the Gables Park, Tyndale Park and Beach, Dock Road Park and Wilkins Park and Trail area. **(M010-2020)**

OFFENCES

11. Every Person shall comply with the following to this By-law during the COVID-19 Emergency.

12. An offence under section 5 of this By-law may constitute a multiple offence as defined in section 429(5) of the *Municipal Act, 2001*.

ENFORCEMENT AND INSPECTION

13. The provisions of this By-law may be enforced by an Officer.
14. 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.
15. 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.
16. 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.

ORDERS

17. An Officer may order to a Person to leave any Public Property or business as a result of a contravention of this By-law.
18. An order under this section may be given verbally or in writing.
19. 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 on the fifth day after mailing.

PENALTIES

20. 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*.
21. In addition to subsection 12(1), any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
 - a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
 - b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000; and
 - c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.

22. 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.
23. Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section.
24. If any part of a fine or a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 18(1), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act, 2001*.
25. In the event of conflict between this By-law and:
 - a) an order made under subsection 7.0.2 (4) or 7.1 (2) of the *Emergency Management Act*; or
 - b) any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada;

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.

This Order shall remain in force until the termination of the COVID-19 Emergency under Section 4(1) and Section 7.0.1 of the Emergency Act.

ORDERED PURSUANT TO SECTION 4 (1) PURSUANT TO THE EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT, 1990 THIS 3RD DAY OF APRIL, 2020.

Original Orders Signed By

MAYOR – J.R. LEHMAN