

<b>Report from:</b>	Legal and Clerks Services, Director		
<b>Report Date:</b>	July 10, 2020	<b>Meeting Date:</b>	July 13, 2020
<b>Report Number:</b>	LCS-106-2020	<b>File:</b>	10.4.19
<b>Subject:</b>	Mandatory Face Masks and Coverings in St. Catharines – Draft By-law		
<b>Strategic Pillar:</b>			

## Recommendation

That Council enact the draft Bylaw attached as Appendix 3 to Report LCS-106-2020 to temporarily require the wearing of masks within enclosed public spaces.

## Background

At the Special Meeting of Council held on July 6, 2020 the following motion was passed by Council:

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of St. Catharines declared a state of emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS COVID-19 continues to be present within the city, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

WHEREAS wearing masks and face coverings may act as a visual cue that public health measures, including maintaining a physical distance from others, are still required, that the COVID-19 Pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS physical distancing is difficult to maintain in enclosed spaces open to the public;

THEREFORE BE IT RESOLVED that City Council enact a temporary by-law requiring individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19; and

BE IT FURTHER RESOLVED that masks or face coverings must be worn, unless it is reasonably required to temporarily remove the covering for services provided by the establishment or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- The person is under two years of age;
- The person has an underlying medical condition which inhibits their ability to wear a mask or face covering;
- Wearing a face covering would inhibit the person's ability to breathe in any way;
- The person is unable to place or remove a mask or face covering without assistance;
- Regulated health professionals;
- Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier; and

BE IT FURTHER RESOLVED that employees working with members of the public in an enclosed space must also wear a mask or face covering, unless they are in an area not for public access or within or behind a physical barrier, or they meet one of the exemptions; and

BE IT FURTHER RESOLVED that the by-law also apply to City of St. Catharines facilities open to the public such as community centres and libraries; and

BE IT FURTHER RESOLVED that the By-law provide that the date on which the By-law is to come into force and the date on which it shall expire shall be dates to be determined jointly by the Mayor and CAO, in consultation with the Niagara Region Medical Officer of Health; and

BE IT FURTHER RESOLVED that the City of St. Catharines create, in partnership with Niagara Public Health (if possible), a communications campaign to explain when masks should be worn and how to ensure that if one wears a mask, they do so in an effective manner; and

BE IT FURTHER RESOLVED that staff be directed to request that Dr. M. Mustafa Hirji, Acting Medical Officer of Health, appear at the Council Meeting of July 13, 2020; and

BE IT FURTHER RESOLVED that Report LCS-104-2020, in response to the Motion to require the mandatory wearing of masks or face coverings, be received for information; and

BE IT FURTHER RESOLVED that the City Solicitor be directed to prepare a draft by-law for consideration at the Council Meeting of July 13, 2020.

## **Report**

Attached as Appendix 3 to this Report is a draft Bylaw as directed by Council on July 6, 2020.

### **Public health considerations for mandating the use of masks or face coverings to reduce the spread of COVID-19**

Attached as Appendix 1 to this Report is a memorandum that canvasses and summarizes the various statements and recommendations of public health agencies and officials at the regional, provincial, federal and international levels that support the use of masks and face coverings as a measure to help control the spread of COVID-19.

### **The province wide municipal response**

The Province of Ontario has declined to implement any regulations or orders that require the wearing of masks or face coverings in enclosed public spaces. Therefore, as the Province has moved to Stage 2 of recovery and permitted the opening of more businesses, municipalities and local Medical Officers of Health are being called upon to implement measures to require the wearing of masks, due to the concern that physical distancing is difficult to maintain and not always achieved or enforced in public spaces.

Across the province, different measures are being used in different jurisdictions to require masks or face coverings in indoor public spaces. Medical Officers of Health have utilized their powers pursuant to S. 22 of the Health Protection and Promotion Act, 1990 to issue Orders, or alternatively to issue “instructions” pursuant to O. Regulation 263/20 of the Emergency Management and Civil Protection Act. Municipalities have also begun to pass bylaws pursuant to their broad powers in sections 8, 10 and 11 of the Municipal Act.

In addition to the different sources and authority for these measures, the content of the measures themselves are varied. Appendix 2 to this Report summarizes some of the actions taken as of the date of this Report. They broadly fall into three different categories.

## **Bylaws and other alternative measures that indirectly require or promote the wearing of masks (directed at operators)**

The first category of measures is the least restrictive. The draft bylaw directed by Council and attached as Appendix 3 is in this category. These bylaws and other measures only indirectly require the use of masks. These measures are directed at the operators of enclosed public spaces who are required to adopt a policy that prohibits persons to enter or otherwise remain in the enclosed public space unless that person is wearing a mask, subject to exemptions for specific individuals.

The operator is not required to enforce the policy or to refuse entry to anyone without a mask; however, they are empowered by the bylaw to do so. Without a bylaw in place some private businesses have already implemented some form of mask policy for their establishments.

The bylaw passed by the City of Toronto and instructions from the Medical Officers of Health in Simcoe-Muskoka, York Region and Ottawa apply this format.

Alternatively, the Medical Officers of Health for Wellington-Dufferin-Guelph and for Kingston, Frontenac, Lennox and Addington have issued instruction letters to commercial establishments that require a policy; however, in addition, they also require that the operators prohibit persons from entering the premises without a mask.

## **Bylaws and other alternative measures that directly require the wearing of masks (directed at individuals)**

The bylaw passed by the Regional Municipality of Waterloo does not regulate the operators of enclosed public spaces. It directly requires that every person within an enclosed public place wear a mask or face covering. The draft bylaw debated at the Regional Municipality of Niagara meeting on July 8, 2020 and deferred to July 23, 2020 takes a similar approach.

## **Bylaws and other alternative measures that both indirectly and directly require the wearing of masks**

The municipalities of Mississauga, Brampton and Caledon have all passed bylaws, endorsed by the Regional Municipality of Peel, which require operators of public establishments to adopt a policy to prohibit entry to persons without a mask or face covering, to prohibit entry, and in addition, also directly require every person entering or while inside a public establishment to wear a mask. The City of Ottawa is considering a similar bylaw on July 15.

In all of the above examples the scope of enclosed public spaces that are included or excluded are mostly very similar. The draft bylaw attached in Appendix 3 was prepared to ensure the broadest scope of application with only narrow exceptions.

One of the concerns with respect to bylaws directed at individuals is the difficulty of enforcement. Municipal bylaw enforcement officers cannot compel individuals to produce identification, detain or arrest individuals or enforce trespass on private property.

In order to issue tickets to enforce a bylaw it is necessary to apply to the court for the approval of set fines. That process regularly takes several months. With the closures caused by the pandemic, any set fine application would not likely receive approval earlier than September. Therefore, enforcement would need to be through the lengthier process under Part III of the Provincial Offences Act, which requires appearances in court. Upon conviction, the Justice of the Peace would determine the amount of the fine.

## **Exemptions for individuals**

All of the bylaws and other measures reviewed include a broad range of exemptions to ensure that persons who due to their young age, disability, health or medical restrictions, Ontario Human Rights Code accommodations are or in other reasonable and practical situations are not able to wear masks are not required to do so.

The draft bylaw included in Appendix 3 includes all of these exemptions. Furthermore, individuals who claim an exemption are not required to provide proof of the exemption. This protects the privacy of the individual from intrusive questions related to sensitive personal health information.

If Council passes this bylaw, communications regarding the bylaw will need to remind the public that there are persons who cannot wear a mask and are not required to do so.

## **Financial Implications**

There are no financial implications associated with this report.

### **Prepared and submitted by**

Heather A. Salter

Director of Legal and Clerks Services / City Solicitor

### **Approved by**

Shelley Chemnitz

Chief Administrative Officer

## **Appendices:**

- Appendix 1 – Memorandum from Scott Rosts, Chief of Staff, Mayor's Office - Research for proposed bylaw on wearing of masks within enclosed public spaces
- Appendix 2 – Summary of municipal actions
- Appendix 3 – Draft Bylaw

To: Mayor and Council

Cc: Department Directors

From: Scott Rosts, Chief of Staff Mayor's Office

Date: July 10, 2020

Subject: Research for proposed bylaw on wearing of masks within enclosed public spaces

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The science around the use of masks by the general public to impede COVID-19 transmission is evolving rapidly. As the response to the pandemic has evolved, so, too, have the recommendations, along with the research and studies by experts from across the country, revealing new and updated data that has permitted a look at trends in jurisdictions which have mandated the use of masks.

A growing body of scientific evidence suggests the use of masks is an inexpensive, acceptable, and non-invasive measure to help control the spread of COVID-19. Modelling studies suggest that if there is a high level of compliance in the wearing of masks, COVID-19 spread can be reduced.

On a local level, [Niagara Region Public Health says a face covering may be an added way to protect others around you](#), even if you don't have symptoms, particularly where physical distancing may be a challenge (e.g. on public transit, while shopping). Combined with measures like hand washing and physical distancing, masks are another line of defence against the spread of COVID-19. Niagara's Acting Medical Officer of Health Dr. Mustafa Hirji continues to say masks should be worn when physical distancing is not possible.

[The Public Health Agency of Canada says wearing a homemade non-medical mask/facial covering in the community is recommended](#) for periods of time when it is not possible to consistently maintain a 2-metre physical distance from others, particularly in crowded public settings, such as:

- stores
- shopping areas
- public transportation

[The Ontario provincial Ministry of Health also says wearing a face covering is recommended](#) to reduce the risk of transmission of COVID-19 when physical distancing and keeping two-metres' distance from others may be challenging or not possible, such as:

- public transit

smaller grocery stores or pharmacies  
when you are receiving essential services

On a more international scale, both the [Centers for Disease Control and Prevention](#) (dated June 28) and the [World Health Organization](#) (dated June 7) now recommend cloth masks for the general public as part of a comprehensive strategy of measures to suppress transmission and save lives.

It is important to note, that organizations like WHO and even Public Health Agency of Canada were among those who changed their positions on the wearing of masks, from suggesting early in the pandemic that they were not necessary, but now they are recommending them in settings where you are unable to be physically distant, such as enclosed public spaces such as retail outlets, transit, etc.

Given the rapid evolution of studies and the data available, here are some recent studies by health experts and academia professionals that concluded the use of masks or face coverings have an impact on reducing the number of infections.

A June 30 [study by a team of scientists from the University of California San Diego, Caltech and Texas A&M](#) concludes that face coverings determine the pandemic's trends and significantly reduce the number of infections. Looking at pandemic hotspots, the study shows that, between April 6 and May 9 in Italy and New York City, mandated face coverings significantly reduced the number of infections by more than 140,000 between the two epicenters.

[A study of physical distancing, face masks, and eye protection to prevent person-to-person transmission, conducted by a team of researchers and professors at McMaster University, the Research Institute of St. Joe's Hamilton, American University of Beirut and Michael G DeGroot Cochrane and GRADE Centres in Hamilton](#), and funded by the World Health Organization, concluded face mask use could result in a large reduction in risk of infection. Their review, published June 1, included studies from 16 different countries and six continents, looking at both health-care and non-health-care settings.

[A study of mask-wearing in the U.S. was published June 16 by researchers from the Department of Health Management and Policy, College of Public Health, University of Iowa](#), concluding that states in the US mandating use of face masks in public had a greater decline in daily COVID-19 growth rates after issuing these mandates compared to states that did not issue mandates. It also concluded that as countries worldwide begin to relax social distancing restrictions and considering the high likelihood of a second COVID-19 wave in the fall/winter, requiring use of face masks in public might help in reducing COVID-19 spread.

[A review of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks \(updated July 2\)](#), conducted by researchers and professors from Canada, the U.S. and Poland, concludes societal norms and

government policies supporting the wearing of masks by the public, as well as international travel controls, are independently associated with lower per-capita mortality from COVID-19. The authors summarize that the use of masks in public is an important and readily modifiable public health measure.

A modeling study, [published last month in Proceedings of the Royal Society A](#), concluded that if the majority of a population wore face masks in public — even just homemade ones — that this could dramatically reduce transmission of the virus and help prevent future waves of the pandemic.

While gradual reopening is taking place, COVID-19 is still circulating in our community and the risk for its continued spread remains. While the number of new COVID-19 cases continues to trend downward, new cases persist. Our community can learn from other jurisdictions that have seen a recent rise in cases after reopening.

While face masks and coverings do not replace the need to wash your hands, stay home when sick and physically distance yourself from others, it has also been postulated that more widespread wearing of masks and face coverings may act as a visual cue that public health measures are still required, that the pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat.

<b>MUNICIPAL BYLAWS</b>				
<b>JURISDICTION</b>	<b>TYPE OF REQUIREMENT</b>	<b>OBJECT OF REQUIREMENT</b>	<b>CONTENT OF REQUIREMENT</b>	<b>IN FORCE / EXPIRY</b>
<b>CITY OF TORONTO</b>	Bylaw	Owners/operators of indoor spaces accessible to the public	Have a policy to require staff, customers, and visitors wear a face covering;  Post signage	July 7 / September 30
<b>PEEL REGION</b>	Support of By-law issued by lower tiers			
<b>MISSISSUAGA, BRAMPTON, CALEDON</b>	Bylaw	Owners/operators of indoor spaces accessible to the public  Every person within an enclosed public place	Have a policy, post signage and prohibit entry; and  Public must wear masks in enclosed public spaces	July 15 / September 30
<b>WATERLOO REGION</b>	Bylaw	Every person within an enclosed public place	Public must wear face coverings in enclosed public spaces  Owner/operators must post signage	July 13 / September 30
<b>OTTAWA (proposed)</b>	Bylaw	Owners/ operators of indoor spaces accessible to the public  Every person within an enclosed public place	Have a policy, post signage and prohibit entry; and  Public must wear masks in enclosed public places	July 15 / August 26 (subject to extension)

<b>PUBLIC HEALTH ORDERS/INSTRUCTIONS</b>				
<b>JURISDICTION</b>	<b>TYPE OF REQUIREMENT</b>	<b>OBJECT OF REQUIREMENT</b>	<b>CONTENT OF REQUIREMENT</b>	<b>IN FORCE / EXPIRY</b>
<b>WELLINGTON-DUFFERIN- GUELPH</b>	Public Health Order (s. 22 PHPPA)	Owners/operators of commercial establishments	Disallow entry to anyone not wearing a mask	June 12 / indefinite
<b>WINDSOR &amp; ESSEX COUNTY</b>	Public Health Order(s. 22 PHPPA)	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	June 26 / indefinite
<b>KINGSTON FRONTENAC LENNOX&amp; ADDINGTON</b>	Public Health Order (s. 22 PHPPA)	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	June 27 / indefinite
<b>MIDDLESEX- LONDON</b>	Public Health Order (s.22 PHPPA)	<ul style="list-style-type: none"> <li>• Transit Operators</li> <li>• Hair/Nail Salons</li> <li>• Any business where workers and customers are face-to-face for more than 15 minutes</li> </ul>	Implement local guidance for reducing risk in public spaces  Ensure staff, customers, volunteers, and contractors wear masks	July 20 / indefinite
<b>OTTAWA</b>	Instructions from Public Health pursuant to O. Reg 263/20	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	July 7 / expiry of Stage 2 Provincial Emergency Order
<b>DURHAM REGION</b>	Instructions from Public Health pursuant to O.Reg 263/20	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	July 10/ expiry of Stage 2 Provincial emergency order
<b>YORK REGION</b>	Regional Council endorsed the issuance of Instructions from Public Health  (unclear)	Owners/operators of enclosed public spaces	(unclear)	July 17 / expiry of Provincial Stage 2 emergency order

<b>SIMCOE MUSKOKA DISTRICT HEALTH UNIT</b>	Instructions from Public Health pursuant to O. Reg 263/20	Operators of enclosed public spaces	Have a policy that prohibit entry of anyone not wearing a mask	July 13 / expiry of Stage 2 Provincial emergency order
<b>PUBLIC HEALTH SUDBURY &amp; DISTRICTS</b>	Instructions from Public Health pursuant to O. Reg 263/20	Operators of enclosed public spaces	Have a policy that prohibits persons from entering without a mask	July 8 / expiry of Stage 2 Provincial emergency order

CITY OF ST. CATHARINES

BY-LAW NO. \_\_\_\_\_

A By-law to impose temporary regulations requiring the wearing of masks within enclosed public spaces in the City of St. Catharines (the “City”).

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

WHEREAS an emergency was declared by the Provincial Government pursuant to Order in Council 518/2020 (“Ontario Regulation 50/20”) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the “Act”); and

WHEREAS an emergency was declared by the City’s Head of Council on April 3, 2020 pursuant to section 4 of the Act; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) (or as current) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS health authorities at the Federal, Provincial, and Regional level have all recommended that persons wear face coverings in public where physical distancing cannot be maintained; and

WHEREAS physical distancing is difficult to maintain in enclosed public spaces; and

WHEREAS it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn face coverings and encourage voluntary compliance; and

WHEREAS Council for the City of St. Catharines desires to enact a temporary by-law to require mandatory face coverings in enclosed public spaces as a necessary, recognized, practicable and effective method to help limit the spread of COVID-19, and thereby help protect the health, safety and well-being of the City residents;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows that:

**Part 1 – Definitions**

1. In this By-law, the following terms shall have the following meanings:  
“**Emergency Order**” means the emergency orders passed by the Province of Ontario pursuant to the Emergency Management and Civil Protection Act

("the Act") related to COVID-19 including any regulations enacted pursuant to the Act.

**"Mask"** or **"Face Covering"** means: a cloth (non-medical) Mask, medical mask or other face coverings, (e.g., bandana, a scarf or cloth), for filtering respiratory droplets that securely covers the nose, mouth, and chin and is in contact with the surrounding face without gapping. For clarity, a Mask may include, but is not required to be a medical mask such as surgical masks, N95 or other masks required by healthcare workers;

**"Medical Officer of Health"** means the Medical Officer of Health for the Regional Municipality of Niagara;

**"Municipality" and "Municipal"** means the City and the Regional Municipality of Niagara;

**"Officer"** means:

(a) a provincial offences officer appointed by a Municipality to enforce Municipal bylaws;

(b) a public health inspector; acting under the direction of the Medical Officer of Health; or

(c) a police officer employed by the Niagara Regional Police Service;

**"Operator"** means the person who controls, governs, directs, or is responsible for the activity carried on within the Enclosed Public Space and includes the person who is actually in charge at any particular time.

**Part 2 – Enclosed Public Spaces**

2. For the purposes of this By-law, “Enclosed Public Space” means all or any portion of a building that is located:

- (a) indoors; and
- (b) where the public is ordinarily invited or permitted access to whether or not a fee is charged or a membership is required for entry.

3. For greater clarity Enclosed Public Spaces include but are not limited to:

- a. premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods and services;
- b. businesses that primarily sell food including restaurants, cafés, cafeterias, supermarkets, grocery stores, bakeries and convenience stores;
- c. shopping malls or similar structures which contain multiple places of business;
- d. churches, mosques, synagogues, temples, or other places of worship;
- e. libraries, museums, galleries, bingo halls, banquet or convention halls, community centres, cinemas, theatres, concert venues, special event venues, or other similar entertainment, cultural, leisure or event spaces and facilities;
- f. indoor sports and recreational facilities, sports clubs, gyms, yoga studios, dance studios, arenas, stadiums and clubhouses;
- g. common areas of hotels, motels, and other short-term accommodations, such as lobbies, elevators, meeting rooms, rest

rooms, laundry rooms, gyms, and kitchens or other common use facilities but does not include the common areas of residential apartment buildings and condominiums;

- h. premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- i. other businesses, organizations and places that are permitted to operate in accordance with the Emergency Orders.

4. Notwithstanding section 2 and 3 above, the following premises or portions of premises used for the following purposes are not an Enclosed Public Space for purposes of this By-law even if they would otherwise fall within the definition of an Enclosed Public Space:

- a. day cares, child care facilities, day camps for children, schools, and post-secondary institutions;
- b. private and public transportation;
- c. hospitals, independent health facilities and offices of regulated health professionals;
- d. buildings and services owned or operated by the Province of Ontario or the Federal Government of Canada;

## **Part 2 – Face Covering Policy**

5. Every Operator of an Enclosed Public Space that is open to the public, shall adopt a policy as required under this By-law that prohibits persons to enter or otherwise remain within, the public areas of the Enclosed Public Space unless that

person is wearing a Mask, subject to the exemptions provided in this By-law.

6. The Operator shall provide a copy of the policy for inspection by an Officer, upon request.

7. The Operator of an Enclosed Public Space shall post, at every public entrance to the premises, prominent and clearly visible signage that persons are required to wear a Mask in accordance with this By-law.

8. The policy shall:

- a. exempt the persons set out in Section 9 from the obligation of wearing a Mask, without requiring proof of such exemption;
- b. ensure that all persons working at the business or organization are trained in the requirements of the policy;
- c. require that employees and agents wear a Mask, except when they are:
  - i. Within an area of the premises where the public is not permitted access, or
  - ii. within or behind a physical barrier;
- d. permit the temporary removal of a Mask where necessary for the purpose of:
  - i. receiving services;
  - ii. while actively engaging in an athletic or fitness activity including water-based activities;
  - iii. while actively engaged in delivering a vocal artistic performance, paid for or otherwise arranged by the Operator;

- iv. while participating in a religious rite or ceremony that is incompatible with the face being covered;
- v. consuming food or drink; or
- vi. for any emergency or medical purpose

**Part 3 – Personal Exemptions**

9. The following persons shall be exempt from the requirement to wear a Mask:

- a. children under two years of age;
- b. children between the age of three and five years either chronologically or developmentally who refuse to wear a Mask and cannot be persuaded to do so by their caregiver;
- c. persons with medical conditions which inhibit their ability to wear a Mask, including breathing difficulties or cognitive difficulties;
- d. persons who are unable to apply or remove a Mask without assistance, including those who are accommodated under the Accessibility for Ontarians with Disabilities Act (AODA);
- e. persons who have protections, including reasonable accommodations, in accordance with the Ontario Human Rights Code which would prevent them from wearing a Mask;
- f. persons while assisting or accommodating another person with a hearing disability.

10. An Operator shall not require any person to provide proof of any of the exemptions set out in Section 9.

**Part 4 - General**

11. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an Emergency Order.

12. For greater certainty, nothing in this By-law shall be construed as permitting the opening or access to an Enclosed Public Space that is not permitted or is restricted by an Emergency Order. The Operator is responsible to ensure that the business or organization operates in accordance with all applicable Emergency Orders and laws, including the Occupational Health and Safety Act and the regulations made under it.

13. Where any provision of this By-law is inconsistent with or conflicts with any provision of any other by-law of the City, the provisions of this By-law shall prevail, but only to the extent of such inconsistency or conflict.

14. Every Person who contravenes any provision of this By-law is guilty of an offence, and upon conviction is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act.

**Part 5 – In Force and Effect**

15. This By-law shall come into force on a date to be determined jointly by the Mayor and the City's Chief Administrative Officer, in consultation with the Medical Officer of Health.

16. This By-law shall cease to be effective upon the withdrawal of the local

