

The Corporation of the Town of
New Tecumseth

By-law

Number 2020-137

"Prohibit Access to Municipal Recreational Facilities Due to COVID-19 By-law"

A by-law to prohibit access, use and booking of municipal recreational facilities to persons whose primary residence is in an area subject to more restrictive public health measures than the Town of New Tecumseth

Whereas pursuant to subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Municipal Act*"), municipalities may regulate or prohibit, or require persons to do certain things respecting a matter;

And Whereas pursuant to subsection 11(2), paragraphs 6 and 8, of the *Municipal Act*, a municipality may pass by-laws respecting the health, safety, and well-being of persons, and the protection of persons;

And Whereas on March 17, 2020, an emergency was declared in the Province of Ontario (Order in Council 518/2020) pursuant to Section 7.1 of the *Emergency Management and Civil Protection Act* due to the spread of the Novel Coronavirus, which causes COVID-19, a disease that is communicable from person to person close contact, primarily through respiratory droplets that are released through the nose and mouth;

And Whereas COVID-19 carries the risk of serious complications such as pneumonia and respiratory failure, which may cause death;

And Whereas on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a pandemic;

And Whereas the Province of Ontario has released and revised its COVID-19 Response Framework; Keeping Ontario Safe and Open – Lockdown Measures, designating the municipalities within health units within a system of colour-coded levels for public health measures based on indicators of COVID-19 transmission and their impact on the health system;

And Whereas in light of the public health emergency caused by the spread of COVID-19, it is therefore deemed desirable to put into place temporary regulations restricting access to municipal recreational facilities to those who reside in higher risk communities;

And Whereas the restricting of access to those from higher risk communities is further deemed to be a reasonable, practicable and effective method of limiting the spread of COVID-19 for the health, safety and well-being of residents of New Tecumseth;

Now Therefore the Council of The Corporation of the Town of New Tecumseth hereby enacts as follows:

Definitions

In this By-law:

- 1.1 **"Local User Groups"** means a local sports team or community group whose primary place of operations is within the municipal boundaries of the Town.

- 1.2 **“Municipal Recreational Facilities”** means Town operated facilities used for recreation purposes, including fitness centres, community centres, libraries, pools and sporting facilities;
- 1.3 **“Officer”** means:
- a) a Provincial Offences Officer of a municipality or other person appointed by or under the authority of a municipal by-law to enforce municipal by-laws;
 - b) Public Health Personnel acting under the direction of the Federal or Provincial Health Ministries including the Medical Officer of Health for the Simcoe Muskoka District Health Unit; or
 - c) an Officer of the Ontario Provincial Police or the Royal Canadian Mounted Police.
- 1.4 **“Person”** includes an individual of any age, a corporation, a partnership and an association, as applicable;
- 1.5 **“Provincial COVID-19 Response Framework”** means the framework established by the provincial government pursuant to the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17* and the regulations thereunder, as amended that establishes a system of colour-coded levels for public health measures based on indicators of COVID-19 transmission and their impact on the health system;
- 1.6 **“Provincial Offences Act”** means the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended;
- 1.7 **“Simcoe Muskoka District Health Unit”** means the public health unit identified as the Simcoe Muskoka District Health Unit or the public health unit that implements local public health directions for the Town;
- 1.8 **“Town”** shall mean The Corporation of the Town of New Tecumseth;
- 2.0 **Prohibited Access**
- 2.1 No person whose primary residence is in a municipal region or public health unit in Ontario that is subject to more restrictive public health measures, as established in the Provincial Covid-19 Response Framework, other than that of the Simcoe Muskoka District Health Unit or a designated area within the same, shall be permitted to access or use the Municipal Recreational Facilities, including but not limited to booking space at a Municipal Recreational Facility or participating in or accessing programs offered in Municipal Recreational Facilities.
- 2.2 Persons participating in or accessing programs, accessing, using or booking space at Municipal Recreational Facilities shall be required to confirm their primary place of residency by providing appropriate evidence of such residency. All persons shall comply with any such request for proof of residency.
- 3.0 **Exemptions**
- 3.1 Persons who are registered members or registered participants of a Local User Group are exempt from the restrictions set out in section 2.1 and 2.2 above.
- 4.0 **Enforcement and Inspection**
- 4.1 Every person who contravenes any provision of the By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

- 4.2 If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.
- 4.3 Every person who hinders, disturbs or obstructs any Officer in the carrying out of their duties as defined in the applicable Federal/Provincial legislation or contravenes any provision of this by-law unless otherwise provided herein is guilty of an offence and upon conviction, is liable to a fine pursuant to the Provincial Offences Act.
- 4.4 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 order made under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17*, as amended or *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9*, as amended.
- 4.5 This By-law may be cited as the "Prohibit Access to Municipal Recreational Facilities Due to COVID-19 By-law".
- 4.6 This By-law shall come into force and effect upon passage until repealed by Council.

Read a first, second and third time and finally passed this 30th day of November, 2020.

Mayor

Clerk