

**THE MUNICIPALITY OF SOUTHWEST MIDDLESEX**  
**BY-LAW NO. 2020/048**

**Being a by-law to impose temporary regulations requiring the wearing of masks  
or other face coverings within enclosed public spaces in the Municipality of  
Southwest Middlesex**

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

**WHEREAS** Novel Coronavirus is present within Middlesex County, and it causes the disease COVID-19 that 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** on March 17, 2020, an emergency was declared by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, and has been extended pursuant to section 7.0.7 of the Emergency Management and Civil Protection Act (“the Act”), due to the health risks to Ontario residents arising from COVID-19; and

**WHEREAS** an emergency was declared by the Municipality’s Head of Council on March 17, 2020 pursuant to the Act; and

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

**WHEREAS** the Municipality has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the Municipality, and the health, safety and well-being of persons; and

**WHEREAS** the following is deemed necessary, as there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the Municipality of Southwest Middlesex within 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 mask or face covering and encourage voluntary compliance; and

**WHEREAS** physical distancing is difficult to maintain in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations requiring businesses and organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a necessary, recognized, practicable and effective method to limit the spread of COVID-19 and

thereby help protect the health, safety and well-being of the residents of the Municipality of Southwest Middlesex;

**THEREFORE** the Council of the Municipality of Southwest Middlesex **ENACTS** the following:

1. (a) The Operator of an Establishment that is open to the public, shall adopt a policy as required under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
- (b) The Operator of the Establishment shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
2. (a) The policy shall include the following exemptions from the requirement to wear a Mask or Face Covering:
  - (1) children under twelve years of age;
  - (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
  - (3) persons who are unable to place or remove a Mask or Face Covering without assistance;
  - (4) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier; and
  - (5) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
- (c) Subject to the exemptions in section 2(a), the policy shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
- (d) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 2(a).
3. The Operator shall conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

**All persons entering or remaining in these premises shall wear a mask or face covering which covers the nose, mouth and chin as required under the Municipality of Southwest Middlesex By-Law 2020/048**

4. The Operator shall ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.
5. Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.
6. In this By-law, the following terms shall have the following meanings:

**"Establishment"** means any of the following:

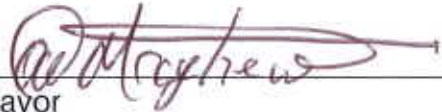
- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
- (b) churches, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums and other similar facilities;
- (e) community service agencies providing services to the public;
- (f) banquet halls, arenas, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (i) all facilities where entertainment may be offered from time to time.

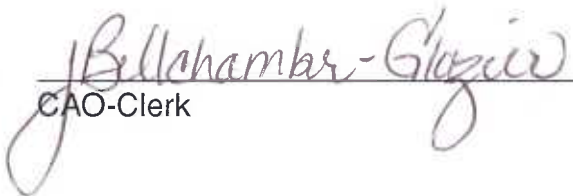
**"Mask or Face Covering"** means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.

**"Operator"** means a person or organization responsible for or otherwise controlling the operation of an Establishment.

7. Despite section 6 above, the following premises are NOT an Establishment for purposes of this By-law even if they would otherwise fall within the definition of an Establishment:
- (a) schools, post-secondary institutions, and child care facilities;
  - (b) private transportation and public transportation; and
  - (c) hospitals, independent health facilities and offices of regulated health professionals.
8. 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 the Emergency Management and Civil Protection Act.
9. This By-law shall come into force immediately upon Passing and shall remain in effect until the withdrawal of the local municipal health emergency described in the recitals of this by-law, or a date to be determined by the Mayor and the Chief Administrative Officer, in consultation with the Medical Officer of Health.

Enacted and passed on July 22, 2020.

  
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Mayor

  
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CAO-Clerk