



A BY-LAW TO PROMOTE AND REGULATE PHYSICAL DISTANCING DURING THE COVID-19 EMERGENCY.

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (**“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* (EMCPA, the Act) related to the COVID-19 Pandemic;

AND WHEREAS on March 19, 2020 The Corporation of the Town of Cobourg declared an emergency pursuant to Section 4 of the *Emergency Management and Civil Protection Act*;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to Municipal By-Law Enforcement Officers to enforce Orders Issued by the Province under the EMCPA (the Act);

AND WHEREAS pursuant to section 10 (2) of the *Municipal Act, 2001 as amended*, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Town of Cobourg considers it desirable to enact a by-law to support the intent and purpose of all the Provincial Orders made under the EMCPA (the Act) in order to protect the health, safety and well-being of persons in the Town of Cobourg through regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS the Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a physical distance of at least two (2) meters from individuals who are not members of the same household;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

PART 1 – DEFINITIONS

1.1 For the purpose of this By-law,

“Authorized Staff” shall mean a Municipal By-law Enforcement Officer whose duties include those provided for or assigned under this By-law, and shall include a Police Officer and other Provincial Offences Officer as defined under the Provincial Offences Act;

“Emergency First Responders” shall mean and include Cobourg Fire Department and Northumberland County EMS, and any other Enforcement Agency, providing enforcement or other emergency services duties within the Town of Cobourg;

“Guardian” shall mean a Person who has custody, care and control of an Individual who is a member of the same Household and includes a parent as defined in the *Family Law Act, R.S.O. 1990, c. F.3*;

“Town” shall mean the Corporation of the Town of Cobourg;

“COVID-19” Emergency shall mean the period of time commencing upon the date of passing this By-law until the Declaration of Emergency made by the Province of Ontario and the Town of Cobourg under the EMCPA in relation to the COVID-19 Pandemic has been terminated;

“Police Officer” includes an Officer of the Cobourg Police Service;

“Person” means a natural person who is at least 18 years of age;

“Property Owner/Manager” shall mean any person, governing body or agency which controls, governs or directs activity carried on in a Public Space and includes the person who is actually in charge thereof, but excludes the Town of Cobourg;

“Public Property” shall mean any land, premises or buildings owned, managed, or maintained by the Town, including highways, sidewalks, streets, any portion of a road allowance, parking lots, recreation centers, parks and playgrounds;

“Provincial Offences Act” means the *Provincial Offences Act, R.S.O 1990 c.P33*.

“Public Space(s)” shall mean any outdoor or indoor space which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

PART 2 – OFFENCES

- 2.1 Every person shall maintain a physical distance of at least two (2) meters from every other person who is not a member of the same household when on Public Property.
- 2.2 Every person shall maintain a physical distance of at least two (2) meters from every other person who is not a member of the same household when in a Public Space.

- 2.3 No Guardian shall permit or allow any individual under the age of 18 years from not maintaining a physical distance of at least two (2) meters from any other Individual, unless such individual is a member of the same Household when on Public Property or when in a Public Space.
- 2.4 Property Owner/Managers shall take reasonable measures to ensure compliance with section 2.2 by:
- a) Limiting the number of people allowed on their property;
 - b) Ensuring that the distancing measures specified in section 2.2 are being enforced on their property; and
 - c) Ensuring that persons who refuse to comply with section 2.2 are promptly asked to leave their property and are reported to the Town of Cobourg Authorized Staff upon failure to comply with the direction and provisions of this by-law.

PART 3 – EXEMPTIONS

- 3.1 This By-law does not apply to Municipal By-law Enforcement Officers, or Police Officers, Authorized Staff and other Emergency First Responders, while engaged in the lawful execution of their duties.

PART 4 – Administration and Enforcement

- 4.1 Municipal Staff who carry out any action under this By-law are deemed to be Authorized Staff for the purposes of this By-law, in the absence of evidence to the contrary.
- 4.2 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings structures or parts thereof that are subject to this By-law for the purposes of determining compliance with this By-law.
- 4.3 Despite section 4.2, inspections may only be performed in accordance with the *Municipal Act, 2001, as amended*, and other applicable governing law.
- 4.4 Where any person contravenes any provision of this By-law, Authorized Staff may direct such person, verbally or in writing to comply with this By-law. Every person so directed shall comply with such direction without delay.
- 4.5 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in exercise of any power or the performance of any activity or duty under this By-law.

- 4.6 Authorized Staff who has reasonable grounds to believe that a person has contravened any provision of this By-law may require that person to provide identification of themselves.
- 4.7 Every person who is required by an Officer to provide identification under Section 4.6 shall identify themselves to the Officer, giving their correct name, date of birth and address shall constitute as being sufficient identification. Failure to do so shall constitute obstruction of the Officer as per Section 4.5 of this By-law.

PART 5 – OFFENCES AND PENALTIES

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to any penalties imposed in accordance with the *Provincial Offences Act*, R.S.O 1990, and c.P.33, as amended as well as subject to the set fines set out herein Schedule “A” of this By-Law.
- 5.2 This By-law shall come into force and take effect on the date that the Regional Senior Justice of the Ontario Court of Justice approves each set fine as set out in Schedule “A” for offences under this By-law, and in accordance with the *Provincial Offences Act*, R.S.O 1990 CHAPTER P.33.

PART 6 – ADMINISTRATION

- 6.1 In the event a discrepancy between this By-law and any statute, regulation, rule, By-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails.
- 6.2 Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.
- 6.3 This By-law shall be referred to as the Cobourg Physical Distancing By-law.
- 6.4 This By-law shall become effective on the date approved by Town of Cobourg Municipal Council and shall remain in force during the COVID-19 Emergency.

Read in Open Council and passed on this 27th day of April, 2020.

MAYOR

MUNICIPAL CLERK

SCHEDULE "A"

**The Corporation of the Town of Cobourg
By-Law No. 025-2020:
A By-law to Promote and Regulate
Physical Distancing during the Covid-19 Emergency**

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions creating or defining offence	COLUMN 3 Set Fine
1.	Fail to maintain a physical distance of at least two (2) meters from another person on Public Property	Section 2.1	\$300.00
2.	Fail to maintain a physical distance of at least two (2) meters from another person in a Public Space	Section 2.2	\$300.00
3.	Guardian fail to prevent an Individual under the age of 18 years from maintaining a physical distance of at least two (2) meters from any other Individual in a public property or a public space.	Section 2.3	\$300.00
4.	Property Owner/Manager fail to ensure Physical Distancing in a Public Space	Section 2.4	\$600.00
5.	Obstructing an Officer or Authorized Staff	Section 4.5	\$600.00

NOTE: The general penalty provision for the offences listed above is Section 5.1 of By-law #025-2020, a certified copy of which has been filed.