

Staff Report 2021-0215

Meeting Date: June 15, 2021

Subject: Proposed Amendments to COVID-19 Mandatory Face Covering By-law 2020-47

Submitted By: Laura Hall, Director, Corporate Services / Town Clerk

RECOMMENDATION

That a by-law be enacted to amend COVID-19 Mandatory Face Covering By-law 2020-47 as outlined in Schedule A of Staff Report 2020-0215; and

That the requirement for a Public Open House pursuant to the Town's Public Notice Policy for the purpose of soliciting public input regarding the enactment of the proposed amendments, be waived.

REPORT HIGHLIGHTS

- Town Council enacted the COVID-19 Mandatory Face Covering By-law 2020-47 on July 7, 2020;
- The Mandatory Face Covering By-law contains a repeal date of June 30, 2021 with an option for Council to extend if, based on the advice of the Medical Officer of Health for the Region of Peel, face coverings continued to be required to reduce the transmission of the ongoing COVID-19 virus;
- Despite increased vaccine coverage, the Region of Peel continues to see high rates of community transmission of COVID-19 as well as the emergence of fast-spreading variants of concern. Dr. Loh addressed correspondence to the Mayors of the Regional municipalities on May 28, 2021, recommending a series of amendments to the local municipal mask by-laws to adapt the by-laws to emerging medical guidance.
- The following amendments are recommended to the Town's COVID-19 Mandatory Face Covering By-law 2020-47:
 1. Amend the title of the by-law to "COVID-19 Mandatory Face Mask By-law 2020-47";
 2. Scope the definition of acceptable forms of face masks and coverings;
 3. Require operators of public establishments where eating and drinking occur to designate an area within the establishment where the consumption of food and beverages shall occur; and,
 4. Extend the expiry date of the by-law from June 30, 2021 to September 30, 2021.

DISCUSSION

Town Council enacted the COVID-19 Mandatory Face Covering By-law 2020-47 ("Mandatory Face Covering By-law") on July 7, 2020 following Dr. Lawrence Loh, the Medical Officer of Health for the Region of Peel, advising that a by-law mandating the use of non-medical masks improves the protection of Peel residents from the COVID-19 virus.

The Mandatory Face Covering By-law requires individuals wear a face covering before entering and while inside public establishments and vehicles accessible to the public. Additionally, operators of businesses open to the public may not permit a person to enter or

remain in their public establishment without wearing a face covering. Operators are required in the Mandatory Face Covering By-law to adopt a policy to implement this masking requirement and post signs at all entrances to their public establishment or within their vehicle.

Despite an increase in vaccine coverage in the Region, the pandemic requires a continued response from all levels of government. The Peel Health Surveillance COVID-19 Weekly Epidemiologic Update for the week of June 4, 2021, attached as Schedule B to this Report, cites a test positivity rate of 11.2% for individuals tested between May 16-22, 2021.

Due to the continued community transmission of the virus in the Region of Peel, as well as the emergence of fast-spreading variants of concern, Dr. Loh has recommended amendments to face covering by-laws within the local municipalities' of Peel Region. In correspondence to the Mayors within Peel Region on May 28, 2021, attached as Schedule C to this Report, Dr. Loh makes the following four recommendations:

1. The title of the by-law should be amended from the "COVID-19 Mandatory Face Covering By-law 2020-47" to the "COVID-19 Mandatory Face Mask By-law 2020-47";
2. The definition of a mask or face covering should be changed to ensure masks and face coverings are well-fitted and can cover the nose, mouth and chin securely without gaps. The definition should exclude masks with exhalation valves, scarves, bandanas, neck gaiters or neck warmers;
3. Change the by-law to limit the removal of masks or face coverings for the consumption of food or drink only if the individual is in an area designated for that purpose when in a public establishment;
4. Extend the expiry date of the by-law from June 30, 2021 to September 30, 2021.

As per Dr. Loh's correspondence, these amendments bring the by-law in line with current public health guidance.

The draft amending by-law, attached as Schedule A to this Report, implements Dr. Loh's recommendations through an amendment to the title of the by-law and a replacement of the definition of "face covering" to "face mask" which includes the updated parameters and exclusions reflecting Dr. Loh's guidance.

Additionally, the limitation on eating and drinking only within designated areas is implemented through an amendment requiring operators of public establishments to designate an area within their establishment for that purpose and clearly mark it. The exemption from the masking requirements for persons who are consuming food or drinks is also amended to narrow the exemption for only persons consuming the food or drinks within the area designated by the operators.

The response to the pandemic at all levels of government requires flexibility and fluidity in order to maintain the health and safety of all persons therefore, staff recommend the by-law amendments attached as a Schedule A be adopted by Council.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the proposed amendment to the COVID-19 Mandatory Face Covering By-law 2020-47.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Proposed Amendment to COVID-19 Mandatory Face Covering By-law 2020-47

Schedule B: Peel COVID-19 Weekly Epidemiologic Update (June 4, 2021)

Schedule C: Correspondence from Dr. Loh, dated May 28, 2021, re: Recommended Amendments and Extension of the Municipal Mandatory Face Covering By-laws