

BY-LAW NO. 2020 –

A by-law of the City of Ottawa to amend By-law No. 2020-186 respecting mandatory masks in prescribed places.

The Council of the City of Ottawa enacts as follows:

1. The long title of By-law No. 2020-186 entitled “A by-law of the City of Ottawa of temporary application requiring that masks be worn in certain enclosed public spaces to limit the spread of COVID-19”, is repealed and replaced with the following:

A by-law of the City of Ottawa of temporary application requiring that masks be worn in certain prescribed spaces to limit the spread of COVID-19.

2. Section 1 of the said By-law No. 2020-186 is amended by:
 - (a) amending the definition of “Enclosed Public Space” to repeal item (k) and substituting the following definition therefor:
 - (k) other businesses, organizations and places that are permitted to operate in accordance with regulations made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c.17, or any successor legislation thereto; and,
 - (b) amending the definition of “Enclosed Public Space” to add the following definition immediately after (k):
 - (kk) vehicles-for-hire, namely taxicabs, limousines and private transportation company vehicles, as prescribed by the *Vehicle-For-Hire By-law (2016-272)*, as amended, while they are providing services to the public;
 - (c) amending the definition of “person” by repealing the term “applicable.” and replacing it with “applicable; and,”.
 - (d) adding the following definitions:

“Building Operator” means the person who controls, governs, directs, or is responsible for the oversight of the Enclosed Common Areas of a Condominium or Multi-Unit Residential Building and may include the board of directors, corporation, owner, landlord, or manager;

“Condominium” means a residential building governed under the *Condominium Act, 1998*, S.O. 1998, c.19, as amended;

“Designated Unenclosed Public Space” means any outdoor space to which the public is invited or permitted access, either expressly or by implication regardless of whether a fee is charged for entry, and includes City-owned or leased lands, including but not limited to a municipal highway or a sidewalk, and that is established by Order issued by the General Manager in accordance with Section 3A of this by-law;

“Enclosed Common Area” means an interior shared space or amenity, including but not limited to an entrance, lobby, laundry room, elevator or gym, found in a Condominium or Multi-Unit Residential Building;

“General Manager” means the General Manager of the Emergency Services Department of the City of Ottawa, and includes an authorized delegate;

“Medical Officer of Health” means the Medical Officer of Health for the Board of Health for the City of Ottawa Health Unit or an Associate Medical Officer of Health for the Board of Health for the City of Ottawa Health Unit that is acting under the authority of the Medical Officer of Health;

“Multi-Unit Residential Building” means a building used primarily for residential purposes, containing more than one individual dwelling unit;

“Order” means an order issued pursuant to this by-law to limit the risk and spread of COVID-19;

“Rescission” means the revocation of an Order issued under this by-law.

3. Section 2(1)(d) of the said By-law is repealed and replaced with the following:

- (d) a person who needs to temporarily remove their Mask while in the Enclosed Public Space, Designated Unenclosed Public Space, or Enclosed Common Area of a Condominium or Multi-Unit Residential Building for the purposes of:
 - (i) receiving services that require the removal of their Mask;
 - (ii) actively engaging in an athletic or fitness activity including water-based activities, including lifeguards working at indoor pools;
 - (iii) consuming food or drink; or
 - (iv) an emergency or medical purpose.

4. The said By-law No. 2020-186 is amended by repealing the heading “MANDATORY MASK IN ENCLOSED PUBLIC SPACE” immediately preceding Section 3 and substituting the heading “MANDATORY MASKS” therefor.

5. Section 3 of the said By-law No. 2020-186 is repealed and the following Sections and heading substituted therefor:

3. Subject to Section 2, every person who enters or remains in:
- (a) an Enclosed Public Space,
 - (b) a Designated Unenclosed Public Space, or
 - (c) an Enclosed Common Area of a Condominium or Multi-Unit Residential Building,
- shall wear a Mask in a manner that covers their mouth, nose, and chin.

DELEGATION OF AUTHORITY – DESIGNATED UNENCLOSED PUBLIC SPACE

- 3A. (1) The General Manager is authorized to issue an Order establishing a Designated Unenclosed Public Space, including setting out prescribed days or times of the day for the purposes of Section 3, provided that the General Manager is first satisfied that an Order is necessary for public health and safety, and that:
- (a) the Medical Officer of Health confirms in writing to the General Manager that an Order is necessary for the furtherance of public health and safety;
 - (b) the affected Ward Councillor and the affected Business Improvement Area, as applicable, have been notified;
 - (c) an Order shall expire within sixty (60) days of the date of issuance, unless otherwise stated to expire on an earlier date, as specified in the Order;
 - (d) an Order shall apply to a limited geographic area no greater than is necessary to address the factors set out in paragraphs (a) and (b) of subsection (3); and,
 - (e) for greater clarity, any and all Orders are rescinded immediately upon the date and time that this by-law is no longer in effect.
- (2) The General Manager is authorized to issue a Rescission to remove a Designated Unenclosed Public Space, as established under Section 3A(1), provided that the General Manager is first satisfied that the Rescission is appropriate for public health and safety, and that:
- (a) the Medical Officer of Health confirms in writing to the General Manager that a Rescission is appropriate for public health and safety;

- (b) the affected Ward Councillor and the affected Business Improvement Area, as applicable, have been notified.
- (3) In issuing an Order or a Rescission in accordance with subsections (1) and (2), the General Manager will consider:
 - (a) the number of substantiated complaints received, or circumstances noted through investigations by, the Emergency and Protective Services Department about the wearing of masks by general public while congregating in the Designated Unenclosed Public Space; and,
 - (b) the size and dimensions of the Designated Unenclosed Public Space and whether 2-meter physical distancing is practicable by the general public when congregating there.
 - (4) An Order or Rescission issued by the General Manager:
 - (a) may be served personally by a By-law Officer, or by regular mail, on the owner or owners of the Designated Unenclosed Public Space,
 - (b) may be posted in a conspicuous place on the property of the Designated Unenclosed Public Space, or,
 - (c) where the Designated Unenclosed Public Space applies to City-owned or leased lands, including a municipal highway, the Order or Rescission may be posted on the City of Ottawa website or other electronic medium, thereby giving public notice of same.
 - (5) The exercise of delegated authority pursuant to subsections (1) and (2) shall be reported to Council by electronic memorandum from the General Manager within seven (7) business days of the exercise of authority.

6. Section 4(2) is amended by repealing the term "XX" where it appears and replacing it with "186".

7. The said By-law is further amended by adding immediately after Section 4 the following heading and Section:

DUTY OF BUILDING OPERATOR

- 4A. (1) The Building Operator of a Condominium or Multi-Unit Residential Building shall post, at every entrance to the premises, prominent and clearly visible signage that contains the following messages:

All persons entering or remaining in the enclosed common areas of these premises must wear a mask that covers the nose, mouth, and chin as required under City of Ottawa By-law 2020-186.

Toutes les personnes qui entrent ou restent dans les espaces communs fermés de ces locaux doivent porter un masque qui couvre le nez, la bouche et le menton, comme l'exige le règlement 2020-186 de la Ville d'Ottawa.

- (2) The Building Operator of a Condominium or Multi-Unit Residential Building shall ensure the availability of alcohol-based hand rub at all entrances to the premises.

8. Section 10 of the said By-law No. 2020-186 is amended by repealing subsection (2) and replacing it with the following subsection:

- (2) This by-law is deemed to no longer be in effect and shall be repealed at 12:01 a.m. on November 1st, 2020, unless it is extended by Council.

ENACTED AND PASSED this 26th day of August, 2020.

CITY CLERK

MAYOR

BY-LAW NO. 2020 –

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A by-law of the City of Ottawa to amend
By-law No. 2020-186 respecting
mandatory masks in prescribed places.

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Enacted by City Council at its meeting of
August 26, 2020.

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COUNCIL AUTHORITY:
City Council – August 26, 2020
Agenda Item X