



Authority: Item 12, General Issues Committee
Report 20-009 (LS20017)
CM: June 24, 2020
Ward: City Wide
Bill No. 127

**CITY OF HAMILTON
BY-LAW NO. 20-127**

A By-law to Amend By-law No. 20-056 being a By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency in the City of Hamilton and to amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

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 (the “**Act**”) related to the COVID-19 Pandemic;

AND WHEREAS on March 27, 2020, the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the “**Provincial Orders**”);

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Council of the City of Hamilton enacted a by-law on April 8, 2020 to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS the Hamilton Region Conservation Authority (“**HRCA**”) has closed certain parks and waterfalls to further prevent the spread of COVID-19 in popular areas that attract numerous people and therefore makes it difficult to adhere to physical distancing restrictions and the HRCA has asked for the City’s support in enforcing these closures during the COVID-19 Emergency;

AND WHEREAS Council deems it necessary to amend the by-law to reflect changes to the Provincial Orders and to further prevent the spread of COVID-19 in areas where people tend to congregate;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That sections 2.3, 2.4 and 2.5 be repealed and replaced with the following:

2.3 No person shall attend or use a City of Hamilton owned or managed property or a Hamilton Region Conservation Authority owned or managed property when that property is closed, as indicated by signage or otherwise indicated as closed to the public.

3. Schedule A of By-law No. 17-225 is amended by repealing Table 22 and replacing it with the following:

TABLE 22: BY-LAW NO. 20-056 To Promote and Regulate Physical Distancing During the COVID-19 Emergency				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	20-056	2.1	Fail to maintain a distance of at least two (2) metres from another person	\$500.00
2	20-056	2.2	Proprietor fail to ensure physical distancing in Public Space	\$500.00
3	20-056	2.3	Attend/Use closed City of Hamilton or HRCA property	\$500.00
4	20-056	4.7	Obstructing an Officer or Authorized Staff	\$500.00

10. That in all other respects, By-law 20-056 and By-law 17-225 are confirmed; and

11. That the provisions of this by-law shall become effective on the date approved by City Council and shall remain in force during the COVID-19 Emergency.

PASSED this 24th day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk