



SUBJECT: By-law amendments to extend expiry dates of COVID-19 related by-laws

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Building and By-law Department

Report Number: BB-02-21

Wards Affected: All

File Numbers: 110-04-1

Date to Committee: January 14, 2021

Date to Council: January 19, 2021

Recommendation:

Approve the amendment to By-law 62-2020, otherwise known as the “COVID-19 Mask By-law”, to provide an expiry date of December 31, 2021, as attached as Appendix A to building and by-law department report BB-02-21, in a form satisfactory to the City Solicitor; and

Approve the amendment to By-law 17-2020, otherwise known as the “COVID-19 Physical Distancing By-law”, to provide an expiry date of December 31, 2021, as attached as Appendix B to building and by-law department report BB-02-21, in a form satisfactory to the City Solicitor.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

Staff recommend extending the expiry dates of both the Mask (62-2020) and Physical Distancing (17-2020) By-laws until the end of 2021 (currently expire on January 31, 2021).

While it is understood that vaccines for the COVID-19 virus will be available in 2021, it will take many months before the majority of people can obtain the vaccine. It is anticipated that the current Public Health recommendations regarding physical distancing and the wearing of masks will remain in place until such time that the vaccines have been widely distributed and virus levels can be controlled at an acceptable level. For this reason, staff are recommending that the by-laws remain in place.

Should conditions change, the by-laws can be revoked at any time via a motion from Council.

Alternative Option for Mask By-law

An alternative for consideration would be to allow the City of Burlington Mask By-law to expire at the end of January and have staff enforce the Region of Halton Mask By-law 47-20. Currently, Burlington is the only city within the Region of Halton with their own mask by-law. While similar, there is one main difference in that the Region of Halton allows enforcement of individuals who refuse to wear a mask (and do not have an exemption) whereas the City Burlington by-law limits enforcement to building and business owners. Benefits of this option include:

- **Consistent enforcement across the Region** - as the pandemic continues, the enforcement focus is on a regional, proactive approach where the local municipalities join with regional staff to enforce COVID-19 related by-laws. Having all enforcement staff working from the same by-law would bring consistency to enforcement in the region.
- **Fewer steps for customers** - In an attempt to reduce enforcement calls related to mask by-laws, calls to the COVID Hotline are being redirected to Halton 311 as many calls can be handled through education versus enforcement. Questions about Burlington by-laws are redirected to us which means the customers are passed on another 1-2 times (usually through Service Burlington and then on to Building Department). While the current volume is not high (currently 3 per day), it would prevent the extra steps from a customer perspective.

Financial Matters:

Not Applicable. There are no financial impacts related to these by-law changes.

Other Resource Impacts

The introduction of COVID-19 By-laws has impacted staff's ability to maintain service levels in other by-law enforcement areas. When the initial COVID-19 lockdown

occurred, by-law staff were diverted to proactively to enforce COVID-19 related by-laws which created a backlog of regular requests.

Prior to the pandemic, staff worked regular, Monday to Friday business hours (with special evening/weekend patrols for noise). As COVID-19 is a constant issue, shifts were changed to provide additional coverage during the evenings and weekends. This resulted in less staff available per shift (2 - 4 for all 6 Wards) which increased the workload pressure on staff and affected the previous work-life balance of employees who were now working shifts.

Senior staff have been working with the Region to secure funding for additional temporary staff to help with COVID enforcement. This will help alleviate the workload pressure should funding be granted. However, until the COVID-19 pandemic is over, by-law enforcement service levels continue to be affected.

Conclusion:

Staff recommend maintaining by-laws related to physical distancing and wearing of masks for the duration of 2021 as it is anticipated that Public Health recommendations regarding these measures will continue to be valid during this period.

Respectfully submitted,

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Manager of By-law

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Appendices:

- A. Amendment to Mask By-law 62-2020
- B. Amendment to Physical Distancing By-law 17-2020

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.