Date: July 14, 2020

Report No.: 2020-325

To: Mayor and Members of City Council

From: Brian Hutchings
Chief Administrative Officer

<table>
<thead>
<tr>
<th>1.0 Type of Report</th>
<th>Consent Item</th>
<th>[]</th>
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<tbody>
<tr>
<td></td>
<td>Item For Consideration</td>
<td>[X]</td>
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<tr>
<th>2.0 Topic</th>
<th>Mandatory Face Coverings in Public Places [Financial Impact: $20,000]</th>
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<th>3.0 Recommendation</th>
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A. THAT Report 2020-325 Mandatory Face Covering in Public Places BE RECEIVED;

B. THAT the Clerk BE DIRECTED to place the Face Covering By-law, attached to Report 2020-325 as Appendix “A”, before Council for consideration.

<table>
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<tr>
<th>4.0 Purpose and Overview</th>
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Report 2020-325 provides Council with information related to the use of face masks or coverings as a preventative measure against the spread of COVID-19. This report presents a draft by-law to require the wearing of face coverings in prescribed, enclosed public places in response to the COVID-19 pandemic for Council’s consideration. The draft by-law to mandate the wearing of face coverings in enclosed public places can be found as Appendix A.

| 5.0 Background |
On March 11, 2020 the World Health Organization declared coronavirus (COVID-19) a global pandemic. To prevent the future spread of COVID-19, all levels of government have taken immediate emergency action. On March 17, 2020, the Ontario Government declared a state of emergency under s 7.0.1 (1) the Emergency Management and Civil Protection Act. The City of Brantford followed with a municipal declaration of a state of emergency on March 19, 2020. Due to the ongoing need for emergency coordination and management, Council passed a resolution on April 16, 2020 that approved an extension of the emergency declaration until the Mayor, in consultation with the Emergency Operations Advisory Committee, determined that the emergency is over.

The City’s Emergency Operation Advisory Committee has taken numerous actions in order to protect the health and safety of residents, staff and visitors to Brantford by enforcing Provincial emergency orders such as the closure of non-essential businesses and amenities; and the prohibition on the gatherings of groups of people. The City also imposed local measures such as the cancellation of summer events and programs, and limits on transit ridership numbers, for example. The City has been in consultation with the Brant County Health Unit, where appropriate, to ensure decisions are made in line with emergency public health best practices. The use of face coverings are currently emerging as a recommended public health practice for individuals who enter public, indoor spaces to prevent the further spread of the COVID-19 virus. A number of Canadian municipalities and health authorities have mandated the use of masks in public spaces.

On June 30, 2020, the Acting Commander of the Emergency Operations Committee requested advice and recommendations from the Brant County Health Unit’s Medical Officer of Health, Dr. Urbantke, regarding mandating the use of masks or face coverings in public by way of municipal by-law. Dr. Urbantke’s recommendations are discussed in Section 8.1.1 of this Report.

6.0 Corporate Policy Context

Emergency Management

7.0 Input From Other Sources

Brant County Health Unit

Legal and Real Estate Services

By-law
8.0 Analysis

As communities begin to reopen services, amenities and business establishments, more people will come in contact with one another which increases the risk of exposure to COVID-19. Municipalities are concerned with how to mitigate these risks and ensure the health and safety of residents. As noted above, the use of masks or face coverings is increasingly being supported by scientific evidence and is being recommended by local and provincial health authorities. A growing number of Ontario municipalities and health authorities have mandated the use of masks in indoor public places. As of July 8, 2020 the following municipalities have introduced by-laws mandating the public to wear masks in indoor spaces:

- Toronto
- Durham
- Waterloo
- Peel
- Kingston
- Windsor-Essex County
- Wellington-Dufferin-Guelph
- Lennox and Addington County
- Frontenac County
- Middlesex-London (on public transit and where physical distancing is not possible)
- Prescott-Russell
- Leeds and Grenville
- Lanark
- Renfrew County
- United Counties of Stormont, Dundas and Glengarry
- Sudbury-Manitoulin
- Nipissing District
- St. Catherine’s
- Halton Hills

The list of municipalities and regions introducing measures to mandate the wearing of mask or face coverings continues to grow each day.
8.1.1 Public Health Advice and Recommendations

On July 7, 2020, Dr. Urbantke provided advice and recommendations to the Emergency Operations Committee with regard to the mandating of face coverings in public places.

Dr. Urbantke noted that despite the relatively low number of cases within the Brantford-Brant region currently, the threat of Covid-19 remains a concern. In order to avoid an increase in cases, residents must continue to practice public health measures such as good hand hygiene, respiratory etiquette, staying home when sick, physical distancing, and wearing a face covering or mask when physical distancing cannot be achieved.

It was noted that with the reopening of businesses, amenities and services across the City, the ability to maintain physical distancing at all times will become an increasing challenge. Wearing face coverings or masks can help to mitigate risks where physical distancing is difficult or not possible. The following is an excerpt from Dr. Urbantke's letter, which points to the following evidence to support the use of masks by the general public:

“The evidence for the use of non-medical masks by the general public continues to evolve, especially for the prevention of spread from those who may be contagious with no or minimal symptoms. Face coverings or non-medical masks protect others by preventing the spread of respiratory droplets from coughing, sneezing or talking from the person wearing the mask to others.\(^1\) Studies have shown that at a high level of compliance (80%) of face covering or non-medical mask wearing can reduce the spread of COVID-19.\(^2\) Jurisdictions that have mandated the use of face coverings or non-

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medical masks in public settings have seen more people complying with the wearing of masks. In addition, face covering use may serve as a reminder to perform other public health measures and that everyone must do their part to stop the spread of COVID-19 and local resurgence of the disease.\textsuperscript{3}

Dr. Urbantke’s letter concluded with an endorsement of the enactment of a municipal by-law requiring masks or face coverings indoor public spaces. In her letter, she states:

“As the Acting Medical Officer of Health of Brant County Health Unit, I support the enactment of a bylaw requiring masks and face coverings in indoor public spaces and public transit for the protection of the health, safety and well-being of residents. Those who are unable to remove their face covering independently, children under two years old, and those unable to wear a mask for medical reasons should be exempted.”

For the full letter from Dr. Urbantke, Acting Medical Officer of Health for the Brant County Health Unit, see Appendix B.

8.1.2 Legislative Authority

The Province of Ontario has not mandated the use of face coverings or masks to date; however, municipalities and health units are able to do so through various governing Acts. Medical Officers of Health can use Section 22 powers the Health Protection and Promotion Act (HPPA) to mandate the use of masks. Similarly, municipalities can mandate the use of masks through the creation of a municipal by-law under the powers provided to them pursuant to the Municipal Act, 2001. Finally, the Head of Council may, during a declared emergency, issue in order pursuant to section 4(1) of the Emergency Management and Civil Protect Act (EMCPA), where the municipality’s emergency plan provides for such an action.

8.1.3 Overview of the Face Covering By-law

The draft By-law mandates the wearing of masks or face coverings in enclosed public places within the City of Brantford. The By-law outlines requirements for individuals and well as owners and operators of public places such as business establishments.

The draft By-law states that every person within the City of Brantford shall wear a face covering when in an enclosed public space, and that guardians of children aged 2 and older must ensure they are also wearing a face covering. The draft By-law outlines a number of exemptions and states that proof of these exemptions is not required. Persons exempt from the by-law include:

i. a child who is under the age of 2 years old;
ii. a child between the ages of 3 and 5 who refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
iii. a person who is unable to put on or remove a face covering without assistance;
iv. a person with a medical condition or other disability that inhibits their ability to wear a face covering, including persons who are reasonably accommodated pursuant to the (Ontario) Human Rights Code by not wearing a face covering;
v. employees or agents of the owner or operator of any enclosed public place within or behind a physical barrier or within an area designated for them and to which the general public is not invited;
vi. any paramedic, fire fighter or police officer acting in the course of their duties.

The draft By-law also outlines requirement for establishments. Owners or operators of enclosed public places are required to post clear, visible signage at all entrances and the signs must contain the following text:

"Protect each other.

Wear a face covering.

Cover your nose, mouth, and chin.

Required by the Face Covering By-law.

Does not apply to children under the age of two and those who are unable to wear a face covering as a result of a medical condition or disability."
The draft By-law also requires owner and operators of enclosed public places to prohibit a person from entering or remain in the enclosed public place without a face covering.

### 8.1.4 Education & By-law Enforcement

If approved, the By-law would be enforceable by way of an officer with the Brantford Police Service, a municipal law enforcement officer or by-law officer with the City of Brantford.

As Council is well aware, education is a key component of enforcement. A proposed education and awareness campaign estimated at approximately $20,000 is recommended as part of the implementation of the new by-law. The campaign would be initiated immediately following the approval of Council. The campaign will educate residents on the importance of wearing a face covering and raise awareness of the provisions within the By-law, including the exemptions. Individuals with disabilities may not be able to wear a mask, for example.

Enforcement officers will take an education – first approach to enforcement. Individuals; however, who repeatedly contravene or blatantly ignore the provisions of this By-law may be found guilty of an offence and liable to a fine.

### 8.1.5 Timelines

If approved by Council, the by-law will come into effect on Monday, July 20, 2020 and remain in place until it is repealed by a decision of Council. Staff will continue to update Council on the most recent public health guidelines and evaluate the need for the by-law to remain in place.

### 9.0 Financial Implications

The costs of the media education campaign are outlined below for Council's consideration:

**Mandatory Face Coverings By-law - Awareness Campaign**

**Recommended Media Plan – July 8, 2020**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>Expositor print and online</td>
<td>$4,200.00</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 6 weeks</td>
</tr>
<tr>
<td>Service Description</td>
<td>Cost</td>
<td>Duration</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>---------</td>
<td>-------------------</td>
</tr>
<tr>
<td>brantfordexpositor.ca &amp; FB sponsored content</td>
<td>$2,000.00</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 6 weeks</td>
</tr>
<tr>
<td>Laurier Brantford publications (Sputnik &amp; Orientation Book)</td>
<td>$2,500.00</td>
<td>Digital May Orientation book &amp; Sputnik x 4 ads Sept/Oct</td>
</tr>
<tr>
<td>Social Media Boosts from City Accounts</td>
<td>$1,500.00</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 6 weeks</td>
</tr>
<tr>
<td>Intrigue Media (50 community screens)</td>
<td>$3,500.00</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 10 weeks</td>
</tr>
<tr>
<td>Outdoor Digital Boards (4 Locations)</td>
<td>$6,300.00</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 10 weeks</td>
</tr>
<tr>
<td>City Housing and Facilities</td>
<td>In House</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; x 10 weeks</td>
</tr>
<tr>
<td>Website Content</td>
<td>In House</td>
<td>Immediately - Dedicated page under City’s Coronavirus Response microsite on brantford.ca</td>
</tr>
<tr>
<td>Media Relations (media advisories/releases)</td>
<td>In House</td>
<td>July 15&lt;sup&gt;th&lt;/sup&gt; launch – ongoing Public Notice roll out</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,000</strong></td>
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10.0 Conclusion

As the City of Brantford and the surrounding community moves towards reopening, there are increased opportunities for exposure to COVID-19. Despite the relatively low-level of cases, the City of Brantford is committed to mitigating risks and ensuring the health and safety of all residents. The use of masks or face coverings is emerging as a recommended public health practice, and has been shown to reduce transmission of the virus. The City’s Emergency Operating Committee sought advice from Dr. Urbantke, the Brant County Health Unit Medical Officer of Health, related to the mandating of face coverings or masks. Dr. Urbantke’s response provided evidence to support the use of masks,
and supported the City in mandating face coverings or masks through the introduction of a municipal by-law. The Face Covering By-law is presented in this report for Council’s consideration, and if approved will come into effect on July 20, 2020 in tandem with an education media campaign.
Brian Hutchings,
Chief Administrative Officer

Attachments (if applicable)

Appendix A: Draft Face Covering By-law

Appendix B: Letters from the Acting Medical Officer of Health of the Brant County Health Unit to the Emergency Operations Committee

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required [X] yes [ ] no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk [X] yes [ ] no

Is the necessary by-law or agreement being sent concurrently to Council? [X] yes [ ] no