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## **MEMORANDUM**

**CAO 19-2020**

**Subject:** Update on Niagara Region's Face Covering By-law  
**Date:** September 17, 2020  
**To:** Regional Council  
**From:** Ron Tripp, Acting Chief Administrative Officer

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This memo seeks to provide Regional Council with an update on the implementation and public reception of Niagara Region's Face Covering By-law 2020-46, adopted on July 23, 2020, and in effect since July 31, 2020. The by-law contains a provision for automatic expiry of the by-law on October 1, 2020. As such, a by-law to amend By-law 2020-46 has been placed on the September 17, 2020, Council agenda to extend the timeframe and instead have the by-law automatically expire at 12:01 a.m. on April 1, 2021, consistent with public health advice. Council has the authority to extend or repeal the by-law sooner by resolution of Council.

### **Educational approach to enforcement**

The primary objective of the by-law has been to educate the public about the importance of wearing face coverings in enclosed public places and gain voluntary compliance to reduce the spread of COVID-19. Since the by-law came into effect on July 31, the vast majority of both businesses and residents have embraced the requirements and this educational approach has proven very successful.

### **Dispelling myths**

Since the by-law came into effect, Niagara Region has been working to dispel several common misperceptions around the by-law, emphasizing the following key messages:

1. The by-law applies to enclosed public places. It does not apply to outdoor locations (sidewalks etc.) or to indoor locations accessible only to staff.
2. While the Region's by-law sets minimum requirements for face-coverings, individual businesses may, at their discretion, implement their own policies that exceed the requirements of the by-law.

3. Niagara Region's Face Covering By-law includes a number of exemptions. Not everyone can wear a mask and many disabilities are invisible. There is no requirement for people to provide proof that they are exempt from the minimum requirements of the by-law.
4. These messages have been consistently shared with residents and businesses through a variety of means throughout August, including:
  - Comprehensive web content, including detailed Q&As, downloadable posters, guides and more, hosted [on the Region's website](#),
  - Staff outreach to businesses, school boards, community organizations and others
  - Social media posts
  - Public service announcements
  - Media interviews through traditional (newspaper, radio) and online media outlets

Regional staff will continue to use these and other means to educate residents and businesses, reinforcing the importance of wearing face coverings when in enclosed public places to keep COVID-19 cases low.

### **Complaints and questions**

Residents are able to submit by-law related complaints directly to their local municipality's by-law office. They may also call Niagara Region's dispatch line.

Since July 31, Niagara Region has received and responded to 25 complaints related to the Face Covering By-law. 16 follow-ups were conducted over the phone, and nine were attended by a By-law Officer in-person. In the majority of these cases, the caller had misinterpreted the requirements of the by-law. Several resulted in Regional By-law Officers educating businesses. To date, Regional By-law Officers have not issued any charges or warnings.

Questions around the by-law have also been received through online inquiry. Since July 31, the Region has also received approximately 25 inquiries through direct social media messages, and approximately 80 website inquiries via email. The Region's dedicated by-law web page generated over 8,500 page views. Regional Public Health Inspectors also received 189 inquiries related to the by-law.

Regional By-law Officers will continue to use an educational approach in responding to complaints and questions regarding the by-law.

### **Current COVID-19 Risk**

COVID-19 continues to circulate in Niagara. The Greater Toronto Area is seeing a large resurgence of cases. As well, Niagara's neighbouring jurisdictions of Hamilton, Niagara County (New York), and Erie County (New York) continue to see higher circulation of infection than we do here. Countries around the world (UK, Spain, South Korea) are experiencing second waves of infection, as is the province of British Columbia. The advice of Public Health remains that COVID-19 persists as a threat to Niagara with a resurgence of infections possible at anytime.

In addition to first-line prevention measures such as keeping physical distance from others and washing/sanitizing hands frequently, Public Health continues to recommend wearing face coverings as an important adjunct that protects the community from the risk of COVID-19. As the weather becomes colder and people spend more time indoors, indoor spaces are likely to become more crowded. As this happens, wearing face coverings will become even more important to protect the community.

Most public health expert bodies express optimism that a vaccine may be available for the middle of 2021. They caution that this vaccine will not end the pandemic and the risk of COVID-19 will persist. However, if there is widespread uptake of the vaccine, it would reduce the risk of illness significantly. At that time, recalibration of preventive measures in society would be warranted.

Given this timeline, and given the increased risk of COVID-19 over the winter months, Public Health anticipates that vigilance around wearing face coverings will continue to be recommended until at least the spring, and likely longer. An extension of this bylaw to April 1, 2021 reflects this timeline of ongoing public health advice to wear face coverings.

Other jurisdictions in Ontario (Toronto, Ottawa, Mississauga, Brampton) are similarly extending their face covering bylaws.

Respectfully submitted and signed by

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Ron Tripp, P. Eng  
Acting, Chief Administrative Officer