



## City of Hamilton

# SPECIAL CITY COUNCIL AGENDA

22-006

Monday, March 21, 2022, Immediately following the conclusion of the Board of Health meeting  
Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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### Call to Order

#### 1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with \*)

#### 2. DECLARATIONS OF INTEREST

#### 3. MOTIONS

3.1. Repealing of the City's Physical Distancing By-law and Face Covering By-law

#### 4. BY-LAWS AND CONFIRMING BY-LAW

4.1. 050

Being a By-law to Repeal By-law No. 20-164, a By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

Ward: City Wide

4.2. 051

Being a By-law to Repeal By-law No. 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

Ward: City Wide

4.3. 052

To Confirm the Proceedings of City Council

**5. ADJOURNMENT**

# CITY OF HAMILTON

## M O T I O N

Special Council Date: March 21, 2022

**MOVED BY MAYOR F. EISENBERGER.....**

**SECONDED BY COUNCILLOR .....**

### **Repealing of the City's Physical Distancing By-law and Face Covering By-law**

WHEREAS the Province of Ontario entered the Roadmap Exit Step on March 1, 2022;

WHEREAS the Ministry of Health announced their plan for "Living with and Managing Covid-19" on March 9, 2022, which outlined the province's plan to safely and cautiously reopen the province and gradually lift all public health measures by April 27, 2022;

WHEREAS the cases of COVID-19 are relatively low and vaccination rates are high and increasing in Hamilton;

WHEREAS Council deems it necessary to repeal the City's Physical Distancing By-law and to rely on the Province's regulations or guidance re same; and

WHEREAS Council deems it necessary to repeal the City's Face Covering By-law and to rely on the Province's regulations or guidance re same;

THEREFORE, BE IT RESOLVED:

- (a) That the By-law to repeal By-law 20-155, as amended, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties; By-law 20-164, A By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to Amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties and By-law 20-202, A By-law to Amend By-law No. 20-155, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces, in their entirety, be passed; and
- (b) That the By-law to amend By-law No. 17-225, as amended, being a By-law to Establish a System of Administrative Penalties, as follows, be passed:
  - (i) deleting the following table in its entirety:
 

Table 22: By-law No. 20-164 to Promote and Regulate Physical Distancing
  - (ii) deleting the following table in its entirety:
 

Table 25: By-law No. 20-155 to Face Coverings By-law

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **Being a By-law to Repeal By-law 20-164, a By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties**

**WHEREAS** the Province of Ontario entered the Roadmap Exit Step on March 1, 2022;

**AND WHEREAS** the Ministry of Health announced their plan for “Living with and Managing Covid-19” on March 9, 2022, which outlined the province’s plan to safely and cautiously reopen the province and gradually lift all public health measures by April 27, 2022;

**AND WHEREAS** the cases of COVID-19 are relatively low and vaccination rates are high and increasing in Hamilton;

**AND WHEREAS** Council deems it necessary to repeal the City’s Physical Distancing By-law and to rely on the Province’s regulations or guidance re same;

**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 By-law 20-164, a By-law to Promote and Regulate Physical Distancing in the City of Hamilton be repealed in its entirety:
3. That Schedule A of By-law No. 17-225 be amended by deleting the following table in its entirety:

Table 22: By-law No. 20-164 to Promote and Regulate Physical Distancing

4. The repeal and amendment of the above-mentioned by-laws does not:
  - (a) affect the previous operation of the repealed or amended by-law;
  - (b) affect a right, privilege, obligation or liability that came into existence under the repealed or amended by-law;
  - (c) affect an offence committed against the repealed or amended by-law, or any penalty, forfeiture or punishment incurred in connection with the offence;

(d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 4(b), or a penalty, forfeiture or punishment described in section 4(c).

6. An investigation, proceeding or remedy described in section 4(d) may be commenced, continued and enforced as if the by-law had not been repealed or amended.
7. A penalty, forfeiture or punishment described in section 4(c) may be imposed as if the by-law had not been repealed or amended.
8. That in all other respects By-law 17-225 is confirmed; and
9. That the provisions of this by-law shall become effective on the date approved by City Council.

**PASSED** this 21<sup>st</sup> day of March, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-051**

#### **Being a By-law to Repeal By-law 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties**

**WHEREAS** the Province of Ontario entered the Roadmap Exit Step on March 1, 2022;

**AND WHEREAS** the Ministry of Health announced their plan for “Living with and Managing Covid-19” on March 9, 2022, which outlined the province’s plan to safely and cautiously reopen the province and gradually lift all public health measures by April 27, 2022;

**AND WHEREAS** the cases of COVID-19 are relatively low and vaccination rates are high and increasing in Hamilton;

**AND WHEREAS** Council deems it necessary to repeal the City’s Face Covering By-law and to rely on the Province’s regulations or guidance re same;

**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 By-law 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces be repealed in its entirety;
3. That By-law 20-202, A By-law to Amend By-law No. 20-155, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces be repealed in its entirety;
4. That Schedule A of By-law No. 17-225 be amended by deleting the following table in its entirety:

Table 25: By-law No. 20-155 to Face Coverings By-law

5. The repeal and amendment of the above-mentioned by-laws does not:
  - (a) affect the previous operation of the repealed or amended by-law;
  - (b) affect a right, privilege, obligation or liability that came into existence under the repealed or amended by-law;
  - (c) affect an offence committed against the repealed or amended by-law, or any penalty, forfeiture or punishment incurred in connection with the offence;

- (d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 5(b), or a penalty, forfeiture or punishment described in section 5(c).
6. An investigation, proceeding or remedy described in section 5(d) may be commenced, continued and enforced as if the by-law had not been repealed or amended.
  7. A penalty, forfeiture or punishment described in section 5(c) may be imposed as if the by-law had not been repealed or amended.
  8. That in all other respects By-law 17-225 is confirmed; and
  9. That the provisions of this by-law shall become effective on the date approved by City Council.

**PASSED** this 21<sup>st</sup> day of March, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

To Confirm the Proceedings of City Council at its special meeting held on March 21, 2022

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 21<sup>st</sup> day March, 2022, in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.
  
2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 21<sup>st</sup> day of March, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk