

Corporation of the Town of Newmarket

Emergency Order No. 2 – An Order to further support Provincial and Public Health regulations by requiring all Town of Newmarket businesses comply with the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17* (“ROA”), *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* (“HPPA”), and any other legislation introduced in relation to COVID-19.

Whereas the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (“COVID-19 pandemic”);

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 (“EMCPA”) related to COVID-19;

Whereas Section 4 of the EMCPA provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

Whereas on March 18, 2020 the Corporation of the Town of Newmarket declared an emergency pursuant to Section 4 of the EMCPA;

Whereas the Province of Ontario has issued Orders under the EMCPA and ROA to prohibit and regulate certain activities in the interest of public health, safety and wellbeing during the COVID-19 Emergency;

Whereas the Medical Officer of Health for the Regional Municipality of York has issued an Order under Section 22 of the HPPA to prohibit and regulate certain activities in the interest of public health, safety and wellbeing during the COVID-19 Emergency;

Whereas Section 11(2) of the Municipal Act provides that a municipality may pass bylaws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; and Protection of persons and property, including consumer protection;

Whereas Section 425 of the Municipal Act provides that any person who contravenes any by-law of the municipality is guilty of an offence;

Whereas Section 429 of the Municipal Act provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Act;

Whereas the Corporation of the Town of Newmarket considers it desirable to enact regulations to support the intent and purpose of the Provincial orders made under the EMCPA, ROA and HPPA in order to protect the health, safety and wellbeing of all persons within the jurisdictional boundaries of the Town of Newmarket, by prohibiting or regulating certain activities of individuals and businesses during the COVID-19 Emergency;

Whereas in accordance with Section 4(2)(a) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket

believes that it is necessary to utilize the delegated authority to address a situation in a timely manner;

Whereas in accordance with Section 4(2)(c) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket believes that the actions authorized under the delegated authority are exercised in a manner, which, consistent with the objectives, reasonably limits their intrusiveness;

Whereas in accordance with Section 4(2)(d) and 4(2)(e) of the Town of Newmarket Emergency Measures By-law 2020-20, the Mayor of the Town of Newmarket believes the exercise of the delegated authority only applies to the areas of the Town where it is necessary and the Order is effective only for as long as is reasonably necessary;

Therefore, I, John Taylor, Mayor of the Town of Newmarket, enact by the issuance of this Order, the following regulations with respect to the Town of Newmarket:

1. Actions to be taken by any Person who owns, operates, or manages any Business in the Town of Newmarket:

Every Person who owns, operates, or manages any Business in the Town of Newmarket shall take the following actions effective December 3, 2020:

- (a) Comply with all federal, provincial, and public health regulations imposed, pursuant to the EMCPA, ROA, HPPA, and any other legislation introduced in relation to the Covid-19 Emergency; and

2. Actions to be taken by the Town for noncompliance:

Any Person or Business who fails to comply with this Order shall be liable for any fines imposed pursuant to the Town of Newmarket Administrative Monetary Penalty System By-law 2019-62, as amended:

Section 3(8) – Failure to comply with any order made during a declared emergency.

3. The above restrictions are revoked thirty (30) days from the date of this Order unless Council of the Town of Newmarket authorizes an extension of this Order.

Enacted this 3rd day of December, 2020.



John Taylor, Mayor



Jag Sharma, Chief Administrative Officer