

# Town of Lakeshore

## Mask By-law FAQ



September 4, 2020

Frequently Asked Questions regarding By-law 78-2020, the Mandatory Mask By-law.

### FAQ's for Individuals

What qualifies as a mask or face covering?

This can include a medical or non-medical mask or face covering such as a bandana, scarf, construction of cloth, linen or similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers.

A face shield does not meet the definition of a mask under this by-law.

Where am I required to wear a mask?

Essentially, you are required to wear a mask in any place in Lakeshore that is indoor and open to members of the public whether a fee is charged to be there or not.

Are any people exempt from wearing a mask?

There are a number of circumstances where people are not required to wear masks and are exempt from the requirement:

- Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
- Persons who are unable to place or remove a Face covering without assistance;
- Employees or agents of the Establishment within an area designated for them and not publicly accessible, or in an area separated by a physical barrier;
- Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code;
- Persons in an Establishment, while receiving services that require the removal of the Face covering, including but not limited to eating or drinking;
- While actively engaging in an athletic or fitness activity;
- Police, fire or paramedics where it may interfere with the performance of their

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duties;

- Persons participating in a religious service for rituals which require an uncovered mouth; and,
- Persons under the age of 2 years.

Do people need to show proof that they are exempt from the by-law?

No person is required to provide proof of any of the exemptions set out in by-law before entering an enclosed public space.

How will this by-law be enforced?

The Town of Lakeshore is taking a proactive, education-first approach to the Mandatory Mask By-law. By-law Compliance Officers, Public Health Inspectors and OPP would prefer to ensure that people are complying with the by-law instead of pursuing fines or charges.

What happens if someone breaches the by-law?

A person who breaches the by-law may be charged with a Provincial Offence. A Justice of the Peace would decide the amount of the fine if the person is found guilty.

How do I report someone for not wearing a mask?

If you have concerns about someone not wearing a mask, please keep in mind that there are a number of exemptions to the by-law and there is no requirement for people to prove their condition or disability. Many conditions are invisible. Residents and business owners should take people at their word and be kind and respectful.

If anyone appears to be willfully contravening the by-law, residents should discuss the violation with the business operator first. After this, if you wish to report that another resident or local business is not in compliance with the by-law, they can do so by calling 519-728-2700.

Do I still need to stay 2 metres away from others if I am wearing a mask?

Yes. Wearing a mask is not an alternative to physical distancing. Every effort should be made to keep a 2 metre distance even when wearing a mask.

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Am I required to wear a mask at the gym, fitness class, yoga studio, etc.?

Sports facilities, sports clubs, gyms, yoga studios, dance studios, and stadiums are considered an enclosed public space and masks are required. However the By-law allows for the temporary removal of masks while actively engaging in an athletic or fitness activity.

Do I have to wear a mask while attending an indoor religious service?

Yes. Masks are required in the interior areas of churches, mosques, synagogues, temples or other places of worship where the public is invited or permitted access. There is no exemption in the by-law for the congregation to remove their masks during worship. Pastors, priests, or speakers in religious institutions may remove their masks to address their congregations if they arrange a space where members of the public or congregation cannot access them.

Are mask required during an indoor wedding ceremony and/or reception?

Yes. Masks are required during the ceremony, reception and any indoor pictures when in an enclosed public space. There is an exemption for masks to be removed while guests are consuming food or drink, but during other parts of the reception masks are required to be worn.

Am I required to wear a mask in my apartment or condominium building's lobby and shared spaces?

No, the By-law does not apply to common areas of apartments or condominiums unless they are open to public invitation. However, your property management have implemented an additional policy that requires masks be worn in common spaces; if this is the case, then you are expected to follow the building's rules.

### **FAQ's for and Operators of Businesses and Other Indoor Establishments where the Public Attend**

What is my responsibility as an operator of an indoor business or other indoor place where the public are invited to attend?

You are required to post visible signs at entrances with specific messaging about the by-law. Business owners can download a sign to print and display here: [Mask](#)

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### [By-law Sign](#)

Operators need to ensure that people attending their establishments wear masks, unless the persons attending qualify for an exemption under the Mandatory Mask By-law.

Train your staff to ensure that they are aware of the requirements of the by-law and put processes in place so that staff members feel comfortable asking members of the public to wear masks.

As a business operator, how do I prepare my staff to enforce the Mandatory Mask By-law?

Train your staff to ask people to wear masks prior to entering the enclosed place. Educate your staff about the exemptions.

Are my employees required to wear masks?

Employees working in enclosed publically accessible spaces are required to wear masks. Masks are not required in spaces accessible to employees only. However, Lakeshore strongly encourages all operators to have policies in place to wear masks or set up workspaces in manner that ensure physical distancing.

Can a business have a policy that sets a higher standard for masks than the by-law?

Yes. A business may set a higher standard for masks for patrons attending their business, provided that complies with other applicable laws.

What if someone enters my business without a mask?

If a person arrives without a mask, you or a staff member must notify them of the mask requirements as soon as possible after they enter the premises or as they are entering the premises.

If the customer says they are exempt from the by-law, they do not need to show proof and no further action is needed on behalf of the operator.

If a patron refuses to wear a mask and is not exempt from the by-law, a business operator may report the issue to the Town of Lakeshore at 519-728-2700 for follow-up or choose to refuse the person service and ask them to leave.

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Can I require proof of exemption?

No. The by-law does not require people to provide proof of exemption.

### Offences

What are the fines if found guilty of not following the By-law?

Upon conviction, to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction.

For each subsequent conviction, a minimum fine of \$500 and a maximum fine of \$10,000 for each day that the offence continues.

Upon conviction for each multiple offence, for each offence included in the multiple offence, the minimum fine shall not exceed \$500 and the maximum fine shall not exceed \$10,000; however, the total of all fines for each included offence is not limited to \$100,000.