

The Corporation of The City of Temiskaming Shores
By-Law No. 2021-139
Being a By-Law to Adopt a Recreation Facilities Proof of COVID-19
Vaccination Policy for the City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Memo No. 012-2021-CS at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law to adopt the Recreation Facilities Proof of COVID-19 Vaccination Policy at the September 21, 2021, Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts the Recreation Facilities Proof of COVID-19 Vaccination Policy for the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 21st day of September, 2021.

Mayor

Clerk



Schedule “A” to

By-law No. 2021-139

**Being a By-Law to Adopt a Recreation Facilities Proof of COVID-19
Vaccination Policy for the City of Temiskaming Shores**

City of Temiskaming Shores

Recreation Facilities Proof of COVID-19 Vaccination Policy

1. Definitions

- 1.1. *COVID-19*: A virus belonging to the coronavirus family which includes the virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.
- 1.2. *Vaccine*: For the purposes of this policy, a vaccine is defined as a substance used to stimulate the production of antibodies and provide immunity against SARS-CoV-2.
- 1.3. *Fully Vaccinated*: Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by Health Canada (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); having received the final dose of the COVID-19 vaccine at least 14 days ago; and any subsequent required boosters.
- 1.4. *Partially Vaccinated*: Having received one dose of a two-dose series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by Health Canada; having received the final dose of a single-dose or two-dose series of the COVID-19 vaccine less than 14 days ago; and/or failure to receive subsequent required boosters.
- 1.5. *Unvaccinated*: Has not received any doses of a COVID-19 vaccine authorized or approved by Health Canada.
- 1.6. *Proof of Vaccination*: Documentation issued by the Ontario Ministry of Health, other provinces or territory or international equivalent indicating individual immunization status against the COVID-19 virus.
- 1.7. *Proof of Medical Exemption*: Written proof of a medical reason provided by a physician, nurse practitioner in the extended class, or physician specialist as deemed necessary

that sets out: (i) the nature of the medical condition that the person cannot be vaccinated against COVID-19, and (ii) the effective time-period for the medical reason.

2. Purpose

- 2.1. The goal of the policy is to establish a framework that will provide clear and consistent procedures for all recreation department staff and members of the public. This policy focuses on Proof of Vaccination requirements for entry by members of the public to City of Temiskaming Shores Recreation Facilities.
 - 2.1.1. Facilities covered by this policy include: all municipal arenas, all municipal halls and the Waterfront Pool and Fitness Centre
- 2.2. This policy has been created to satisfy the City's obligations under *Ontario Regulation 364/20*.

Waterfront Pool and Fitness Centre

3. General Policies

- 3.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering the WPFC beginning September 22, 2021.
- 3.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.
- 3.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.
- 3.4. This policy will apply to everyone entering the WPFC including, but not limited to, gym members, participants in all public swim times, participants in all aquatics programs, all spectators, all members of the Temiskaming Northern Loons

4. Providing Proof of Vaccination

4.1. Proof of vaccination shall be provided by one of three ways:

4.1.1. Vaccine Receipt

4.1.1.1. A member of the public displays their vaccination receipt to City of Temiskaming Shores staff either on a mobile phone or with a physical copy.

4.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

4.1.1.3. Once staff have verified the receipt, they will check to ensure the name on the piece of government-issued ID matches the vaccination receipt.

4.1.1.4. The individual will then be able to scan their City membership card or pay for admission to the facility.

4.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

4.1.2.1. A member of the public displays their QR code on a Government of Ontario approved mobile application.

4.1.2.2. Staff scan the QR code with a Government of Ontario approved mobile application.

4.1.2.3. If the QR code is accepted the individual will then be able to scan their City membership card or pay for admission to the facility.

4.1.3. Quebec QR Code

4.1.3.1. A member of the public displays their QR code on the VaxiCode mobile application.

4.1.3.2. Staff scan the QR code with the VaxiCode Verif mobile application.

4.1.3.3. If the QR code is accepted the individual will then be able to scan their City membership card or pay for admission to the facility.

4.2. Any member who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.

5. Exemptions

- 5.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:
 - 5.1.1. Include the name of the person receiving the medical exemption;
 - 5.1.2. Name and contact information of the physician or registered nurse in the extended class;
 - 5.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;
 - 5.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
 - 5.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the business or organization.
- 5.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.
 - 5.2.1. Please note that with respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.
- 5.3. Written proof of medical exemption shall be provided to the person responsible for screening for proof of vaccination at the facility.
- 5.4. Singular personal belief exemptions will not be honoured.

6. Membership Pauses and Refunds

- 6.1. Any member of the public with a current facility membership who refuses to provide proof of vaccination shall be allowed to pause their membership without penalty, to be resumed automatically when proof of vaccination requirements are removed.

- 6.2. Refunds for any members who refuse to provide proof of vaccination and do not have a valid medical exemption will be provided based upon on the Cancellation and Refund Policy (By-law 2020-032).

7. Willful Policy Avoidance

- 7.1. Any member of the public who willfully does not provide proof of vaccination and enters the members area of the facility shall have their membership or remaining punch card visits forfeited without refund.
- 7.2. Any member of the public who willfully enters the members only area of the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.

Municipal Arenas

8. General Policies

- 8.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering the Don Shepherdson Memorial Arena or Shelley Herbert Shea Memorial Arena beginning September 22, 2021.
- 8.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.
- 8.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.
- 8.4. City of Temiskaming Shores staff will be responsible for checking proof of vaccination.

9. Providing Proof of Vaccination

9.1. Proof of vaccination shall be provided by one of three ways:

9.1.1. Vaccine Receipt

9.1.1.1. A member of the public displays their vaccination receipt to City of Temiskaming Shores staff either on a mobile phone or with a physical copy.

9.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

9.1.1.3. Once staff have verified the receipt, they will check to ensure the name on the piece of government-issued ID matches the vaccination receipt.

9.1.1.4. The individual will then be able to enter the facility.

9.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

9.1.2.1. A member of the public displays their QR code on a Government of Ontario approved mobile application.

9.1.2.2. Staff scan the QR code with a Government of Ontario approved mobile application.

9.1.2.3. If the QR code is accepted the individual will then be able to enter the facility.

9.1.3. Quebec QR Code

9.1.3.1. A member of the public displays their QR code on the VaxiCode mobile application.

9.1.3.2. Staff scan the QR code with the VaxiCode Verif mobile application.

9.1.3.3. If the QR code is accepted the individual will then be able to enter the facility.

9.2. Any member who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.

10. Exemptions

- 10.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:
 - 10.1.1. Include the name of the person receiving the medical exemption;
 - 10.1.2. Name and contact information of the physician or registered nurse in the extended class;
 - 10.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;
 - 10.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
 - 10.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the facility.
- 10.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.
 - 10.2.1. With respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.
- 10.3. Those who are 12 years-of-age to 17 years-of-age and are entering the facility to actively participate in an organized sport, may enter a municipal arena if they have only received 1-dose of a 2-dose series vaccine. This exemption shall apply from September 22, 2021 to October 31, 2021. After October 31, 2021, anyone aged 12 or older must provide proof they are fully vaccinated to enter the facility.
- 10.4. Written proof of medical exemption shall be provided to the City of Temiskaming Shores staff screening for proof of vaccination at the facility.
- 10.5. Singular personal belief exemptions will not be honoured.

11. Willful Policy Avoidance

- 11.1. Any member of the public who willfully does not provide proof of vaccination and enters the facility shall have their privileges to access to the facility revoked.
- 11.2. Any member of the public who willfully enters the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.
- 11.3. The City of Temiskaming Shores reserves the right to cancel without refund the future bookings of any renter or organization whose members willfully disregard this policy.

Municipal Halls

12. General Policies

- 12.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering Riverside Place, Dymond Community Hall, New Liskeard Community Hall or Haileybury Arena Hall beginning September 22, 2021.
- 12.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.
- 12.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.
- 12.4. City of Temiskaming Shores staff will be responsible for checking proof of vaccination for any events at Municipal Halls.

13. Providing Proof of Vaccination

- 13.1. Proof of vaccination shall be provided by one of three ways:
 - 13.1.1. Vaccine Receipt

13.1.1.1. The person entering the facility displays their vaccination receipt to the person checking proof of vaccination either on a mobile phone or with a physical copy.

13.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

13.1.1.3. Once the receipt has been verified, their piece of government-issued ID shall be checked to ensure it matches the vaccination receipt.

13.1.1.4. The individual will then be able to enter the facility.

13.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

13.1.2.1. The person entering the facility displays their QR code on a Government of Ontario approved mobile application.

13.1.2.2. The person checking for proof of vaccination scans the QR code with a Government of Ontario approved mobile application.

13.1.2.3. If the QR code is accepted the individual will then be able to enter the facility.

13.1.3. Quebec QR Code

13.1.3.1. The person entering the facility displays their QR code on the VaxiCode mobile application.

13.1.3.2. The person checking for proof of vaccination scans the QR code with the VaxiCode Verif mobile application.

13.1.3.3. If the QR code is accepted the individual will then be able to enter the facility.

13.2. Any person who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.

14. Exemptions

14.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:

14.1.1. Include the name of the person receiving the medical exemption;

14.1.2. Name and contact information of the physician or registered nurse in the extended class;

14.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;

14.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and

14.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the facility.

14.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.

14.2.1. Please note that with respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.

14.3. Written proof of medical exemption shall be provided to the person responsible for screening for proof of vaccination at the facility.

14.4. Singular personal belief exemptions will not be honoured.

15. Willful Policy Avoidance

15.1. Any member of the public who willfully does not provide proof of vaccination and enters the facility shall have their privileges to access to the facility revoked.

- 15.2. Any member of the public who willfully enters the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.

- 15.3. The City of Temiskaming Shores reserves the right to cancel without refund the future bookings of any renter or organization whose members willfully disregard this policy.