

CITY OF SARNIA

EMERGENCY ORDER No. 1

To enact a general prohibition on outdoor fires within the City of Sarnia to protect the safety of first responders and enforce physical distancing measures in place to stop the spread of the COVID-19 disease.

WHEREAS under sections 8 and 9 of the Municipal Act, 2001 the City has broad authority to provide any service or thing the City considers necessary or desirable for the public and to pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and,

WHEREAS COVID-19 is present within the City of Sarnia, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

WHEREAS, on March 11, 2020 the spread of COVID-19 has been declared a pandemic by the World Health Organization; and,

WHEREAS the Province of Ontario adopted the Emergency Management and Civil Protection Act that provides the Head of Council, during a declared emergency, with the authority to take such action or make such orders as he considers necessary and is not contrary to law; and,

WHEREAS, on March 17, 2020, an emergency was declared by the Province of Ontario, by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and,

WHEREAS, on March 18, 2020 a Declaration of Emergency was declared by the Head of Council for the City of Sarnia for purposes of s.4 of the Emergency Management and Civil Protection Act, due to the health risks to the residents of the City of Sarnia arising from spread of COVID-19 caused by its presence within the City of Sarnia (the "Emergency"); and,

WHEREAS this order is based on the advice and recommendation of the Sarnia Fire Chief, in consultation with the Sarnia Chief of Police, who both recommended that a general prohibition on outdoor fires be in place on account of the existence of hazardous conditions related to the prevalence of the COVID-19 disease; and,

WHEREAS in accordance with the Emergency Management and Civil Protection Act, I verily believe that it is necessary to utilize the authority available to me under this Act to make the following order to address the Emergency in a timely manner, and that the exercise of this authority is reasonable to alleviate harm or damage as a reasonable alternative to other measures to address the Emergency for the reasons outlined below, which makes implementation of these measures through other means impractical in the circumstances:

- (a) The fact that calls to emergency response centers related to open burn incidents:
 - (i) take away from the capacity of first responders to deal with COVID-19 and other emergencies; and,
 - (ii) unnecessarily places first responders at risk of contracting COVID-19, a disease that is readily communicable from person to person and that time is of the essence in implementing measures to address the spread of COVID-19; and,
- (b) it is now necessary to issue a general prohibition on outdoor fires within the City of Sarnia for the protection of first responders and the general public.

WHEREAS the City currently regulates and prohibits specific conduct within the City which is undesirable, constitutes a nuisance, or presents health risks to other residents of the City of Sarnia and it is my opinion that the harm caused by COVID-19 will be alleviated by adding to the list of prohibited conduct in these areas, a general prohibition on outdoor fires within the City of Sarnia, which shall be enforceable in the same manner as other currently prohibited conduct.

NOW THEREFORE, I, Mike Bradley, Mayor of the City of Sarnia, enact by issuing of this Order, the following regulations with respect to the City of Sarnia:

1. No person shall set a Recreational Fire, an Open Fire or a Cooking Fire within the boundaries of the City of Sarnia during a period Declared Emergency;
2. Any permissions given by the Fire Chief in compliance with By-Law 81 of 2002 "A By-Law to Regulate Open Air Burning in the City of Sarnia" before a Declared Emergency is hereby revoked; and,
3. The above Orders are revoked 30 days from the date of this order unless City Council authorizes an extension of the Orders.

A handwritten signature in dark ink, appearing to read 'Mayor Mike Bradley', is written over the printed name. The signature is fluid and cursive, with a large loop at the end.

MAYOR MIKE BRADLEY

Date

April 3, 2020