

Special Measures Order (Alert Level 3)
(Certain Towns and Communities on the Northern Peninsula – East Region)

**Made pursuant to Section 28 of the
Public Health Protection and Promotion Act**

September 7, 2021

TO: All individuals and businesses in the towns and communities located along the following highway routes in the province of Newfoundland and Labrador:

- Route 432, starting at the intersection of Route 432 and Route 433 and north to the northerly limit of the town of Main Brook;
- Route 433;
- Route 434; and
- Route 438.

WHEREAS:

- A. While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B. On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
 - a. a public health emergency as a result of the COVID-19 pandemic;
 - b. the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
 - c. the public health emergency is in effect for a period of 14 days effective immediately;
- C. The public health emergency has been extended for 14-day intervals and is currently still in effect;
- D. The Chief Medical Officer of Health, pursuant to subsection 28(2) of the **Public Health Protection and Promotion Act**, may provide notice in any manner that can reasonably be expected to give actual notice;

- E. The Chief Medical Officer of Health, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Order (Re-Opening – Step 2 – Updated) effective August 10, 2021 and Special Measures Order (Re-Opening – Masks – Step 2) effective August 10, 2021;
- F. The Chief Medical Officer of Health believes that further special measures are necessary for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency; and
- G. The Chief Medical Officer of Health believes, in accordance with section 13 of the **Public Health Protection and Promotion Act**, that the restrictions set out in this Special Measures Order (Alert Level 3) (Certain Towns and Communities on the Northern Peninsula – East Region) are the least intrusive measures reasonably required in the circumstances to respond to the public health emergency,

Pursuant to section 28 of the **Public Health Protection and Promotion Act**, I, **Dr. Janice Fitzgerald, Chief Medical Officer of Health HEREBY ORDER:**

Notwithstanding Special Measures Order (Re-Opening – Step 2 – Updated) and Special Measures Order (Re-Opening – Masks – Step 2),

- 1. The following businesses are ordered to close:
 - a. cinemas;
 - b. performance spaces; and
 - c. businesses that hold a license under the **Liquor Control Act** whose primary purpose is the consumption of beer, wine, or spirits.
- 2. Subject to Orders 3 and 4 herein, the following businesses may remain open:
 - a. gyms and fitness facilities, including yoga studios, swimming pools, tennis and squash facilities;
 - b. dance studios; and
 - c. arenas

provided that capacity is limited to no more than 20 people per room or ice surface, provided that physical distancing can be maintained.

- 3. All group, team sport and recreation activities where children, youth and/or adults gather in-person and where close proximity is required, are suspended. For greater certainty, this does not include individual activities such as walking tracks, gyms or lessons involving members of the same household.

4. Group arts and cultural activities that involve in-person gatherings where close proximity is required, are suspended. This includes bands, choirs, dance and music classes. Performances and lessons involving members of the same household are permitted.
5. Restaurants may remain open for in-person dining at 50 per cent capacity where physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. Buffets are prohibited.
6. Bingo halls are ordered to close.
7. Wakes are prohibited. Limited visitation is permitted provided physical distancing may be maintained with individuals outside of the household.
8. Funerals, burials, weddings, religious and cultural ceremonies and services are limited to no more than 20 people provided physical distancing may be maintained. For all other gatherings, individuals within the same household are limited to gatherings with the same 10 close and consistent contacts of the household. For greater certainty, this limitation on informal gatherings does not apply to:
 - a. those who work or attend school outside of the home; and
 - b. custody and access orders and arrangements.
9. All private health care clinics may remain open in accordance with public health guidelines.
10. Retail stores, including those located in shopping malls, may remain open at reduced capacity provided physical distancing may be maintained.
11. Personal services establishments including spas, esthetic services, hair salons, body piercing, tattooing and tanning salons may remain open in accordance with public health guidelines.
12. All individuals who are required to self-isolate or quarantine must:
 - a. remain on their own property;
 - b. stay in their own unit where they are living in a condominium or apartment. These individuals are not permitted in the common spaces in those buildings; and
 - c. not go for a drive, unless it is to receive medical attention.
13. **Mandatory Masks.** Subject to the exemptions set out below, all individuals shall wear a mask that covers the nose and mouth when in the following indoor settings:

- a. public transit, including buses, taxis, car services and public areas of ferries;
- b. a retail business;
- c. a service company;
- d. a professional's private office, where physical distancing cannot be maintained or physical barriers are not in place;
- e. common areas of an office building including lobby, elevators, reception areas, conference rooms, hallways, stairways, washrooms and breakrooms;
- f. a place where municipal or government services are offered;
- g. a personal care business including hair salons, tattoo shops, tanning salons;
- h. an animal daycare or grooming business;
- i. a shopping mall or community market;
- j. a place of worship;
- k. a funeral home;
- l. an indoor entertainment business;
- m. a rental room, community centre, or other venue used to host gatherings;
- n. a sports-related clubhouse;
- o. a community museum or historic site;
- p. a fitness centre, dance studio or yoga studio;
- q. an arena;
- r. a place where sports or recreational activities are practiced;
- s. a restaurant or lounge;
- t. a common area, including an elevator, of a tourist accommodation establishment such as a hotel, motel, bed and breakfast, rental cabins or cottages; and
- u. a post-secondary educational institution including colleges, universities and trades schools.

14. Exemptions. Notwithstanding Order No. 13 above, masks are not required for the following individuals or in the following circumstances:

- a. **Children under the age of 5;**
- b. **People with physical or mental health conditions** - People whose particular physical condition or mental health prevents them from wearing a mask (please see <https://www.gov.nl.ca/covid-19/public-health-guidance/guidance/masks/>) for further explanation of these conditions);
- c. **During treatments, services or physical activity** where a mask must be removed, for the duration of the treatment, service or activity only;
- d. **Showing identification;**
- e. **Seated areas** – Provided physical distancing of two metres can be achieved between individuals or bubbles and provided they wear a mask when moving around the indoor setting, masks are not required when individuals are actively eating or drinking.

15. **Occupational Health and Safety Act and Regulations.** Notwithstanding Order No. 13 above, individuals working in an indoor setting are not required to wear masks while working where for occupational health and safety reasons they cannot wear masks. However, masks are required in common areas including a lobby, elevators, reception areas, conference rooms, hallways, stairways, washrooms and breakrooms.
16. **School Buses.** Notwithstanding Order No. 14(a) above, masks are required for all students and adults who ride a school bus to and from school during the school year.
17. **Schools.** Except where an exemption under Order 14(b) herein applies or where there are significant communication impediments to wearing a mask, students in Grades 4 to 12 are required to wear masks at all times when in school, including when seated in their classrooms.
18. **Staff in schools.** Except where an exemption under Order 14(b) herein applies or where there are significant communication impediments to wearing a mask, staff are also required to wear masks at all times when in school, including when seated in classrooms.

IT IS FURTHER ORDERED THAT:

1. This Order applies to all individuals and businesses operating in the towns and communities located along the following highway routes in the province of Newfoundland and Labrador:
 - Route 432, starting at the intersection of Route 432 and Route 433 and north to the northerly limit of the town of Main Brook;
 - Route 433;
 - Route 434; and
 - Route 438.
2. This Special Measures Order (Alert Level 3) (Certain Towns and Communities on the Northern Peninsula – East Region) is effective immediately.
3. All other Special Measures Orders and Exemption Orders remain in full force and effect.

TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the

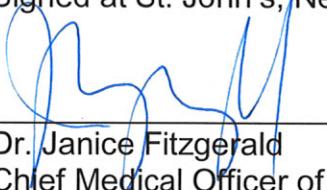
order is served on a person. A written request for review or reconsideration of this order shall include:

- (i) the reasons for the request;
- (ii) a summary of the facts relevant to the request;
- (iii) whether the order should be revoked or how it should be varied; and
- (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health
Department of Health and Community Services
PO Box 8700
St. John's, NL A1B 4J6

3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
4. This Order remains in effect during any review or reconsideration.
5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the **Public Health Protection and Promotion Act**.
6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this 7th day of September, 2021.



Dr. Janice Fitzgerald
Chief Medical Officer of Health