

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M082

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General order that the attached Bylaw Enforcement Officer (COVID-19) Order is made.

March 26, 2020

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Emergency Program Act, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020

BYLAW ENFORCEMENT OFFICER (COVID-19) ORDER

Definitions

1 In this order:

“**bylaw enforcement officer**” means the following:

- (a) a person in a class of persons described in section 3 (c), (d) or (f) of the Community Charter Bylaw Enforcement Ticket Regulation, B.C. Reg. 425/2003, who is designated as a bylaw enforcement officer under
 - (i) section 264 (1) (b) of the *Community Charter*, or
 - (ii) section 264 (1) (b) of the *Community Charter* as that section applies to a regional district for the purposes of section 414 of the *Local Government Act*;
- (b) a person in a class of persons described in section 3 (d) of the Vancouver Charter By-law Enforcement Ticket Regulation, B.C. Reg. 189/2007, who is designated as a bylaw enforcement officer under section 482.1 (1) (b) of the *Vancouver Charter*;

“**health officer**” means the provincial health officer or a medical health officer within the meaning of the *Public Health Act*;

“**public health order**” means an order made by a health officer under the *Public Health Act* in respect of the COVID-19 pandemic.

Application

2 This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act*, and any extension of the duration of that declaration, is in effect.

Bylaw enforcement officers to provide assistance

- 3 (1) To the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, each local authority must ensure that the local authority’s bylaw enforcement officers provide such assistance as may be required for the purposes of enforcing public health orders, including, without limitation, the following:
- (a) monitoring facilities and areas closed to the public by a public health order;
 - (b) providing warnings, information and advice to businesses and members of the public in respect of public health orders, including warnings to businesses and members of the public who may be acting in contravention of a public health order;
 - (c) providing health officers with information in respect of potential contraventions of a public health order.
- (2) In providing assistance under this section, a bylaw enforcement officer is not authorized to
- (a) detain an individual as a result of a contravention or suspected contravention of a public health order, or

- (b) issue a fine or penalty, including an administrative penalty, under the *Public Health Act*.
- (3) Nothing in this section is to be construed as limiting any powers or duties of a bylaw enforcement officer under the *Community Charter*, *Local Government Act*, *Vancouver Charter* and related regulations or local authority bylaws, as the case may be.