

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M084

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;

WHEREAS coordination between all levels of government is essential to respond effectively to the impacts 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 Local Authorities and Essential Goods and Supplies (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*

LOCAL AUTHORITIES AND ESSENTIAL GOODS AND SUPPLIES (COVID-19) ORDER

Definitions

- 1 In this order,
 - “Act” means the *Emergency Program Act*;
 - “essential goods and supplies” means any goods and supplies that are necessary for the health, safety and welfare of people, including, without limitation, the following:
 - (a) food, water and other beverages;
 - (b) fuel and gasoline;
 - (c) health care goods, pharmaceuticals and medical supplies;
 - (d) personal hygiene, sanitation and cleaning goods.

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 Act, and any extension of the duration of that declaration, is in effect.

Local emergency plans

- 3 Each local authority in the Province must immediately implement the local authority’s local emergency plan for the area for which the local authority has responsibility.

Declarations of state of local emergency and orders set aside

- 4 (1) Any declaration of a state of local emergency made by a local authority or the head of a local authority under section 12 (1) of the Act that meets all of the following criteria is set aside:
 - (a) the declaration of a state of local emergency was made on or before the date on which this order is made;
 - (b) the declaration of a state of local emergency was made in respect of the COVID-19 pandemic.
- (2) Any order of a local authority that meets all of the following criteria is set aside:
 - (a) the order of the local authority was made on or before the date on which this order is made;
 - (b) the order of the local authority was made pursuant to a declaration of a state of local emergency described in subsection (1).

Emergency powers of local authorities

- 5 (1) After the date this order is made, a local authority or, if a local authority consists of more than one person, the head of a local authority must not make a declaration of a state of local emergency under section 12 (1) of the Act in respect of the COVID-19 pandemic without first obtaining the approval of the minister for the proposed declaration.

- (2) After the date this order is made, a local authority must not exercise a power or make an order under section 13 of the Act in respect of the COVID-19 pandemic without first obtaining the approval of the minister for the proposed exercise of power or order under that section.
- (3) After the date this order is made, the council of the City of Vancouver must not exercise a power or make an order or bylaw under section 173 of the *Vancouver Charter* in relation to the COVID-19 pandemic without first obtaining the approval of the minister for the proposed exercise of power or order or bylaw under that section.

Local authority resources and plans

- 6 (1) On the request of the minister, a local authority must
 - (a) take all measures necessary to identify the resources and facilities within the local authority's area of jurisdiction that could be used to respond to or mitigate the impacts of the COVID-19 pandemic, including the following:
 - (i) facilities that could be used to allow individuals to self-isolate;
 - (ii) facilities that could be used to warehouse essential supplies;
 - (iii) facilities that could be used to provide medical care or testing, and
 - (b) report to Emergency Management BC on the resources and facilities identified under paragraph (a).
- (2) On the request of the minister, a local authority must
 - (a) take all measures necessary to identify the critical supply and service needs within its area of jurisdiction relating to the local authority's ability to respond to or mitigate the impacts of the COVID-19 pandemic, and
 - (b) report to Emergency Management BC on the critical supply and service needs identified under paragraph (a).
- (3) Each local authority must review and, if necessary, update its local emergency plan and business continuity plans to ensure that
 - (a) the delivery of essential services can be maintained in a manner that complies with any orders and guidance from the provincial health officer during the period referred to in section 2 of this order, and
 - (b) any impacts and limitations resulting from the COVID-19 pandemic are taken into account with respect to preparations and response measures for other emergencies or disasters, including flooding and wildfires.

Continuity of local authority services

- 7 (1) Each local authority must use best efforts to enter into mutual aid agreements with neighbouring jurisdictions to ensure that first responder, waste water and drinking water services are maintained during the period referred to in section 2.
- (2) After complying with subsection (1), each local authority must report to Emergency Management BC any unresolved issues that may affect the provision of first responder, waste management or drinking water services during the period referred to in section 2.

Critical services and essential goods and supplies

- 8**
- (1) For the purpose of ensuring the effective management and delivery of critical services for vulnerable populations within the Province, including food banks and shelter services, each local authority must use best efforts to provide assistance in the management and delivery of such services.
 - (2) Despite any bylaw of a local authority restricting or limiting when goods, food or supplies may be delivered to a retailer within the local authority's area of jurisdiction, a person may, at any time, deliver goods, food and other supplies to a retailer in that area.
 - (3) At the request of the minister, all retailers, suppliers, businesses, and other organizations within the Province must report to Emergency Management BC on their inventory of essential goods and supplies and any other supplies required by front line health care workers, first responders and other prioritized essential workers for the purpose of responding to or mitigating the impacts of the COVID-19 pandemic.
 - (4) If directed by the minister, a retailer must not sell more than the specified number of items of a specified good to a person in a single transaction.
 - (5) If directed by the minister, a hotel operator or commercial lodging operator within the Province must provide accommodation services for the purposes of self-isolation of individuals, for supporting essential workers or for any other purposes identified by Emergency Management BC.

Secondary selling prohibited

- 9**
- (1) In this section, “**secondary selling**”, in relation to an essential good or supply, means
 - (a) the purchase or other acquisition of the essential good or supply in a retail environment, or
 - (b) the acquisition of the essential good or supply by donation from any person, or at no cost from a government or other organization or body,whether inside or outside of British Columbia, and the subsequent offering of that essential good or supply for resale in person, on any business premises, by phone or fax, on a website or an internet-based application or by any other means.
 - (2) A person must not engage in secondary selling with respect to essential goods and supplies.

British Columbia Ferry Services

- 10**
- (1) British Columbia Ferry Services Inc. and all other ferry operators within the Province which carry both vehicles and passengers must implement all procedures necessary to ensure priority loading on ferries for the following:
 - (a) vehicles carrying essential goods and supplies;
 - (b) residents of ferry sailing destinations.
 - (2) British Columbia Ferry Services Inc. must consult the government before changing or varying its minimum ferry service levels within the Province.

Delivery of essential goods and supplies

- 11** If directed by the minister, all suppliers, distributors and retailers within the Province, the Retail Council of Canada (BC), the Canadian Trucking Association of BC and the United Truckers Association must take coordinated measures to ensure the effective delivery of essential goods and supplies throughout the Province, including such food, fuel, medicine and other goods and supplies as may be prioritized by the minister.