



REPORT

Report Date: March 23, 2020
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Meeting Date: March 23, 2020
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TO: Vancouver City Council

FROM: City Manager

SUBJECT: Enhanced Enforcement of By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver"

RECOMMENDATION

- A. THAT Council enact "A By-law to amend By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver"" attached as Appendix A to the Report dated March 23, 2020, entitled "Enhanced Enforcement of By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver"".
- B. THAT Council enact "A By-law to amend Ticket Offences By-law No. 9360, Regarding By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver"", also attached as Appendix A to the Report dated March 23, 2020, entitled "Enhanced Enforcement of By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver"".

Recommendation A requires 2/3 affirmative votes of all Council members per Section 173 of the *Vancouver Charter*.

REPORT SUMMARY

This report recommends that Council enact two amending by-laws that will enhance the City's authority to enforce By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver".

One by-law will amend By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver", to make it an offence to fail to comply with an order under that By-law, to allow enforcement orders to be issued under that By-law, and to make any offence committed under that By-law punishable by a fine of up to \$50,000.

The other by-law will amend the Ticket Offences By-law to allow enforcement officers to enforce By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver" by issuing a municipal ticket information.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On Thursday March 19, 2020, Council enacted By-law No. 12661, "A By-law to declare a State of Emergency in Vancouver", in order to assist the City in slowing the spread COVID-19.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The World Health Organization has declared the communicable disease known as COVID-19 to be a pandemic. The disease is present in British Columbia and across Canada and requires extraordinary action to limit its further spread, and cope with its consequences.

The Province has declared a state of emergency under the Emergency Program Act ("EPA"), and a public health emergency has also been declared. City staff will continue to coordinate with the Province, and assist the Province and the Government of Canada as needed.

Strategic Analysis

In response to the pandemic, Council enacted a by-law on March 19, 2020 to declare a state of emergency in the City (the "Emergency By-law"). The Emergency By-law also authorized Council to exercise powers necessary to deal effectively with the emergency. The Emergency By-law was enacted pursuant to section 173 of the *Vancouver Charter*, which reads as follows:

"Council may declare emergency

173. Where the powers conferred on Council are inadequate to deal with an emergency the Council may, by by-law adopted by a vote of at least two-thirds of its members, declare that an emergency exists and exercise powers necessary to deal effectively with the emergency."

The "Emergency By-law" authorized specific additional emergency powers related to:

- acquiring or using land or personal property to prevent, respond to or alleviate the effects of the emergency, including the use of buildings to assist with the increased demands for healthcare, shelter and childcare;

- procuring on a first priority basis any clothing, equipment, medical supplies or other essential supplies required to cope with the emergency, for the duration of the emergency; and
- restricting the use or occupancy of any premises within the City of Vancouver.

The Emergency By-law did not include specific penalties for any offences committed in breach of the Emergency By-law. Staff had anticipated that the public would comply with the By-law due to the unprecedented circumstances that resulted in its enactment. In order to ensure that failure to comply with orders issued under the Emergency By-law can result in meaningful penalties, staff is now recommending that clear enforcement provisions be included in the Emergency By-law. The proposed amendments will ensure that persons breaching an order under the Emergency By-law can be punished, following prosecution, by a fine of up to \$50,000, the maximum permitted under the *Vancouver Charter*.

Staff is also recommending that the Ticket Offences By-law be amended to enable enforcement officers to issue a municipal ticket information for breaching an order issued under the Emergency By-law. A ticket issued under this process can be punished by a fine \$1,000, the maximum permitted under the *Vancouver Charter*.

The enhanced enforcement powers to be authorized by the proposed amending by-laws should enable the City to enforce any orders issued under the Emergency By-law.

Financial

There are no direct financial implications of these proposed amendments.

Legal

The proposed amending by-laws are authorized by the *Vancouver Charter*.

CONCLUSION

The City Manager recommends enactment of the proposed amending by-laws.

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**A By-law to amend By-law No. 12661,
“A By-law to declare a
State of Emergency in Vancouver”**

WHEREAS Council has declared that an emergency exists in the City of Vancouver as a result of the pandemic spread of COVID-19;

WHEREAS Council is authorized to exercise all powers necessary to deal effectively with the emergency.

NOW THEREFORE THE COUNCIL OF THE CITY OF VANCOUVER, in a public meeting, enacts as follows:

1. This By-law amends By-law No. 12661, “A By-law to declare a State of Emergency in Vancouver”.
2. Council strikes section 3 of the By-law and replaces it with the following:

“3. Council hereby authorizes City Manager Sadhu Johnston, Deputy City Manager Paul Mochrie and Fire Chief Darrell Reid to:

 - a. acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of the emergency, including the use of buildings to assist with the increased demands for healthcare, shelter and childcare;
 - b. procure on a first priority basis any clothing, equipment, medical supplies or other essential supplies required to cope with the emergency, for the duration of the emergency;
 - c. restrict, limit or prohibit through the issuance of written orders, the use or occupancy of any premises within the City of Vancouver;
 - d. issue written orders to enforce any written orders issued under this section 3 of the By-law.”
3. Council adds the following sections as sections 6 and 7 of the By-law:

“6. It is an offence under this By-law to fail to comply with any written order issued under section 3 of this By-law.

7. An offence under this By-law is punishable by a fine of not more than \$50,000.”.
4. This By-law shall come into force and take effect immediately upon enactment.
5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

ENACTED by Council this 23rd day of March, 2020

Mayor

Acting City Clerk

**A By-law to amend Ticket Offences By-law No. 9360
Regarding By-law No. 12661,
“A By-law to declare a State of Emergency in Vancouver”**

The Council of the City of Vancouver, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Ticket Offences By-law No. 9360.
2. Council inserts a new Table 12 as follows:

**“Table 12
By-law No. 12661, “A By-law to declare a State of Emergency in Vancouver”**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Police Officer Chief License Inspector Fire Chief	Fail to obey order	Section 6	\$1,000.00

“

3. In section 2.6, Council adds the words “By-law No. 12661, “A Bylaw to declare a State of Emergency in Vancouver,” after the words “Mountain View Cemetery By-law,”.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take upon enactment.

ENACTED by Council this 23rd day of March, 2020

Mayor

Acting City Clerk