

BYLAW 04-2009

A BYLAW OF THE TOWN OF HIGH PRAIRIE IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL DISASTER SERVICES AGENCY

WHEREAS: The Council of the Town of High Prairie is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8, to appoint a Disaster Services Committee and to establish and maintain a Municipal Disaster Services Agency; and

AND WHEREAS: It is desirable in the public interest, and in the interests of public safety, that such a committee be appointed and such an agency be established and maintained to carry out Council's statutory powers and obligations under the said Emergency Management Act;

NOW, THEREFORE:

**THE COUNCIL OF THE TOWN OF HIGH PRAIRIE, DULY ASSEMBLED,
ENACTS AS FOLLOWS:**

1. This bylaw may be cited as the **Municipal Disaster Services Bylaw**.
2. In this bylaw;
 - 2.a "Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;
 - 2.b "Council" means the Council of the Town of High Prairie;
 - 2.c "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;
 - 2.d "Disaster Services Committee" means the committee established under this bylaw;
 - 2.e "Emergency" means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property;
 - 2.f "Minister" means the Minister charged with administration of the *Act*;

- 2.g "Municipal Disaster Services Agency" means the agency established under this bylaw;
- 2.h "Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster; and
- 2.i "Town" means the Town of High Prairie.
- 3. There is hereby established a **Disaster Services Committee** to advise Council on the development of emergency plans and programs. This committee shall consist of the Mayor and all Town Councillors.
- 4. There is hereby established a **Municipal Disaster Services Agency** to act as the agent of Council to carry out its statutory powers and obligations under the *Act*. This does not include the power to declare, renew, or terminate a **State of Local Emergency**, nor the powers contained in Section 12 of this bylaw.
- 5. **Council** shall;
 - 5.a by resolution, annually appoint of its members to serve on the Disaster Services Committee;
 - 5.b provide for the payment of expenses of the members of the Disaster Services Committee;
 - 5.c by resolution appoint a Director of Emergency Management and a Deputy Director of Emergency Management, who shall do those things required of the Director of Emergency Management in that person's absence;
 - 5.d ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town;
 - 5.e approve the Town's emergency plans and programs; and
 - 5.f review the status of the Municipal Emergency Plan and related plans and programs at least once each year.
- 6. **Council** may,
 - 6.a by bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Disaster Services Agency; and
 - 6.b enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of

services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.

7. The **Disaster Services Committee** shall;
 - 7.a review the Municipal Emergency Plan and related plans and programs on a regular basis; and
 - 7.b advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once each year.
8. The **Municipal Disaster Services Agency** shall be comprised of one or more of the following:
 - 8.a the appointed Director of Emergency Management, if other than the Town Manager;
 - 8.b the Deputy Director of Emergency Management;
 - 8.c the Town Manager and/or other administrative staff members of the municipality;
 - 8.d Representatives and members of those local agencies and industries that have been referenced in the Municipal Emergency Plan; and
 - 8.e Those persons and agency representatives that are identified or requested by the Director of Emergency Management, at any time, when the municipal emergency procedures have been activated.
9. The **Director of Emergency Management** shall;
 - 9.a prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Town;
 - 9.b act as Director of Emergency Operations, or ensure that someone is designated under the Municipal Emergency Plan to so act, on behalf of the Municipal Disaster Services Agency; and
 - 9.c co-ordinate all emergency services and other resources used in an emergency; or
 - 9.d ensure that someone is designated to discharge the duties and responsibilities specified in paragraphs 9.a, 9.b, and 9.c.
10. The power to declare, or renew, a **State of Local Emergency** under the *Act*, the powers specified in Section 12 of this bylaw, and the requirement specified in Section 15 of this bylaw, are hereby

delegated to a committee comprised of the Mayor alone, or the Deputy Mayor alone, or in their absence, any two members of Council. This committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a **State of Local Emergency**.

11. When a **State of Local Emergency** is declared, the person or persons making the declaration shall;
 - 11.a ensure that the declaration identifies the nature of the emergency and the area of the Town in which it exists;
 - 11.b cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected;
 - 11.c notify Alberta Emergency Management Agency, as soon as is reasonably practicable; and
 - 11.d forward a copy of the declaration to the Minister forthwith.
12. Subject to Section 15, when a **State of Local Emergency** is declared, the person or persons making the declaration may;
 - 12.a cause the Municipal Emergency Plan or any related plans or programs to be put into operation;
 - 12.b acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - 12.c authorize or require any qualified person to render aid of a type that the person is qualified to provide;
 - 12.d control or prohibit travel to or from any area of the Town;
 - 12.e provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of the Town;
 - 12.f cause the evacuation of persons and the removal of livestock and personal property from any area of the Town that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;

- 12.g authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program;
 - 12.h cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;
 - 12.i procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within the for the duration of the state of emergency;
 - 12.j authorize the conscription of persons needed to meet an emergency; and
 - 12.k authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan and related plans or programs, any power specified in paragraphs 12.b through 12.j in relation to any part of the municipality affected by a declaration of a **State of Local Emergency**.
13. When a **State of Local Emergency** is declared, neither Council nor any member of Council, nor any person appointed by Council to carry out measures relating to emergencies or disasters, is liable in respect of damage caused through any action taken under this Bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.
14. Notwithstanding Section 13, Council, any member of Council, and any person acting under the direction or authorization of Council, is liable for **gross negligence** in carrying out their duties under this Bylaw.
15. When, in the opinion of the person or persons declaring the **State of Local Emergency**, an emergency no longer exists in relation to which the declaration was made, they shall, by resolution, terminate the declaration.
16. A declaration of a **State of Local Emergency** is considered terminated and ceases to be of any force or effect when:
- 16.a a resolution is passed under Section 15; or
 - 16.b a period of seven (7) days has lapsed since it was declared, unless it is renewed by resolution;

16.c the Lieutenant Governor in Council makes an order for a state of emergency under the *Act*, relating to the same area; or

16.d the Minister cancels the **State of Local Emergency**.

17. When a declaration of a **State of Local Emergency** has been terminated, the person or persons who made the declaration shall cause the details of the termination to be published immediately by such means of communication considered most likely to notify the population of the area affected.

18. Bylaw 13/2007, passed on October 22, 2003, dealing with the establishment of a Disaster Services Agency is hereby rescinded.

19. This Bylaw comes into force on the day it is finally passed.

READ a First Time this 28th day of January, 2009 by Mayor Dumont.

READ a Second Time this 28th day of January, 2009 by Councillor Forrester.

GIVEN Unanimous Consent to proceed to Third and Final reading this 28th day of January, 2009 by Councillor Forrester.

READ a Third and Final time this 28th day of January, 2009 by Mayor Dumont.

Mayor Rick Dumont

Larry Baran, Town Manager