

DISTRICT OF HIGHLANDS

BY-LAW NO. 56

WHEREAS a Municipal Council must establish and maintain an emergency management organization to develop and implement emergency plans,

AND WHEREAS the Council of the District of Highlands wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

NOW THEREFORE, the Council of the District of Highlands in open meeting assembled enacts as follows:

1. CITATION

- 1.1 This By-Law may be cited for all purposes as the "District of Highlands Emergency Measures By-Law No. 56, 1995".

2. INTERPRETATION

2.1 In this by-law:

- a. "Act" means the Emergency Program Act of the Statutes of the Province of B. C. and any amendments thereto;
- b. "Council" means the Municipal Council of the District of Highlands;
- c. "Declaration" of a state of local emergency means a declaration of Council or the Mayor that an emergency exists or is imminent in the municipality;
- d. "Disaster" means calamity that:
 - i. is caused by accident, fire, explosion technical failure or by the forces of nature, and
 - ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;

- e. "Emergency" means a present or imminent event that:
 - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people or to limit damage to property;
 - f. "Emergency Coordinator" means that person appointed by Council under Section 3.2 of this by-law;
 - g. "Emergency Management Organization" means the Emergency Planning Committee, Emergency Coordinator and such other persons and functional groups as they may establish, and which are charged with emergency preparedness, response and recovery measures;
 - h. "Mayor" means that member of Council who is head and chief executive officer of the municipality or, in the absence of the Mayor, the person appointed Acting Mayor;
 - i. "Municipality" means all of that area within the boundaries of the District of Highlands.
- 2.2 This by-law shall be construed in accordance with the Emergency Program Act, SBC Chapter 41 and all Regulations made thereunder.

3. ADMINISTRATION

- 3.1 An Emergency Planning Committee is hereby established and shall be composed of:
- a. the Mayor of the Municipality;
 - b. a Council member, who shall act as the Committee Chairperson;
 - c. the Administrator of the Municipality;
 - d. the Emergency Coordinator, and
 - e. such other members that Council may from time to time appoint.
- 3.2 The Council shall appoint an Emergency Coordinator to facilitate emergency preparedness, response and recovery measures on behalf of and as directed by the Emergency Planning Committee or Council.

- 3.3 Subject to the approval of the Council, the Emergency Planning Committee may:
- a. make and amend its terms of reference, policies and procedures,
 - b. enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery, and
 - c. enter into agreements with individuals, bodies, corporations or other on-government agencies for the provisions of goods or services.

4. DUTIES AND RESPONSIBILITIES

- 4.1 The Emergency Planning Committee shall prepare and present to Council for annual review and approval an Emergency Plan consisting of the following:
- a. a list of hazards to which the municipality is subject and which indicate the relative risk of occurrence,
 - b. plans respecting the preparation for, response to recovery from emergencies and disasters, which include:
 - i. a program of emergency response exercises,
 - ii. a training program,
 - iii. procedures by which physical and financial emergency resources or assistance may be obtained,
 - iv. procedures by which emergency plans are to be implemented,
 - v. warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster,
 - vi. procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether that provision is made from within or outside of the municipality, and
 - vii. procedures to establish the priorities for restoring essential services provided by the municipality, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.

5. POWERS

- 5.1 The Council or the Mayor or the Emergency Coordinator may, whether or not a state of local emergency has been declared, cause the Emergency Plan to be implemented.
- 5.2 The Council, by by-law or resolution, or the Mayor by order when time is of the essence, may declare a state of local emergency when the extraordinary power or authority enabled by Section 15 of the Act is required to effectively deal with an emergency or disaster in any part of the municipality.
- 5.3 Upon a declaration of a state of local emergency being made, Council or the Mayor shall:
- a. forward a copy of the declaration to the Attorney General, and
 - b. cause the details of the declaration to be published by a means of communication that the Council or Mayor considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- 5.4 After a declaration of a state of local emergency is made under section 5.2 in respect of all or any part of the municipality, and for the duration of the state of emergency, the Council or Mayor may do any or all of the following acts and procedures that the Council or Mayor considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster:
- a. acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - b. authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
 - c. control or prohibit travel to or from any part of the municipality;
 - d. provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the municipality;
 - e. cause the evacuation of persons and the removal of livestock, animals or personal property from any part of the municipality that is or may be affected by an emergency or a disaster and make arrangements for adequate care and protection of those persons, livestock, animals or personal property;

- f. 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 or if otherwise considered by the Council or Mayor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- g. cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Mayor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- h. construct works considered by the Council or Mayor to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
- i. procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the municipality for the duration of the state of local emergency; and
- j. authorize the Emergency Coordinator or Municipal Administrator to exercise, in any part of the municipality affected by a declaration of a state of local emergency, those specific powers assumed by the Council or Mayor.

5.5 The Council or Mayor must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of a state of local emergency was made:

- a. cancel the declaration of a state of local emergency in relation to that part of the municipality, by by-law or resolution, if cancellation is effected by the Council, or by order, if the cancellation is effected by the Mayor, and
- b. promptly notify the Attorney General of the cancellation of the declaration of a state of local emergency.

6. LIABILITY

6.1 As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the Emergency Management Organization, employees of the Municipality, a volunteer or any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost expense, damages or injury to persons or property that result from:

- a. the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this by-law, unless, in doing or omitting to do the act, the person was grossly negligent, or

b. any acts done or omitted to be done by one or more other persons who were, under this by-law, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

7. COMPENSATION FOR LOSS

7.1 Despite section 6 above, if, as a result of the acquisition or use of a person’s real property by, or under the direction or authority of the Council or Mayor under section 5.4.a above, the person suffers a loss of or to that property, the Council or Mayor shall compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.

7.2 despite section 6 above, if a person suffers a loss of or to any real or personal property as result of action by the Emergency Management Organization or any other action taken by, or under the direction or authority of the Council or Mayor under Section 5.4 above, the Council or Mayor may compensate the person for such loss in accordance with Regulations made under the Emergency Program Act.

7.3 If any dispute arises concerning the amount of compensation payable under section 7.1 or 7.2 above, the matter shall be submitted for determination by one or three arbitrators appointed under the Commercial Arbitration Act. The person to be compensated shall deliver a notice setting out his or her choice as whether there shall be one or three arbitrators to the Minister responsible for the Emergency Program Act. The Commercial Arbitration Act shall apply to such dispute.

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 1995.

READ A SECOND TIME THIS 5TH DAY OF SEPTEMBER, 1995.

READ A THIRD TIME THIS 5TH DAY OF SEPTEMBER, 1995.

ADOPTED THIS 29TH DAY OF SEPTEMBER, 1995.

MAYOR

CLERK