



BIRCH HILLS COUNTY

BYLAW NO. 02-09

A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A REGIONAL MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE and AGENCY.

WHEREAS the Council of Birch Hills County is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000, to appoint an Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency;

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;

the municipalities of the Central Peace Region wish to establish a Regional Emergency Management Committee and a Regional Emergency Management Agency;

NOW THEREFORE, THE COUNCIL OF BIRCH HILLS COUNTY DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This By-Law may be cited as the Municipal Emergency Management Agency By-Law.
2. In this By-Law,
 - a. "Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;
 - b. "Council" means the Council of Birch Hills County;
 - 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;
 - d. "Director of Emergency Management (DEM)" means the person appointed by resolution of council as "Chief Administrative Officer" (CAO) who shall be responsible for the municipalities Emergency Management Program as contained in Section 9;
 - e. "Deputy Director of Emergency Management" means the person responsible for the duties of the director of emergency Management in their absence;
 - f. "Emergency Management Committee" means the committee established under this By-law who by resolution of council may participate in the Central Peace Region Emergency Management committee;
 - g. "emergency" means a present or imminent event that 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.

- h. "Minister" means the Minister charged with administration of the Act;
 - i. "Municipal Emergency Management Agency" means the agency established under this By-law which may by resolution of council include participation in the Central Peace Region Emergency Management Agency ;
 - j. "Municipal Emergency Plan" means the Central Peace Region Municipal Emergency Plan prepared by the Directors of Emergency Management to co-ordinate response to an emergency or disaster; and
 - k. "Regional Director of Emergency Management (RDEM)" means planning, preparedness and mitigation on behalf of the Director(s) of Emergency Management and who shall facilitate coordination of planning for and response to regional or inter-municipal disasters or emergencies.
3. There is hereby established an Emergency Management Committee to advise Council on the development of emergency plans and programs.
4. There is hereby established a Municipal Emergency Management 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 By-law.
5. Council shall:
- a. by resolution, appoint one of its members to serve on the Emergency Management Committee;
 - b. provide for the payment of expenses of the members of the Emergency Management Committee;
 - c. by resolution, on the recommendation of the Emergency Management Committee, appoint a Deputy Director of Emergency Management;
 - d. by resolution, on the recommendation of the Emergency Management Committee, ratify the appointment of a Regional Director of Emergency Management;
 - e. ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Birch Hills County;
 - f. approve the Birch Hills County emergency plans and programs; and
 - g. review the status of the Municipal Emergency Plan and related plans and programs at least once a year.

6. Council may:
 - a. by By-law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for operation of the Municipal Emergency Management Agency; and
 - 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 Emergency Management Committee shall:
 - a. review the Municipal Emergency Plan and related plans and programs on a regular basis; and
 - 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 Emergency Management Agency shall be comprised of one or more of the following:
 - a. the Director of Emergency Management;
 - b. the Deputy Director of Emergency Management
 - c. the Chief Administrative Officer, Directors, or other administrative staff member(s) of the municipality;
 - d. Regional Director of Emergency Management
 - e. Municipal Services Officer;
 - f. the N.C.O. in Charge, R.C.M. Police or designate;
 - g. the District Fire Chiefs or designates;
 - h. the Public Information Officers or designates;
 - i. the Public Works Foremen or designates;
 - j. the Ambulance District Supervisor or designate;
 - k. the Health Unit Manager or designate;
 - l. the Hospital Director or designate;
 - m. the School Board Chairman or designate;
 - n. the Disaster Social Services Manager or designate;
 - o. representative(s) from adjacent municipalities which have entered into the Regional Municipal Emergency Management Agency;
 - p. representative(s) from local business;
 - q. representative(s) from local industry or industrial associations;
 - r. representative(s) from Alberta Agriculture, Food and Rural Development;

- s. representative(s) from Alberta Environment Protection;
 - t. representative(s) from Alberta Municipal Affairs;
 - u. anybody else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.
9. The Director of Emergency Management shall
- a. prepare and co-ordinate the Municipal Plan and related plans and programs for Birch Hills County;
 - 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
 - c. co-ordinate all emergency services and other resources used in an emergency; or
 - d. ensure that someone is designated to discharge the responsibilities specified in paragraphs a, b, and c.
10. The power to declare or renew a state of local emergency under the Act, the power specified in Section 12 of this By-law, and the requirement specified in Section 15 of this By-law, are hereby delegated to a committee comprised of the Director or Deputy Director of Emergency Management and the Reeve or Deputy Reeve or any two councillors. 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
- a. ensure that the declaration identifies the nature of the emergency and the area of Birch Hills County in which it exists;
 - 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; and
 - c. forward a copy of the declaration to the Minister forthwith.
12. Section to section 15, when a state of local emergency is declared, the person or persons making the declaration may
- a. cause the Municipal Emergency Plan or any related plans or programs to be put into operation;
 - b. acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - c. authorize or require any qualified person to render aid of a type he or she is qualified to provide;
 - d. control or prohibit travel to or from any area of Birch Hills County;

- e. 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 any part of Birch Hills County;
 - f. cause the evacuation of persons and the removal of livestock and personal property from any area of Birch Hills County 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;
 - g. authorize the entry into any building or on any land, without warrant, by any person in the course of implementing and emergency plan or program;
 - 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;
 - 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 Birch Hills County for the duration of the state of emergency;
 - j. authorize the conscription of persons needed to meet an emergency; and
 - 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 (b) through (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,
- a. neither Council nor any member of Council, and
 - b. no 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 By-law, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.
14. Notwithstanding Section 13,
- a. Council and any member of Council, and
 - b. Any person acting under the direction or authorization of Council, is liable for gross negligence in carrying out their duties under this By-law.
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
 - a. a resolution is passed under Section 15;
 - b. a period of seven days has lapsed since it was declared, unless it is renewed by resolution;
 - c. the Lieutenant Governor in Council makes an order for a state of local emergency under the Act, relating to the same area; or
 - 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. Birch Hills County Bylaw No. 9-95 is hereby rescinded.


20. The adoption of this Bylaw is effective upon the date of the passing of the third and final reading.

Read a first time this 11 day of FEBRUARY, 2009.

Read a second time this 11 day of FEBRUARY, 2009.

Read a third and final time this 11 day of FEBRUARY, 2009.


REEVE SHIRLEY EMERSON


MANAGER, I. COOPER