

BY-LAW NO. 823-13
A BY-LAW OF THE TOWN OF OYEN
IN THE PROVINCE OF ALBERTA
"MUNICIPAL EMERGENCY MANAGEMENT BYLAW"

WHEREAS

The Council of the Town of Oyen 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 (current as of March 25, 2010), to appoint an Emergency Advisory 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;

NOW THEREFORE

The Council of the Town of Oyen, in the Province of Alberta, duly assembled, enacts as follows:

1. This By-law may be cited as the Town of Oyen Municipal Emergency Management By-law.
2. In this By-Law, unless the context otherwise require:
 - (a) **"Act"** means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;
 - (b) **"Council"** means the Council of the Town of Oyen;
 - (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) **"Emergency Advisory Committee"** means the committee established under this By-law;
 - (e) **"emergency"** means a present or imminent event that requires prompt co-ordination 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) **"Minister"** means the Minister charged with administration of the Act;
 - (g) **"Municipal Emergency Management Agency"** means the agency established under this By-law; and
 - (h) **"Municipal Emergency Plan"** means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster.
3. There is hereby established a Municipal Emergency Management Agency 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) as a committee of the whole, serve as the Emergency Advisory Committee;
 - (b) provide for the payment of expenses of the members of the Emergency Advisory Committee;
 - (c) by resolution, appoint a Director of Emergency Management and one or more Deputy Directors of Emergency Management;
 - (d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Oyen;
 - (e) approve the Town of Oyen's emergency plans and programs; and
 - (f) review the status of the Municipal Emergency Management Program and related plans and programs at least once each year.

6. Council may:
 - (a) by By-law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the 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 agreements and/or regional plans and programs; and
 - (c) appoint one or more Deputy Director(s) of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence;

7. The Council, when acting as the Emergency Advisory Committee, shall:
 - (a) review the Municipal Emergency Management Program and related plans on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Municipal Emergency Management Program and related plans and 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(s) of Emergency Management;
 - (c) the Chief Administrative Officer of the Town of Oyen or designate;
 - (d) the N.C.O. in Charge, R.C.M. Police or designate;
 - (e) the Fire Chief or designate;

- (g) the Hospital Director or designate;
 - (h) the Ministerial Association Representative or designate; and
 - (i) any other position that would or could aid in the preparation and/or implementation of the Municipal Emergency Plan and that has been recommended by the Municipal Emergency Management Agency and appointed by a Resolution of Council for either an ongoing, or specified, period of time.
9. The Director of the Emergency Management Agency shall
- (a) prepare and co-ordinate the Municipal Emergency Management Program and related plans for the Town of Oyen;
 - (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 Emergency Management Agency;
 - (c) authorize and co-ordinate all emergency services and other resources required during an emergency; or
 - (d) delegate duties and tasks as necessary to ensure conformance with paragraphs (a), (b), and (c).
10. The power to declare or renew a state of local emergency, the powers specified in Section 12 of this By-law, and the requirement specified in Section 14 of this By-law, are hereby delegated to the Mayor, in his or her absence the Deputy Mayor, and in his or her absence any two members of Council who may, at any time when it is satisfied that an emergency exists or may exist make a declaration of a state of local emergency.
11. When a state of local emergency is declared, the person[s] making the declaration shall:
- (a) ensure that the declaration identifies the nature of the emergency and the area of the town 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. Subject to Section 15, when a state of local emergency is declared, the local authority making the declaration may do all acts and take all necessary proceedings including the following;
- (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 the town;

- (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;
- (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;
- (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;
- (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 the town 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,

are liable for anything done or omitted to be done in good faith while carrying out a power or duty under this By-law, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

14. 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, the local authority shall, by resolution, terminate the declaration.

15. 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 14;
- (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 emergency under the Act, relating to the same area; or
- (d) the Minister cancels the state of local emergency.

16. When a declaration of a state of local emergency has been terminated, the local authority 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.

17. Bylaw No. 791-09 passed on February 3, 2009 dealing with Disaster Services or Emergency Management is hereby rescinded.

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

Read a first time this 5th day of February 2013.

Read a second time this 5th day of February 2013.

Read a third time this 5th day of February 2013.

Feb 6 / 2013
Date Mayor

Feb 4 / 2013
Date Chief Administrative Officer