

## DISTRICT OF STEWART

### BYLAW NO. 784

A bylaw to establish and maintain a municipal emergency program.

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WHEREAS the *Emergency Program Act* (RSBC 1996, Chapter 111) requires a local government to establish and maintain an emergency management organization to develop and implement emergency plans; and

WHEREAS the Council of the District of Stewart wishes to provide a comprehensive management program to prepare for, response to and recover from emergencies and disasters;

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

#### **Title**

1.0 This bylaw shall be cited as the "Municipal Emergency Program Bylaw No. 784-2003."

#### **Interpretation**

2.0 In this bylaw:

"Act" means the *Emergency Program Act*.

"Council" means the Council of the District of Stewart.

"Declaration of a state of local emergency" means a declaration of Council or the Mayor that as emergency exists or is imminent in the Municipality.

"Disaster" means a calamity that:

- a) is caused by accident, fire, explosion, or technical failure or by forces of nature, and;
- b) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property.

"Emergency" means a present or imminent event that is caused by accident, fire, explosion, or technical failure or by the forces of nature, and requires prompt coordination of action or special regulations of persons or property, to protect the health, safety, or welfare of people or to limit damage to property.

"Emergency Program Coordinator" means the person appointed by the Council as head of the District of Stewart Emergency Management Organization.

"Mayor" means that member of Council who is head and chief executive officer of the municipality.

“Municipality” means all of the area within the boundaries of the municipality of the District of Stewart.

“District of Stewart Emergency Management Organization” means the Emergency Executive Committee, Emergency Program Coordinator and such other persons appointed and functional groups established and which are charged with emergency preparedness, response and recover measures.

- 2.1 This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996, Chapter 111, and Regulations made thereunder.

### **Administration**

- 3.0 An Emergency Executive Committee shall be composed of Council and such other members that the Council may determine by resolution.

- 3.1 The Council may appoint an Emergency Program Coordinator to facilitate emergency preparedness, response and recovery measures.

### **Duties and Responsibilities of the Council**

- 4.0 The Council prepare and maintain:

- a) a list of hazards to which the Municipality may be subject and which also indicates the relative risk of occurrence;
- b) plans respecting the preparation for, response to and recovery from emergencies and disasters, which requirement includes:
  - i) a periodic review and updating of plans and procedures for that review,
  - ii) a program of emergency response exercises,
  - iii) a training program,
  - iv) procedures by which physical and financial emergency response or assistance may be obtained,
  - v) procedures by which emergency plans are to be implemented,
  - 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.

### **Powers of Council**

- 5.0 The Council or Mayor may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.
- 5.1 The Council by bylaw or resolution or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the Act is required to effectively deal with an emergency or disaster in any part of the Municipality.
- 5.2 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 Minister, and
  - b) cause the details of the declaration to be published by 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.
- 5.3 After a declaration of a state of 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 acts considered necessary and implement procedures that the Council or Mayor consider necessary to prevent, respond to or alleviate the effects of an emergency or disaster, including any or all of the following:
  - a) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate of an emergency or disaster;
  - b) authorize or require any person to render assistance of a type that 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 and 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 removal of livestock, animals and personal property from any part of the Municipality that is or may be affected by an emergency or a disaster and make arrangements for of the adequate care and protection of those persons, livestock, animals and personal property;

- f) authorize the entry into any building or 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 and 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 effect 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 and part of the municipality for the duration of the local state of emergency, and
- j) authorize the Chief Administrative Officer to exercise, in any part of the Municipality affected by a declaration or a local state of emergency, those specific powers enabled in Section 5.3 and assumed by the Council or Mayor.

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

- a) cancel the declaration of a state of local emergency in relation to that part
  - i) by bylaw or resolution, if cancellation is effected by the Council, and
  - ii) by order, if the cancellation is effected by the Mayor, and
- b) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

### **Indemnity**

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

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

- b) any act done or omitted to be done by one or more of the persons who were, under this Bylaw, 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.

**Repeal**

7.0 "Emergency Measures Bylaw No. 664-1996" and any amendments thereto are hereby repealed.

READ A FIRST TIME THIS 9<sup>th</sup> day of April, 2003.

READ A SECOND TIME THIS 9<sup>th</sup> day of April, 2003.

READ A THIRD TIME THIS 9<sup>th</sup> day of April, 2003.

ADOPTED THIS 14<sup>th</sup> day of April, 2003.

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Angela Brand Danuser  
Mayor

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Clifford Strachan, CMC  
Clerk

Certified a true and correct copy of the "Municipal Emergency Program Bylaw No. 784-2003".

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Clifford Strachan, CMC  
Clerk