

MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA

BYLAW 849, 2012

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE AND A MUNICIPAL EMERGENCY MANAGEMENT AGENCY WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY OF CROWSNEST PASS.

WHEREAS, the Municipal Government Act gives the Municipalities' the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26 provides that one of the purposes of a municipality is to develop and maintain safe and viable communities;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, C. M-26 authorizes a municipality to take whatever actions or measures are necessary to eliminate an emergency;

AND WHEREAS the Emergency Management Act, R.S.A. 2000, C. E-6.8 requires the Municipality of Crowsnest Pass at all times, be responsible for the direction and control of the Municipality of Crowsnest Pass emergency response;

AND WHEREAS the Emergency Management Act, R.S.A. 2000, C. E-6.8 requires that the Municipality of Crowsnest Pass appoint a Municipal Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency herein tasked to advise on the development of emergency plans and programs;

AND WHEREAS the Emergency Management Act, R.S.A 2000, C. E 6-8 requires the 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;

AND WHEREAS the Council of the Municipality of Crowsnest Pass considers it necessary and desirable to regulate the assessment of risk, the development of emergency plans or programs, and the implementation of physical precautions by industries and businesses as an effective way to provide for the safety, health and welfare of people and the protection of people and property in the Municipality of Crowsnest Pass.

NOW THEREFORE, the Municipal Council of the Municipality of Crowsnest Pass, Alberta, duly assembled, hereby enacts as follows.

PART 1: DEFINITIONS

- 1.0 This Bylaw may be cited as the, "Municipality of Crowsnest Pass Municipal Emergency Management Committee & Agency Bylaw.
- 2.0 In this Bylaw, except where otherwise defined;
 - 2.1 "**Act**" means the Emergency Management Act, Chapter E-6/8, and Revised Statutes of Alberta 2011;
 - 2.2 "**CAO**" means the Chief Administrative Officer of the Municipality of Crowsnest Pass, Alberta or the Director(s) or Department(s) designated by the Chief Administrative Officer to implement this Bylaw;
 - 2.3 "**COUNCIL**" means the duly elected Municipal Council of Crowsnest Pass, Alberta;

- 2.4 **"DISASTER"** means a an event that has resulted or may result in serious harm to the safety, health or welfare of people, or the widespread damage to property and the environment;
- 2.5 **"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;
- 2.6 **"EMERGENCY MEETING"** means the Chief Administrative Officer or designate may call an emergency meeting within a one (1) hour notice if there is concern a major emergency exists or may exist within the Municipality;
- 2.7 **"MINISTER"** means the Minister charged with administration of the Act;
- 2.8 **"MUNICIPALITY"** means the Municipality of Crowsnest Pass;
- 2.9 **"MUNICIPAL EMERGENCY MANAGEMENT AGENCY"** means the agency established under this By-law;
- 2.10 **"MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE"** means that committee established under this Bylaw;
- 2.11 **"MUNICIPAL EMERGENCY PLAN"** means the emergency plan sanctioned by the Agency, prepared by the Director of Municipal Emergency Management and the Agency, to co-ordinate response to an emergency or disaster.

PART 2: APPLICATION

- 2.0 It is hereby established a Municipal Emergency Management Committee to advise Council on the development of emergency plans and programs.
- 2.1 It 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 the declaration section of this Bylaw.

PART 3: COUNCIL APPLICATION

COUNCIL SHALL:

- 3.0 By resolution appoint three (3) of its members to serve on the Municipal Emergency Management Committee;
- 3.1 Provide for the payment of expenses of the members of the municipal Emergency Management Committee;
- 3.2 By resolution, on the recommendation of the Municipal Emergency Management Committee, appoint a Director of Municipal Emergency Management, a Deputy Director of Municipal Emergency Management who shall do those things required of the Director of Municipal Emergency Management in that person's absence;
- 3.3 Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Crowsnest Pass;
- 3.4 Approve Crowsnest Pass emergency plans and programs.

PART 4: MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE APPLICATION

The Municipal Emergency Management Committee shall:

- 4.0 Review the Municipal Emergency Plan and related plans and programs on a regular basis;
- 4.1 Advise Council, duly assembled on the status of the Municipal Emergency Plan and related plans and programs at least once each year;
- 4.2 Be comprised of members of the established Policy Committee.

PART 5: THE MUNICIPAL EMERGENCY MANAGEMENT AGENCY APPLICATION

The Municipal emergency management agency shall:

- 5.0 Be comprised of one or more of the following based on the discretion of the Director of Emergency Management for Crowsnest Pass:
 - a) The Director of Municipal Emergency Management;
 - b) The Deputy Director of Municipal Emergency Management;
 - c) The CAO or designate;
 - d) The Public Information Officer, or designate;
 - e) The Director of Operations/Public Works or designate;
 - f) The Director of Corporate Services or designate;
 - g) A member of Community Services herein known for the purposes of this Bylaw as the Disaster Social Services Representative or designate;
 - h) A member of Enforcement Services;
 - i) Those individuals appointed by any organization that the Director of Municipal Emergency Management invites to provide a representative to serve as a member of the Municipal Emergency Management Agency. Such organizations may have a recurring seat at the agency and others may be invited in as subject matter experts as the Director of Municipal Emergency Management requires. Such organizations may include but are not limited to the Health authority, school boards, RCMP, other municipalities and counties, pipelines, utilities, Chamber of Commerce, Consultants et al.

PART 6: COUNCIL POWERS TO OPERATE THE EMERGENCY MANAGEMENT AGENCY

- 6.0 To operate the emergency management agency council may:
 - a) By Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Emergency Management Agency;
 - 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;
 - c) Review the status of the Municipal Emergency Plan and related plans and programs at least once per year.

PART 7: DUTIES OF THE DIRECTOR-MUNICIPAL EMERGENCY MANAGEMENT

7.0 The Director of Municipal Emergency Management shall:

- (a) Act as Chair of the “AGENCY”;
- (b) Prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Municipality of Crowsnest Pass; and submit an Annual Report on the status of Emergency preparedness in Crowsnest Pass;
- (c) 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 Disaster Services Agency;
- (d) Co-ordinate all emergency services and other resources used in an emergency; or
 - i) Ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), (c), and (d).

7.1 The Director of Protective & Community Services for the Municipality of Crowsnest Pass is hereby appointed as Director of Municipal Emergency Management and shall delegate his authority as required.

7.2 The FCSS Programmer is hereby appointed as “ex officio” of Disaster Social Services for the purpose of liaising with all agencies within the Municipality that provide assistance and response and coordinating efforts of response.

7.3 The Director of Municipal Emergency Management- once appointed by Council Resolution- shall be in charge of the “Agency”. The Director of Municipal Emergency Management will report to the CAO during operations, and report directly to Council should the Municipal Emergency Plan be activated;

7.4 The Director of Municipal Emergency Management or designate shall act as Manager of Emergency Operations with the power to delegate authority;

PART 8: DECLARATION OF STATE OF EMERGENCY – COUNCIL APPLICATION

8.0 The power to pass a resolution to declare or renew a state of local emergency under Section 18 of the Act, the powers specified in this section of the Bylaw, and the requirement specified in the termination of a declaration of a state of emergency are hereby delegated to the Mayor, Deputy Mayor or, in their absence any two councilors;

- a) Council will ensure that the declaration identifies the nature of the emergency and the area of the Municipality in which it exists;
- b) Council will cause the details of the declaration to be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected the contents of the declaration;
- c) Council will notify Emergency Management Alberta when practicable or necessary;
- d) Council will forward a copy of the declaration to the Minister forthwith.

PART 9: WAR EMERGENCY

- 9.0 For the special purpose of preparedness for a war emergency, the Council may cooperate with Councils of other municipalities with the objective of jointly establishing and operating an Emergency Government Area.
- 9.1 Council may appropriate and expend such sums as may be agreed upon to provide for the organization and operation of the Emergency Government Area.

PART 10: DURATION OF A STATE OF EMERGENCY – COUNCIL APPLICATION

- 10.0 Upon the making of a state of local emergency and for the duration of the state of local emergency, the Mayor or designate making the declaration in The Municipality of Crowsnest Pass is authorized to do all acts and take all necessary proceedings to deal with the emergency including but not limited to 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 Municipality;
 - 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 Municipality;
 - f) Cause the evacuation of persons and the removal of livestock and personal property from any area of the Municipality 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 Municipality 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 (a) through (l) .
- l) In relation to any part of the Municipality affected by a declaration of a state of local emergency.

10.2 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 Bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

10.3 Notwithstanding an Emergency or War Emergency:

- a) Council and any member of Council, and;
- b) No person acting under the direction or authorization of Council is liable for gross negligence in carrying out their duties under this Bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

10.4 When, in the opinion of Council who has declared 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.

PART 11: TERMINATION OF A LOCAL STATE OF EMERGENCY

11.0 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 the provisions of this Bylaw;
- 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.

11.1 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.

11.2 Declaration and Termination of an Emergency is derived from the Emergency Management Act, R.S.A. 2000, C. E-6.8 current as of October 01, 2009 and is deemed to be amended with subsequent amendments of the said Act.

PART 12: REGIONAL COOPERATION

- 12.0 The Municipality of Crowsnest Pass will collaborate with other communities within the region included in Bylaw 307, 1992 in participating in mutual aid and support in building any joint regional Emergency response plans;
- 12.1 The Municipality of Crowsnest Pass will participate and operate a joint Municipal Emergency Management Agency with the other communities as required for the purpose of managing any Regional Emergency Response Plans should they be require.

PART 13: SEVERABILITY

If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw 66, 1980 is hereby rescinded.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time the 1st day of May, 2012.

CARRIED UNANIMOUSLY

READ a second time the 15th day of May, 2012.

CARRIED UNANIMOUSLY

READ a third time and finally passed the 15th day of May, 2012.

CARRIED UNANIMOUSLY



Bruce Vernon Decoux
Mayor



Myron Thompson
Chief Administrative Officer