

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1026, 2019
THE EMERGENCY MANAGEMENT BYLAW

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

WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 as amended gives municipalities the power to enact bylaws and impose fines and penalties for infractions of their bylaws;

AND WHEREAS the *Municipal Government Act* provides that one of the purposes of a municipality is to develop and maintain safe and viable communities;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to take whatever actions or measures are necessary to eliminate an emergency;

AND WHEREAS the *Emergency Management Act*, RSA 2000, c. E-6.8 as amended 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* requires that the Municipality of Crowsnest Pass appoint a Municipal Emergency Advisory Committee and to establish and maintain a Municipal Emergency Management Agency herein tasked to advise on the development of emergency plans and programs;

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

1. Short Title

- 1.1 This Bylaw may be cited as the, "Emergency Management Bylaw".

2. Definitions

- 2.1 Unless otherwise specified, words used in this Bylaw have the same meaning as defined in the *Emergency Management Act* and regulations.
- 2.2 In this Bylaw,
- (a) "**Alberta Emergency Management Agency**" means the Alberta Emergency Management Agency or Agency in the Act.
 - (b) "**Act**" means the *Emergency Management Act*, RSA 2000, c. E-6.8 and any regulations as amended from time to time.

- (c) "**CAO**" means the Chief Administrative Officer of the Municipality of Crowsnest Pass, or the Director(s) or Department(s) designated by the Chief Administrative Officer to implement this Bylaw.
- (d) "**Council**" means the duly elected municipal Council of Crowsnest Pass, Alberta.
- (e) "**Councillor**" means any member of the Council of Crowsnest Pass, Alberta, including the Mayor and Deputy Mayor.
- (f) "**Director**" means the director of the Emergency Management Agency.
- (g) "**Disaster**" means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property or the environment.
- (h) "**Emergency**" means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people of to limit damage to property or the environment.
- (i) "**Minister**" means the Minister charged with administration of the Act.
- (j) "**Municipality**" means the Municipality of Crowsnest Pass.
- (k) "**Municipal Emergency Management Agency**" or "**Agency**" means the agency established under this Bylaw.
- (l) "**Municipal Emergency Advisory Committee**" or "**Committee**" means that committee established under this Bylaw.
- (m) "**Municipal Emergency Plan**" includes emergency plans and programs approved by Council to direct and control the Municipality's emergency response to an Emergency.

3. Establishing the Committee and Agency

- 3.1 The Municipal Emergency Advisory Committee is hereby established to advise Council on the development of the Municipal Emergency Plan and is hereby delegated the powers under Section 19(1) in accordance with the Act.
- 3.2 The Municipal Emergency Management Agency is hereby established to act as Council's agent in exercising the powers and duties under the Act.

4. Council's Responsibilities

- 4.1 Council shall have all powers and duties as set out in the Act, including the duty to approve the Municipal Emergency Plan.
- 4.2 Councillors shall complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act.

5. Municipal Emergency Advisory Committee

- 5.1 The Committee shall consist of four Councillors, one of whom shall be the Mayor. The Mayor shall be the Chair of the Committee.
- 5.2 Council shall provide for the payment of expenses of the members of the Committee.
- 5.3 At its organizational meeting, Council shall, by resolution, appoint three Councillors who shall serve on the Committee.
- 5.4 Meetings of the Committee shall be conducted in accordance with the Municipality's Procedure Bylaw, except where this Bylaw provides otherwise. The Committee shall meet at least once a year.
- 5.5 Quorum shall be three members.
- 5.6 The Committee:
 - (a) shall advise on the development of the Municipal Emergency Plan;
 - (b) shall direct and control the emergency response;
 - (c) shall provide guidance and direction to the Agency during an emergency;
 - (d) may authorize the Director, the Agency or both of them to exercise the powers outlined in Section 19(1) of the Act during a state of local emergency; and
 - (e) shall report to Council on the emergency management program in general, including the activities of the Agency.

6. The Municipal Emergency Management Agency

- 6.1 The Agency shall act as agent to Council in exercising Council's powers and duties in accordance with the Act, including the following:
 - (a) administering the Municipality's emergency management program;
 - (b) supporting and assisting the Director in the implementation and coordination of the emergency response pursuant to the Municipal Emergency Plan;
 - (c) at least once a year, providing the Committee with an update on the activities of the Agency;
 - (d) at least once a year, providing the Committee with a review of the Emergency Management Plan; and
 - (e) annually providing the Municipal Emergency Plan to the Alberta Emergency Management Agency for review and comment.

- 6.2 The Agency must, in accordance with the Act, engage in mandatory emergency management exercises and submit an exercise notification to the Alberta Emergency Management Agency.
- 6.3 The Agency shall use the command, control and coordination system prescribed by the Act.
- 6.4 The Agency shall consist of the following members:
- (a) the Director;
 - (b) the Deputy Director;
 - (c) the Manager of Corporate Services;
 - (d) the Director of Development, Engineering and Operations;
 - (e) the Manager of Community Services;
 - (f) the FCSS Programmer or designate;
 - (g) the Manager of Protective Services; and
 - (h) the Director of Finance.
- 6.5 The FCSS Programmer is hereby appointed as the Disaster Social Services representative for the purpose of liaising with all agencies within the Municipality that provide assistance and response and coordinating efforts of response.
- 6.6 Any employee of the Municipality who has been assigned responsibilities respecting the implementation of the Municipal Emergency Plan shall complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act.

7. Duties of the Director

- 7.1 The Director of the Agency is hereby established.
- 7.2 The Director 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 in accordance with the Act;
 - (c) act as Director of Emergency Operations on behalf of the Agency with the power to delegate authority;
 - (d) co-ordinate all emergency services and other resources used in an Emergency; and
 - (e) perform other duties prescribed by Council.

- 7.3 The CAO for the Municipality is hereby appointed as Director and may delegate the Director's powers, duties or functions under this Bylaw to an employee of the Municipality.
- 7.4 In a state of local emergency, the Director shall report directly to the Committee.
- 7.5 The Director shall complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act.

8. Declaration of State of Local Emergency

- 8.1 The power to declare, renew or cancel a state of local emergency is hereby delegated to the Mayor. In the Mayor's absence or infirmity, the power is delegated to the Deputy Mayor. In the Deputy Mayor's absence or infirmity, the power is delegated to the acting Mayor.
- 8.2 A declaration, renewal or cancellation of a local state of emergency shall be made in accordance with the Act, and specifically:
 - (a) the declaration, renewal or termination must be by resolution at a meeting for which notice under the *Municipal Government Act* is not required;
 - (b) the declaration must identify the nature of the emergency and the area of the Municipality in which it exists;
 - (c) the details of the declaration shall 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;
 - (d) the declaration shall be forwarded to the Minister forthwith; and
 - (e) the Emergency Management Alberta Agency will be notified when practicable or necessary.

9. Duration of a State of Emergency

- 9.1 Upon the declaration of a local state of emergency, the Committee may do all acts and take all necessary proceedings including the following:
 - (a) cause any Municipal Emergency Plan to be put into operation;
 - (b) exercise any power given to the Minister under Section 19(1) of the Act in relation to the part of the Municipality affected by the declaration; and
 - (c) authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan any power given to the Minister under Section 19(1) of the Act in relation to the part of the Municipality affected by the declaration.
- 9.2 Upon the declaration of a state of local emergency, the Agency may be authorized to do all acts and take all necessary proceedings including the following:
 - (a) put into operation the Municipal Emergency Plan;

- (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 the person 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) order 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 the Municipal Emergency Plan;
- (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; and
- (j) authorize the conscription of persons needed to meet an emergency.

10. Termination of a Local State of Emergency

- 10.1 When, in the opinion of the Mayor, an Emergency no longer exists, the state of local emergency shall be terminated by resolution. In the absence or infirmity of the Mayor, this power is delegated to the Deputy Mayor. In the absence or infirmity of the Deputy Mayor, this power is delegated to the acting Mayor.
- 10.2 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.

- 10.3 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. Regional Cooperation

- 11.1 The Municipality will endeavor to collaborate with other communities within the region in coordinating and participating in mutual aid and support to better prepare for and respond to Emergency situations in the region.

12. Severability

- 12.1 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.

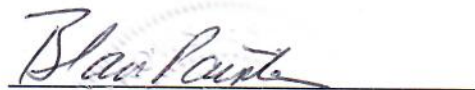
13. Enactment

- 13.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.
- 13.2 This Bylaw repeals and replaces Bylaw 849, 2012.

READ a **first** time in council this 26th day of March 2019.

READ a **second** time in council this 9th day of April 2019.

READ a **third and final** time in council this 9th day of April 2019.



Blair Painter
Mayor



Patrick Thomas
Chief Administrative Officer