



**DISTRICT OF PORT HARDY
EMERGENCY PROGRAM BYLAW 17-2007**

AS AMENDED

**Consolidation:
February 24, 2015
CONSOLIDATED COPY FOR
CONVENIENCE ONLY**

Amending Bylaws:
Bylaw 1038-2015

**DISTRICT OF PORT HARDY
BYLAW 17-2007**

**A BYLAW TO PROVIDE AN EMERGENCY PROGRAM
WITHIN THE DISTRICT OF PORT HARDY**

WHEREAS the Municipal Council is required to prepare a local emergency plan respecting the preparation for, response to, and recovery from emergencies and disasters;

AND WHEREAS the Council of the District of Port Hardy wishes to provide a comprehensive program of emergency preparedness through a coordinated response by elected officials, appointed officials, municipal departments, volunteer services and outside agencies in a manner that addresses prevention, preparedness, response and recovery, and which will address all forms of hazards and provide for measures which will assist with the preservation of life, property, local economy and the environment and provide for continuity of government;

NOW THEREFORE the Council of the District of Port Hardy, in open meeting assembles, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "District of Port Hardy Emergency Program Bylaw 17-2007".

2. INTERPRETATIONS

a) In this bylaw:

"Act" means the *Emergency Program Act*.

"Building" means any structure used or intended for supporting or sheltering any use or occupation.

"Council" means the body consisting of those persons elected as Councillors of the District of Port Hardy.

"Declaration of state of emergency" means an order by the Attorney General of the Province of British Columbia or the Lieutenant Governor in Council that an emergency or disaster exists or is imminent in any part of British Columbia, pursuant to the *Emergency Program Act*.

"Declaration of state of local emergency" means an order of the Mayor, or a resolution of Council in the absence of the Mayor, that an emergency or disaster exists or is imminent, pursuant to the *Emergency Program Act*.

"Disaster" means a calamity that is caused by accident, fire, explosion or technical failure or by forces of nature and has resulted in serious harm to the health, safety or welfare of people or in widespread damage to property.

"Deputy Emergency Coordinator" means that person so appointed by the Emergency Coordinator to assist the Emergency Coordinator, including acting in

AMENDED: BYL 1038-2015 Feb 24/15
--

the capacity of the Emergency Coordinator during an emergency situation wherein the Emergency Coordinator is not available to do so.

"Emergency" means a present or imminent event that is caused by accident, fire, explosion or technical failure or by forces of nature and 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.

"Emergency Coordinator" means that person so appointed by Council to undertake the duties and responsibilities as outlined herein.

AMENDED:
BYL 1038-2015
Feb 24/15

"Emergency Management" means an organized strategy and program consisting of prevention, preparedness, response and recovery.

"Emergency Operations Centre Director" means the Chief Administrative Officer or his designate.

"Emergency Program" means the provisions of this bylaw, the Emergency Plan, any other plans associated with organizing or planning, or any activities associated with preventing, responding to or alleviating the effects of an emergency or disaster.

"Local Emergency Plan" means that document so designated by Council.

"Order" means a written statement or instruction, bearing the printed name and title of the issuer and the date of issuance.

- b) This bylaw shall be construed in accordance with the principles contained in, and shall be subject to, the Province of British Columbia's *Emergency Program Act* and all regulations made thereunder.

3. ADMINISTRATION

- a) The Council shall appoint an Emergency Coordinator and the Emergency Coordinator may in turn, appoint a Deputy Emergency Coordinator.

AMENDED:
BYL 1038-2015
Feb 24/15

- b) There shall be an Emergency Planning Committee which shall meet not less than quarterly, with the Emergency Coordinator acting in the capacity of chairperson. The Emergency Planning Committee shall consist of:

- i) Emergency Coordinator;
- ii) Council representative;
- iii) Emergency Operations Centre Director or designate;
- iv) Emergency Social Services Coordinator; and,
- v) Any other persons the Emergency Planning Committee may deem appropriate.

AMENDED:
BYL 1038-2015
Feb 24/15

- c) There shall be a District of Port Hardy Emergency Plan approved by Council which shall provide the direction and framework to deal with the prevention, preparedness, response and recovery programs to cope with major emergencies and disasters. The Emergency Planning Committee may initiate reviews of all or

AMENDED:
BYL 1038-2015
Feb 24/15

part of the Emergency Plan and amendments thereto shall be approved by the Emergency Planning Committee.

AMENDED: BYL 1038-2015 Feb 24/15
--

- d) The Emergency Planning Committee will:
 - i) organize, establish and maintain emergency plans and responses within the municipality for the purpose of responding to emergencies and disasters;
 - ii) annually review emergency plans, responses, resources and capabilities to ensure that they are adequate, complete, current and can be implemented expeditiously and efficiently;
 - iii) assist the Emergency Coordinator in performing his duties and responsibilities;
 - iv) negotiate agreements with other municipalities or governments for the purpose of mutual aid or for the formation of joint organizations;
 - v) negotiate with individuals, bodies, corporations or agencies other than government for the participation of their members within the emergency program, according to their qualifications;
 - vi) make and amend rules and guidelines regulating its own practices and procedures;
 - vii) make recommendations to Council for cooperation with, and making grants of money to, any committee set up under the Act to undertake the organization and operation of the Emergency Program;
 - viii) annually submit to Council estimates of expenditures for the organization, maintenance and operation of the Emergency Program;
 - ix) during an emergency or disaster, coordinate and direct the overall operations undertaken by the Municipality respecting preparation for, response to and recovery from an emergency or disaster.

4. DUTIES AND RESPONSIBILITIES

- a) In the event of an emergency or disaster, or a declaration of a state of local emergency, the Emergency Operations Centre Director may authorize the expenditure of funds to meet the exigencies of the situation.
- b) The Emergency Coordinator shall:
 - i) assist the Emergency Operations Centre Director to coordinate operations and activities within the Emergency Operations Centre during an emergency or disaster;
 - ii) during a declared state of local emergency, act as liaison between the Emergency Operations Centre Director or such other person as the Minister may appoint under the *Emergency Program Act*, and the Council for the coordination and implementation of the necessary plans or emergency program;

- iii) have the authority, whether or not a state of local emergency has been declared, to cause the local Emergency Plan to be activated and implemented in the Municipality, if in the opinion of the Emergency Coordinator an emergency or disaster exists or appears to be imminent;
- iv) ensure that the local Emergency Plan is maintained in a current state;
- v) be responsible for the day to day management of the local Emergency Program, including coordination of staff and resources, encouragement of public participation and preparation for an emergency or disaster, and coordinate with external organizations in emergency management;
- vi) select and process candidates for federal and provincial emergency planning courses;
- vii) maintain information on potential disasters, by any cause;
- viii) coordinate the equipping and training of volunteers;
- ix) conduct studies and exercises to ensure the local Emergency Plan is effective and in a state of readiness;
- x) act as a point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations;
- xi) submit an annual report to Council on the Emergency Program and make recommendations to Council as to any changes to the Emergency Program he considers necessary; and
- xii) in an emergency situation, initiate contact with the Provincial emergency program agency to obtain a task number related to said emergency situation.

AMENDED: BYL 1038-2015 Feb 24/15
--

5. POWERS

- a) Notwithstanding any other provisions of this bylaw, or the *Community Charter*, the Mayor or the Council may, when satisfied that an emergency or disaster exists or is imminent in the Municipality, declare that a state of local emergency exists.
- b) A declaration of a state of local emergency must identify the nature of the emergency or disaster and the part of the Municipality in which it exists or is imminent, and the declaration shall be made either by order of the Mayor or by resolution of Council.
- c) Upon the declaration of a state of local emergency in respect of any part or all of the Municipality, and in order to prevent, respond to, or alleviate the effects of an emergency or disaster, the Mayor, the Council, the Emergency Coordinator or the Emergency Operations Centre Director may, by order in relation to any part or parts of the Municipality affected by the declaration of the state of local emergency:
 - i) implement any part or parts of the Emergency Plan;

- ii) acquire or use any real or personal property considered necessary;
 - iii) authorize or require any person to render assistance of a type that the person is qualified to provide;
 - iv) control or prohibit travel to or from any area of the Municipality;
 - v) provide for the restoration and coordination of essential facilities, medical services, other essential services and the distribution of essential supplies;
 - vi) cause the evacuation of persons and the removal of livestock or other animals and personal property from any area of the Municipality that is or may be affected by an emergency or disaster, and make arrangements for the adequate care of those persons, livestock or animals and personal property;
 - vii) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the local Emergency Plan;
 - viii) cause the demolition or removal of any structures, trees or crops if the demolition or removal is considered to be necessary or appropriate;
 - ix) construct works considered to be necessary or appropriate; and
 - x) procure, fix prices for, or ration, food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of property, services, resources, or equipment within any part of the Municipality for the duration of the state of local emergency.
- d) The Mayor by order or the Council by resolution must, when of the opinion that an emergency or disaster no longer exists for which a state of local emergency was declared, cancel the declaration and immediately notify the Attorney General of the Province of British Columbia of the cancellation.

6. LIABILITY

No person, including without limitation the Mayor, other members of Council, members of the Emergency Planning Committee, employees of the Municipality, its police and fire departments, a volunteer or any other person appointed or authorized or required to carry out measures relating to an emergency or disaster, is liable for any loss, cost, expense, damage or injury to persons or property that results from any act done or omitted by that person, in good faith, to perform the duties and responsibilities for which they are appointed, assigned, or volunteer unless in doing or omitting the act the person is grossly negligent.

7. COMPENSATION FOR LOSS

- a) Despite section 6, if as a result of the acquisition or use of a person's real property by, or under the direction or authority set out under section 5(c), the person suffers a loss of or to the property, the Council shall compensate that person for such loss in accordance with the regulations made under the *Emergency Program Act*.

- b) Despite section 6, if any person suffers a loss of or to any real or personal property as a result of the implementation of the Emergency Plan, or any action taken by or under the direction or authority set out under section 5(c), the Council may compensate that person for such loss in accordance with the regulations made under the *Emergency Program Act*.
- c) If any dispute arises concerning the amount of compensation payable under this section, the matter shall be submitted for arbitration under the *Commercial Arbitration Act*, as amended.

8. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

9. REPEAL

District of Port Hardy Emergency Measures Bylaw No. 15-99 is hereby repealed.

READ A FIRST TIME ON THE 11th DAY OF SEPTEMBER, 2007.

READ A SECOND TIME ON THE 11th DAY OF SEPTEMBER, 2007.

READ A THIRD TIME ON THE 11th DAY OF SEPTEMBER, 2007.

ADOPTED THE 9th DAY OF OCTOBER, 2007.

Original Signed by:

DIRECTOR OF
CORPORATE SERVICES

MAYOR

Certified to be a true copy of District of
Port Hardy Emergency Program Bylaw 17-2007

DIRECTOR OF
CORPORATE SERVICES