

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2853

A bylaw to establish an emergency management program.

WHEREAS:

Council for the Township of Esquimalt is required by the *Emergency Program Act*, RSBC 1996, c.111, as amended, to establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters for the whole of the municipality; and

Council is required by the Act to establish procedures for the prompt and efficient implementation of plans and programs to meet emergencies and disasters; and

Council is required by the Act to prepare or cause to be prepared integrated plans and programs respecting preparation for, response to, and recovery from emergencies and disasters; and

Council may appoint such committees as it considers necessary or desirable to advise or assist in meeting its obligations under the Act; and

Council may appoint a coordinator of the emergency management organization; and

Council may, in writing, delegate any of its powers and duties under the Act to the committee, emergency management organization, or coordinator, except the power to make a declaration of a state of local emergency;

THEREFORE the Council of the Township of Esquimalt, in open meeting assembled, hereby enacts as follows:

1.0 CITATION

This Bylaw may be cited as the “*EMERGENCY MANAGEMENT BYLAW, 2015, NO. 2853.*”

2.0 DEFINITIONS

2.1 In this Bylaw unless the context requires otherwise:

- (a) *Declaration of a State of Local Emergency* means a declaration of Council or the Mayor that an emergency exists or is imminent in the Township;
- (b) *Disaster* means a calamity that:
 - a. Is caused by an accident, fire, explosion or technical failure or by the forces of nature, and
 - b. Has resulted in serious harm to health, safety or welfare of people, or in widespread damage to property.
- (c) *Emergency* means a present or imminent event that:

- a. Is caused by accident, fire, explosion, technical failure or by the forces of nature, and
 - b. 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.
- (d) *Comprehensive Emergency Management* means an organized strategy and program consisting of an analysis of community hazards and vulnerabilities, risk mitigation, and preparedness for emergency response, business continuity, disaster recovery;
- (e) *Comprehensive Emergency Management Plan (CEMP)* means the emergency plans formulated by the Township, outlining the roles and responsibilities for the Township to be followed in the case of emergency or disaster.
- (f) *Emergency Management Program* means the organization, plans and procedures established within the Township for emergencies and disasters that encompasses all municipal departments and such other persons appointed and functional groups established that are charged with emergency preparedness, mitigation, response, continuity, and recovery measures.
- (g) *Emergency Operations Centre Director* means the person with overall responsibility for coordinating site support response and recovery in the Township Emergency Operations Centre (EOC).
- (h) *Esquimalt Emergency Program (EEP)* is the emergency management program for the Township.
- (i) *Township* means the Corporation of the Township of Esquimalt.

2.2 This Bylaw and the expressions used have the same meaning as, and is subject to, the *Emergency Program Act*, RSBC 1996, c. 111 (Act) and its Regulations, as amended.

3.0 ADMINISTRATION, DUTIES, AND RESPONSIBILITIES

3.1 EMERGENCY PROGRAM COORDINATOR

3.1.1 The Council may appoint an Emergency Program Coordinator to coordinate the development and implementation of emergency plans and other preparedness, response and recovery measures for emergencies and disasters.

3.1.2 The Emergency Program Coordinator (or designate) shall:

- (a) Be responsible for the overall supervision and management of the emergency program
- (b) Advise the Mayor, Council, Chief Administrative Officer (CAO), Directors and the Emergency Executive Committee, that is established pursuant to section 3.3, on all matters relating to the EEP;
- (c) Annually review the emergency program and provide recommendations for improvement to the Emergency Executive Committee; and
- (d) Act as Chair of the Emergency Planning Committee that is established pursuant to section 3.4.
- (e) Prepare and recommend an annual budget

3.2 EMERGENCY PROGRAM MANAGER

- 3.2.1 The Emergency Program Coordinator may assign an Emergency Program Manager to assist in the coordination and development of the CEMP.
- 3.2.2 The duties of the Emergency Program Manager are to:
- (a) Be responsible for day to day emergency management and the EEP, including coordination of staff emergency training and management, encouragement of public emergency preparedness and coordination with the Province and other external organizations involved in emergency management;
 - (b) Organize and act as the staff liaison of the Emergency Planning Committee;
 - (c) Establish and maintain the CEMP and to coordinate the development and involvement of emergency response organizations in the CEMP;
 - (d) Direct and coordinate the planning, response, and recovery activities of the municipal volunteer programs;
 - (e) Coordinate the training of and resources for the volunteer services;
 - (f) Conduct and coordinate training and exercises to ensure the Emergency Management Program is effective and in a tested state of readiness;
 - (g) Maintain information on potential hazards and their impact on the municipality; and
 - (h) Advise and report to the Emergency Program Coordinator and Emergency Planning Committee on relevant matters relating to emergency management in the Township.

3.3 EMERGENCY EXECUTIVE COMMITTEE

- 3.3.1 An Emergency Executive Committee is established with membership consisting of:
- (a) the Mayor;
 - (b) the CAO; and
 - (c) the Emergency Program Coordinator.
- 3.3.2 The Emergency Executive Committee shall:
- (a) Recommend to Council policy as it relates to emergency management;
 - (b) Annually review and approve the emergency program strategic plan, work plan, CEMP, and budget;
 - (c) Provide recommendations for the development, maintenance and implementation of the EEP projects and activities; and
 - (d) Request and receive input and advice from the Emergency Planning Committee and other persons or public authorities.

3.4 EMERGENCY PLANNING COMMITTEE

- 3.4.1 An Emergency Planning Committee is hereby established which shall report to the EEC and shall consist of:
- (a) The CAO or designate
 - (b) Relevant Directors or designate as determined by CAO;

- (c) Fire Chief or designate;
- (d) Emergency Program Coordinator or designate;
- (e) Emergency Program Manager;
- (f) Victoria Police Department representative;
- (g) Department of National Defense representative;
- (h) Other temporary representatives as necessary as determined by CAO.

3.4.2 The Emergency Planning Committee shall:

- (a) Be responsible for the strategic direction and emergency program work plan;
- (b) Annually review and provide guidance to the emergency manager in program strategic plan;
- (c) Serve to support the EOC as outlined in the CEMP;
- (d) Prepare the plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:
 - i. designation of municipal staff and other persons in appropriate roles;
 - ii. a periodic review and updating of plans and procedures for that review;
 - iii. a program of emergency response exercises;
 - iv. a training program;
 - v. procedures by which physical and financial emergency resources or assistance may be obtained during emergency;
 - vi. procedures by which emergency plans are to be implemented;
 - vii. warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster;
 - viii. procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters;
 - ix. Procedures to establish the priorities for restoring essential services provided by the Township, or recommend priorities to other service providers that are interrupted during an emergency or disaster.
- (e) Prepare and review annually Township emergency plans containing information and direction that is specific to their departments or services and submit revisions to the Emergency Manager for inclusion in the CEMP;
- (f) Determine priorities for Township emergency preparedness initiatives and activities;
- (g) Establish relevant sub-committees and appoint members to the sub-committees;
- (h) Recommend agreements with other local authorities for the purpose of mutual aid or for the formation of joint organizations;
- (i) Make and amend rules for regulating Committee practices and procedures;
- (j) Participate in training and exercises, and;
- (k) Report to the Emergency Executive Committee.

4.0 Powers and Functions

- 4.1 The Mayor, the Council, the CAO or the Emergency Program Coordinator may, whether or not a state of local emergency has been declared, cause the CEMP to be implemented where the Mayor, the Council, the CAO, or the Emergency Program Coordinator is of the opinion that an emergency exists or appears imminent or a disaster has occurred or threatens the Township.
- 4.2 Despite any other provisions of this Bylaw or the *Community Charter*, the Council, by bylaw or resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary powers or authority enabled by Section 13 of the *Act* is required to effectively deal with an emergency or disaster in any part of the municipality.
- 4.3 As per the *Act*, upon a declaration of a state of local emergency the Council or the Mayor shall:
- a. Forward a copy of the declaration to the Minister responsible , and
 - b. Cause the details of the declaration to be published by a 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.
- 4.4 When a declaration of a state of local emergency has been made, in respect of all or any part of the municipality, and for the duration of the state of local emergency, the Council or Mayor may do any or all acts considered necessary and implement procedures that the Council or Mayor considers necessary to prevent, respond to or alleviate the effects of an emergency or a 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 the effects of an emergency or disaster;
 - b. Authorize or require any person to render assistance of a type that the 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 any area of the Township;
 - 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 Township;
 - e. Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the Township that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
 - f. Authorize the entry into any building or on any land without warrant by any person in the course of implementing the Emergency Plan or program or if otherwise considered by Council to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

- g. Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by Council to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
- h. Construct works considered by Council to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster; and
- 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 any part of the Township for the duration of the state of local emergency.

4.5 When a state of local emergency has been declared, Council may authorize in writing, the Emergency Program Coordinator or designate to exercise any of the powers referred to in section 4.4 (a) to (i) in relation to any area affected by the declaration.

4.6 In emergency response, Council delegates its responsibilities and authorities under the Act to the EOC Director, except the authority to declare a state of local emergency. The EOC Director may authorize the expenditure of funds to meet the requirements of response and may act as the liaison between the province and or provincial representatives and the Township for the coordination and implementation of necessary plans for the EEP.

4.7 Council or the Mayor, when of the opinion that an emergency no longer exists in the part of the Township in relation to which a declaration of a state of local emergency was made, must:

- a. Cancel the declaration of a state of local emergency in relation to that part by:
 - i. Bylaw or resolution, if the cancellation is effected by Council, or
 - ii. Order, if the cancellation is effected by the Mayor; and
- b. Promptly notify the Minister and the affected population of the cancellation of the declaration of a state of local emergency.

5.0 General Provisions

5.1 As enabled by the *Act*, no person, including, without limitation, the Council, the Mayor, members of the EEP, employees of the Township, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

- a. the person in good faith doing or omitting to do any act that 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 acts 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.

5.2 Despite section 5.1, if as a result of the acquisition or use of a person's real property under section 4.4(b) above, the person suffers a loss of or to that property, Council must compensate that person for such loss in accordance with the regulations made under the *Act*.

5.3 Despite section 5.1, if a person suffers a loss of or to any real or personal property as a result of the implementation of the EEP or any other action taken by or under the direction or authority of Council under section 4.4(b), Council may compensate that person for the loss in accordance with the regulations made under the *Act*.

5.4 If any dispute arises concerning the amount of compensation payable under this section, the matter must be submitted for determination by one or three arbitrators appointed under the *Commercial Arbitration Act*, and the person to be compensated must deliver to the Minister responsible for the *Act* a notice setting out whether one or three arbitrators are to be appointed; and the *Commercial Arbitration Act* applies to the dispute.

5.4 In the case of conflict between the *Act* and this Bylaw, the *Act* prevails.

6.0 REPEAL

6.1 Emergency Program Bylaw, 2006, No. 2636, and any amendments thereto are hereby repealed.

Read a first time by the Municipal Council on the 1st day of June, 2015.

Read a second time by the Municipal Council on the 1st day of June, 2015

Read a third time by the Municipal Council on the 1st day of June, 2015.

ADOPTED by the Municipal Council on the 22nd day of June, 2015.

BARBARA DESJARDINS, MAYOR

ANJA NURVO, CORPORATE OFFICER