

The Village of Pemberton

Emergency Measures Bylaw No.539, 2004

WHEREAS the Council must establish and maintain an emergency management organization to develop and implement emergency plans,

AND WHEREAS the Village of Pemberton Municipal Council wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

NOW THEREFORE, the Village of Pemberton Council in open meeting assembled enacts as follows:

SECTION 1 – CITATION

1.1 This Bylaw shall be cited as the Emergency Measures Bylaw No. 539, 2004

SECTION 2 - INTERPRETATION

2.1 In this Bylaw:

- a) “Council” means the Village of Pemberton Municipal Council;
- b) “declaration of a state of local emergency” means a declaration of Council or the Mayor that an emergency exists or is imminent in the municipality;
- c) “disaster” means a calamity that:
 - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;
- d) “emergency” means a present or imminent event that:
 - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii. 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;
- e) “Village of Pemberton Emergency Coordinator” means the person appointed under Section 3.2 as the head of the Village of Pemberton Emergency Management Organization;
- f) “Mayor” means that member of Council who is head and chief executive officer of the municipality;
- g) “Municipality” means all the area within the boundaries of the Village of Pemberton;
- h) “The Village of Pemberton Emergency Management Organization” means the Emergency Planning and Operations Committee, Emergency Coordinator and such other person appointed and functional groups established and which are charged with emergency preparedness, response and recovery measures.

2.2 This bylaw shall be construed in accordance with the Emergency Program Act, RSBC 1996 Chapter 111 and all Regulations made there under. In this bylaw, “Act” means the Emergency Program Act.

SECTION 3 – ADMINISTRATION

- 3.1 An Emergency Planning and Operations Committee shall be composed of:
- a) a Council member,
 - b) the Chief Administrative Officer (CAO) of the municipality,
 - c) Emergency Coordinator,
 - d) Heads of selected functional departments or their designates as determined by the Council, and
 - e) such other members that the Council may determine.
- 3.2 The Council shall appoint a Village of Pemberton Emergency Coordinator to facilitate emergency preparedness, response and recovery measures.
- 3.3 Subject to the approval of Council, the Emergency Planning and Operations Committee may:
- a) make and amend its terms of reference, policies and procedures,
 - b) enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery, and
 - c) enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services

SECTION 4 – DUTIES AND RESPONSIBILITIES OF THE COUNCIL

- 4.1 The Village of Pemberton Emergency Planning and Operations Committee shall prepare and present to the Council for annual review and approval:
- a) a list of hazards to which the municipality is 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 include:
 - 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 resources or assistance may be obtained,
 - v) procedures by which emergency plans are to be implemented,
 - vi) warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster,
 - vii) procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether that provision is made form within or outside of the municipality, and
 - viii) 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.

SECTION 5 – POWERS OF THE COUNCIL

- 5.1 The Council or the Mayor or the Emergency Coordinator or other member of the Emergency Planning and Operations Committee may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.

5.2 The Council by bylaw or resolution, or the Mayor by order, may declare a state of local emergency with 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.

5.3 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 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.

5.4 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 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 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 the 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 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 of if otherwise considered by 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 any trees, structures or crops if the demolition or removal is considered by the Council or Mayor 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 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 any part of the municipality for the duration of the local state of emergency; and
- j) authorize the Emergency Coordinator (or other selected person or persons) to exercise, in any part of the municipality affected by a declaration of a local state of emergency, those specific powers enabled in Section 5.4 and assumed by the Council or Mayor.

- 5.5 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, or
 - 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.

SECTION 6 – LIABILITY

- 6.1 As enables by the Act, no person, including, without limitation, the Council, the Mayor, members of the Village of Pemberton Emergency Management Organization Committee, employees of the Village of Pemberton, 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 person to do the acts, the person was not acting in good faith

READ A FIRST TIME the 5th day of October, 2004

READ A SECOND TIME the 5th day of October, 2004

READ A THIRD TIME the 5th day of October, 2004

FOURTH AND FINAL READING the 19th day of October, 2004

Mayor

Clerk-Administrator