

WHEATLAND COUNTY

BYLAW 2013-13

MUNICIPAL EMERGENCY MANAGEMENT BYLAW

A BYLAW OF WHEATLAND COUNTY, IN THE PROVINCE OF ALBERTA, TO APPOINT AN EMERGENCY MANAGEMENT COMMITTEE AND TO ESTABLISH AND MAINTAIN A MUNICIPAL EMERGENCY MANAGEMENT AGENCY WITHIN WHEATLAND COUNTY.

WHEREAS the Council of the Wheatland County is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000 (current as of May13, 2011), to appoint an Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency; and

WHEREAS it is desirable, and in the public interest, and 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;

NOW, THEREFORE, THE COUNCIL OF WHEATLAND COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Municipal Emergency Management Bylaw.
2. In this Bylaw,
 - (a) "Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;
 - (b) "Council" means the Council of Wheatland County;
 - (c) "Declaration of a State of Local Emergency" means a resolution or order of a local authority under Section 21 of the Emergency Management Act;
 - (d) "Disaster" means an event that results in serious harm to the safety, health or welfare of people, or in widespread damage to property;
 - (e) "Director of Emergency Management" means an individual appointed by the local authority to prepare and coordinate emergency plans and programs for the municipality; act as the director of operations on behalf of the municipal emergency management agency; coordinate all emergency services and other resources used in an emergency; and, perform other related duties;
 - (f) "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;
 - (g) "Emergency Management Committee" means the committee established under this Bylaw;
 - (h) "Minister" means the Minister determined under section 16 of government organization act as the Minister responsible for this Act;
 - (i) "Municipality" means the area comprising a municipality within the meaning of the Municipal Government Act;

- (j) "Municipal Emergency Management Agency" means an organization that acts as an agent of the Local authority (council) to carry out the council's statutory powers and obligations under Section 11 of the Emergency Management Act;
 - (k) "Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster
3. There is hereby established an Emergency Management Committee to advise Council on the development of emergency plans and programs.
 4. There 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 Section 12 of this Bylaw.
 5. Council shall
 - (a) by resolution, appoint the Reeve and one (1) Councillor to serve on the Emergency Management Committee;
 - (b) provide for the payment of expenses of the members of the Emergency Management Committee;
 - (c) by resolution, on the recommendation of the Emergency Management Committee, appoint a Director of Emergency Management and a Deputy Director of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence;
 - (d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Wheatland County;
 - (e) approve Wheatland County's emergency plans and programs; and
 - (f) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.
 6. Council may
 - (a) by Bylaw borrow, levy, appropriate and expend, all sums required for the operation of the Municipal Emergency Management Agency; and
 - (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.
 7. The Emergency Management Committee shall
 - (a) review the Municipal Emergency Plan and related plans and programs on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once each year.
 8. The Municipal Emergency Management Agency shall be comprised of one or more of the following:

- (a) the Director of Emergency Management;
 - (b) the Deputy Director of Emergency Management;
 - (c) the Public Information Officer or designate;
 - (d) the N.C.O. in Charge, R.C.M. Police or designate;
 - (e) the Public Works Supervisor or designate;
 - (f) Fire Chief or designate;
 - (g) the Superintendent of Schools or designate;
 - (h) the Director of Family and Community Support Services or designate;
 - (i) anybody else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan;
 - (j) a representative from Alberta Municipal Affairs and Housing.
9. The Director of Emergency Management shall:
- (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Wheatland County;
 - (b) 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 Agency; and
 - (c) co-ordinate all emergency services and other resources used in an emergency; or
 - (d) ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), and (c).
10. The power to declare or renew a state of local emergency under the Act, the powers specified in Section 12 of this Bylaw, and the requirement specified in Section 15 of this Bylaw, are hereby delegated to a committee comprised of the Reeve, Deputy Reeve or any two council members. This committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a state of local emergency.
11. When a state of local emergency is declared, the person[s] making the declaration shall:
- (a) ensure that the declaration identifies the nature of the emergency and the area of Wheatland County in which it exists;
 - (b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected; and
 - (c) forward a copy of the declaration to the Minister forthwith.
12. Subject to Section 15, when a state of local emergency is declared, the person[s] making the declaration may:
- (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 Wheatland County;
 - (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 Wheatland County;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area within Wheatland County 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 Wheatland County 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 (b) through (j) in relation to any part of the municipality affected by a declaration of a state of local emergency.
13. When a state of local emergency is declared, neither Council nor any member of Council, and no persons appointed by Council to carry out measures relating to emergencies or disasters, are 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.
 14. Notwithstanding Section 13; Council and any member of Council, and any person acting under the direction or authorization of Council, is liable for gross negligence in carrying out their duties under this Bylaw.
 15. When, in the opinion of the person[s] declaring 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.

16. 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 Section 15;
 - (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.
17. When a declaration of a state of local emergency has been terminated, the person[s] 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.
18. Bylaw No. 96-09 dealing with the establishment of an Emergency Management is hereby repealed upon third and final reading of this Bylaw.
19. This Bylaw becomes effective upon third and final reading of the bylaw.

KNIGHT MOVED first reading of Bylaw 2013-13 on May 21, 2013 and it was

Carried.

BOOTH MOVED second reading of Bylaw 2013-13 on May 21, 2013 and it was

Carried.

ARMSTRONG MOVED permission to hold third and final reading of Bylaw 2013-13 on May 21, 2013 and it was

Carried Unanimously.

BLAND MOVED third and final reading of Bylaw 2013-13 on May 21, 2013 and it was

Carried.



Reeve – Glenn Koester



Chief Administrative Officer – Alan Parkin