

## BYLAW NO. 245-19

### A BYLAW OF CLEAR HILLS COUNTY IN THE PROVINCE OF ALBERTA, BEING THE MUNICIPAL EMERGENCY MANAGEMENT BYLAW.

WHEREAS the Council of Clear Hills County, in the Province of Alberta 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*, to appoint an Emergency Advisory 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 Emergency Management Act.

NOW THEREFORE, the Council of Clear Hills County, in the Province of Alberta, 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) "Chief Administrative Officer" or "CAO" means the person appointed by Council under section 205 of the *Municipal Government Act* to be chief administrative officer for the County.
  - c) "Council" shall mean the Council of Clear Hills County.
  - d) "Deputy Director" means a person appointed by the CAO under section 9 of this bylaw to be a Deputy Director of Emergency Management.
  - e) "Director" means the person appointed by Council under section 5 of this bylaw to be Director of Emergency Management.
  - f) "Disaster" means an event that results in serious harm to the safety, health and welfare of people or in widespread damage to property or the environment.
  - g) "Emergency" means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment.
  - h) "Emergency Advisory Committee" or "Committee" means the Council committee established under this Bylaw.
  - i) "Emergency Management" means the management of Emergencies including all activities and risk management measures related to the phases of prevention, mitigation, preparedness, response and recovery.

- j) "Incident Command System" or "ICS: a command, control & coordination system prescribed by the Managing Director of the AEMA (Alberta Emergency Management Agency)
  - k) "Minister" means the Minister responsible for the *Emergency Management Act*,
  - l) "Municipal Emergency Advisory Agency" or "Agency" means the agency established under this bylaw.
3. There is hereby established an Emergency Advisory 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, or the powers contained in Section 13 of this bylaw.
  5. The Chief Administrative Officer of Clear Hills County is hereby appointed as the Director of Emergency Management.
  6. Council shall:
    - a. provide for the payment of expenses of the members of the Municipal Emergency Advisory Committee;
    - b. ensure that an emergency management program and related plans are developed to address potential emergencies or disasters in the County;
    - c. approve the County's Municipal Emergency management plan; and
    - d. review the status of the Municipal Emergency Management Program and related plans at least once a year.
  7. Council may:
    - a. by bylaw, borrow, levy, appropriate and expend, without the consent of the electors, 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 management plans or programs, including mutual aid agreements.
  8. The Emergency Advisory Committee shall:
    - a. consist of the Reeve or Deputy Reeve who will chair the Committee and two other Members of Council, who are appointed by Council, at the

- a. annual organization meeting. In the absence of the Reeve or Deputy Reeve the remaining Committee members shall appoint a chair.
  - b. review the Municipal Emergency Management Plan and related plans and program at least once annually.
  - c. advise Council on the status of the Municipal Emergency Management Program and related plans at least once annually.
  - d. shall evaluate the Municipal Emergency Management plan when activated, and make suggestions that will enhance the Municipal Emergency Management Plan and overall program.
- 9. The Municipal Emergency Management Agency shall:
  - a. be comprised of one or more of the following:
    - i. the Director of Emergency Management;
    - ii. the Deputy Director of Emergency Management;
    - iii. the Chief Administrative Officer, managers or other administrative staff member(s) of Clear Hills County;
    - iv. the RCMP detachment commander or designate;
    - v. The Fire Chiefs or designates from both fire departments;
    - vi. the Public Information Officer or designate;
    - vii. the Public Works Manager or designate;
    - viii. the Ambulance Service Director or designate;
    - ix. the Health Unit Director or designate;
    - x. The School Board Chairman or designate;
    - xi. representatives from adjacent communities which have entered into mutual aid agreements;
    - xii. representatives from local business or business associations (ie Chamber of Commerce);
    - xiii. representatives from local industry or industrial associations;
    - xiv. representatives from local utility companies (ie Telus, Atco)
    - xv. representatives from Alberta Agriculture and Forestry
    - xvi. representatives from Alberta Environment and Parks;
    - xvii. representatives from Alberta Infrastructure
    - xviii. anybody else who might serve a useful purpose in the preparation or implementation of the Emergency Management Plan.
  - b. be responsible for carrying out the Emergency Management Plan during a state of local emergency;

- c. use the Incident Command System for emergency response and recovery activities.
- d. review the plan and participate in exercises and make recommendations to the Emergency Advisory Committee that would enhance the plan;
- e. meet at least once per year to review the Emergency Management Plan.

10. The Director of Emergency Management shall:

- a. prepare and coordinate the Municipal Emergency Management Program and related plans for Clear Hills County;
- b. act as Director of Emergency Management, or ensure that someone is designated under the Municipal Emergency Management Plan to so act, on behalf of the Municipal Emergency management Agency;
- c. authorize and coordinate all emergency services and other resources used in an emergency; and/or
- d. ensure that someone is designated to discharge the responsibilities specified in paragraphs a., b., and c.
- e. appoint a Deputy Director of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence.

11. Method of Declaring a State of Local Emergency

- a. The power to declare, terminate or renew a state of local emergency under the Act, the powers specified in Section 13 of this Bylaw and the requirements specified in Section 12 of this bylaw are hereby delegated to the Emergency Management Committee.
  - i. The Emergency Management Committee may, at any time when it is satisfied that an emergency exists or may exist, be resolution make a declaration of a State of Local Emergency.
  - ii. If the Reeve is available and not incapacitated by the Emergency, then the Reeve, acting alone constitutes a quorum of the Emergency Management Committee for the purpose of making a decision to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
  - iii. If the Reeve is unavailable or incapacitated, then the Deputy Reeve shall act alone for the purpose of making a decision to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies.

- iv. If both the Reeve and Deputy Reeve are unavailable or incapacitated then a member of the Committee has the authority to act as a quorum of one to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies on the recommendation of the Chief Administrative Officer and/or Director of Emergency Management, in accordance with that recommendation.
  - v. If the Reeve, Deputy Reeve, and Committee members are unavailable or incapacitated then the Chief Administrative Officer has the authority to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
12. 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 the County in which it exists;
  - b. cause the details of the declaration to be published immediately by any means of communication considered most likely to notify the population of the area of the area affected; and
  - c. notify Alberta Emergency Management Agency, as soon as is reasonably practicable; and
  - d. forward a copy of the declaration to the Minister forthwith.
13. Subject to Section 12, when a State of Local Emergency is declared the persons(s) making the declaration may:
- a. cause the Emergency Management Plan 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 the County;
  - e. 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 any part of the County;
  - f. cause the evacuation of persons and the removal of livestock and personal property from any area of the 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 demotion 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 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 County affected by a declaration of a state of local emergency.
14. No action lies against Council, the Emergency Advisory Committee, the Municipal Emergency Management Agency and their respective members, nor any other person acting under Council's direction or authority for anything done or omitted to be done in good faith while carrying out a power or duty under the *Act*, the *Regulations* or this Bylaw during a state of local emergency.
15. 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.
16. When, in the opinion of the person or persons 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.
17. 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.
18. When a declaration of a state of local emergency has been terminated, the local authority who made the declaration shall:
- a. 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.

- b. notify Alberta Emergency management Agency as soon as is reasonably practicable.

19. Bylaw 142-10 is hereby repealed.

20. This Bylaw shall come into force and effect on the date of final reading hereof.

READ a first time this 10 day of September, 2019.

READ a second time this 10 day of September, 2019..

READ a third time this 10 day of September, 2019.

  
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Miron Croy, Reeve

  
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Allan Rowe, Chief Administrative Officer