

DISTRICT OF FORT ST. JAMES
EMERGENCY MANAGEMENT PROGRAM

BYLAW NO. 862, 2008

The Council of the District of Fort St. James enacts as follows:

1.0 CITATION

1.1 This Bylaw may be cited for all purposes as “Emergency Management Program Bylaw No. 862, 2008.”

2.0 INTERPRETATION

2.1 In this bylaw:

- (a) “Act” means the Emergency Program Act.
- (b) “Declaration of a state of local emergency” means a declaration of the Mayor or Council 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 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) “Emergency Coordinator” means the person appointed by Council as the head of the Municipal Emergency Program;
- (f) “Minister” means the Minister responsible for Provincial response to emergencies and disasters and administration of the *Emergency Program Act*.
- (g) “Municipality” means the District of Fort St. James;
- (h) “Municipal Emergency Program” means the Emergency Management Committee, Emergency Coordinator, and all other persons appointed and charged with emergency preparedness, response, and recovery in the municipality.

2.2 This bylaw shall be construed in accordance with the Emergency Program Act, RSBC 1996, Chapter III and all Regulations made thereunder.

3.0 ADMINISTRATION

3.1 The Emergency Management Committee shall be composed of:

- (a) Municipal Emergency Coordinator (chair);
- (b) Mayor and/or Council Representative;
- (c) RCMP Staff Sergeant;
- (d) Fire Chief;
- (e) Chief Administrative Officer;
- (f) Public Works Superintendent;
- (g) Emergency Social Services Director;
- (h) BC Ambulance Representative;
- (i) Fort St. James Search and Rescue Society representative;
- (j) Northern Health (hospital representative); and,
- (k) Others as Council deems appropriate.

3.3 Council shall appoint an Emergency Coordinator to facilitate emergency preparedness, response and recovery program.

3.4 Subject to the approval of Council, the Emergency Management Committee may:

- (a) make and amend its terms of reference, policies, and procedures;
- (b) enter into agreements with regional districts, First Nations or other municipalities for the purpose of emergency assistance or the formation of coordinated emergency preparedness, response or recovery; and,
- (c) enter into agreement with individuals, bodies, corporations or non-government agencies for the provision of goods or services.

4.0 DUTIES AND RESPONSIBILITIES OF COUNCIL

4.1 The District of Fort St. James Emergency Management Committee shall prepare and present to Council for annual review and approval:

- (a) a list of hazards to which the District is subject and which also indicates the relative risk of occurrence; and,
- (b) plans respecting the preparation for, response to, and recovery from emergencies and disasters, which include:
 - i) a period 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, where that provision is made from 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.

5.0 POWERS OF COUNCIL

- 5.1 The Mayor may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.
- 5.2 Council by resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the *Emergency Program Act* is required to effectively deal with an emergency or disaster in any part of the District. The Minister shall be promptly notified upon declaration of a state of local emergency.
- 5.3 After a declaration of a state of local emergency is made under Section 5.2 in respect of all or any part of the District, and for the duration of the state of local emergency, Council or the Mayor may do any or all acts considered necessary to prevent, respond to, or alleviate the effects of an emergency or a disaster, including but not limited to the following:
- (a) acquire or use any real or personal property considered necessary to prevent, respond to, or to 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 District;
 - (d) provide for the restoration of essential facilities and the distribution of 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 on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by

the Mayor or 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;
- (h) if the demolition or removal is considered by the Mayor or Council to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
- (i) construct works considered by the Mayor or Council to be necessary or appropriate in order to prevent, respond to, or alleviate the effects of an emergency or disaster;
- (j) procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resource or equipment within any part of the municipality for the duration of the state of local emergency; and,
- (k) authorize the Emergency Coordinator to exercise, in any part of the District affected by a declaration of a state of local emergency, those specific powers enabled in Section 5.4 and assumed by the Mayor or Council.

5.4 The Mayor or Council must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of state of local emergency was made:

- (a) cancel the declaration of a state of local emergency in relation to that part,
 - i) by resolution, if cancellation is effected by Council, or
 - ii) by order, if the cancellation is effected by the Mayor, and as enabled by the *Emergency Program Act*.
- (b) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

6.0 LIABILITY

6.1 As enabled by the Act, no person, including without limitation Council, the Mayor, members of the District of Fort St. James Emergency Program, employees of the District of Fort St. James, volunteers and any other persons appointed, authorized or requested to carry out a Program relating to emergencies and disasters, is liable for any loss, costs, expenses, damages or injury to persons or property that result from:

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

7.0 REPEAL

7.1 “Emergency Measures Bylaw No. 723, 2000” is repealed.

READ A FIRST SECOND AND THIRD TIME THIS 14TH DAY OF MAY, 2008.

THIRD READING RESCINDED THIS 28TH DAY OF MAY, 2008.

THIRD READING OF AMENDED BYLAW THIS 28TH DAY OF MAY, 2008.

ADOPTED THIS 25th DAY OF JUNE, 2008.

Rob MacDougall, Mayor

Nigel Black, Chief Administrative Officer

Certified to be a true copy of “Emergency Management Program Bylaw No. 862, 2008”.

Nigel Black, Chief Administrative Officer