

Sample Bylaw for Municipalities

MUNICIPALITY OF _____

BYLAW NO. _____

A bylaw to establish an emergency program within the [name of municipality].

WHEREAS the [Municipality] Council is required to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disaster,

AND WHEREAS the [municipality] wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

NOW THEREFORE, the Council of the [municipality] in open meeting assembled enacts as follows:

1. CITATION

1.1. This Bylaw shall be cited as the Emergency Program Regulatory Bylaw No. _____, 20__.

2. INTERPRETATION

2.1. In this bylaw, "Act" means the Emergency Program Act.

2.2. Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the Act.

- a) "Council" means the municipal council of the [Municipality].
- b) "Mayor" means that person elected by the [Municipality], and includes the person designated as acting mayor at the relevant time when the "Mayor" is absent, or otherwise unable to act or when the office of the Mayor is vacant.,
- c) "declaration of a state of local emergency" means a declaration of the Council or the Mayor that an emergency exists or is imminent in the regional district;
- d) "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;
- e) "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;
- f) "[municipality] Emergency Management Organization" means the Emergency Program Executive Committee, Emergency Program Management Committee, Emergency Coordinator and such other persons appointed and functional groups established, and which are charged with emergency preparedness, response and recovery measures;

3. EMERGENCY PROGRAM

3.1. In accordance with the provisions of the Act, an Emergency Program, comprising:

- a) the Council,
- b) an Executive Committee,
- c) an Emergency Program Coordinator, and
- d) an Emergency Program Management Committee

is hereby established.

4. THE COUNCIL

4.1. The Council is at all times responsible for the general direction and control of the response of the [Municipality] to an emergency or disaster, and in particular to:

- a) declare a State of Local Emergency;
- b) delegate powers available under the Emergency Program Act, as required, and to monitor the use of such powers;
- c) establish any emergency policy and legislation necessary to facilitate the response to an emergency or disaster; and
- d) prepare an emergency plan respecting preparation for, response to, and recovery from an emergency or disaster.

4.2. Notwithstanding the provisions of subsection 4.1, the Mayor may carry out the responsibilities specified in clauses (a) and (b) where, because of the circumstances of an emergency or disaster, it is not possible to assemble a quorum of the Council, and provided the Mayor has made every effort to obtain the consent of the other members of the Council.

4.3. The Mayor will appoint an Emergency Program Coordinator to facilitate emergency preparedness, response and recovery measures.

4.4. The Council will ensure that sufficient budget and staff are provided to maintain an essential level of emergency program preparedness.

4.5. The Council will report the annual status of the emergency program to the Provincial Emergency Program.

5. EMERGENCY PROGRAM EXECUTIVE COMMITTEE

5.1. The Executive Committee is accountable to the Council.

5.2. The Executive Committee must comprise, at minimum::

- a) a Councillor,
- b) the Chief Administrative Officer, and
- c) the Emergency Program 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.

5.3. The Executive Committee must

- a) Provide strategic direction and oversight to the Management Committee and Emergency Program Coordinator.
- b) Finalize the annual strategic plan and budget and present to the Council.
- c) Approve emergency plans developed by the Management Committee.

5.4. The Executive Committee may strike such sub-committees and work groups as deemed necessary.

5.5. Subject to the approval of the Council, the Executive Committee may:

- a) make and amend its terms of reference, policies and procedures,
- b) enter into agreements with other regional districts or 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.

6. EMERGENCY PROGRAM COORDINATOR

6.1. The Coordinator is accountable to the Executive Committee

6.2. The Coordinator is responsible for

- a) providing leadership and administration for the emergency program,

- b) coordinating and/or supervising any sub-committees or work groups,
- c) developing a Strategic Plan, action plans and budget,
- d) maintaining all emergency plans and documentation
- e) providing an annual status report on the level of preparedness,
- f) coordinating a training and exercise program,
- g) coordinating with other governments, non-government agencies, First Nations and private sector,
- h) establishing and maintaining an Emergency Operations Centre, and
- i) establishing, coordinating and supporting volunteer programs.

7. EMERGENCY PROGRAM MANAGEMENT COMMITTEE

7.1. The Emergency Program Management Committee is accountable to the Executive Committee.

7.2. The Management Committee must comprise, at minimum:

- a) the Emergency Program Coordinator, *[the Chair]*
- b) representatives of agencies having direct operational responsibilities during a major emergency. Members should include representatives of police, fire, administration, public works, Emergency Social Services (ESS), communications, search and rescue, health services, ambulance, and may include a member of the Council. It can also include representatives from agencies with an interest in safety, and bring in others for consultation and advice.

7.3. The responsibilities of the Management Committee include:

- a) Developing and implementing the emergency program and plans as directed by the Executive Committee,
- b) On-going assessment of hazards, risks and vulnerability,
- c) Evaluating progress of the emergency program annually,
- d) Developing the annual strategic plan including recommending emergency program priorities, specifying procedures for implementation, budget and resource requirements,
- e) Maintaining a staffing and support plan for the Emergency Operations Centre (EOC)
- f) Maintaining a training and exercise program.

7.4. The Management Committee may strike such sub-committees and work groups as deemed necessary.

8. EMERGENCY RESPONSE

8.1. The Emergency Management Program will conform to the “B.C. Emergency Response Management System” (BCERMS).

8.2. The Chief Administrative Officer is designated as the Emergency Operations Centre (EOC) Director.

- a) The EOC Director is authorized to expend Municipal funds which are not included in the financial plan of the Municipality, required for the preservation of life, health and the protection of property during an emergency or disaster, on the following basis:
 - i. up to and including [\$250,000], at the discretion of EOC Director; and
 - ii. [\$250,001] and above, at the discretion of the Council
- b) Any expenditures made in accordance with subsection 8.2.a) must be presented to the Council in a report under the signature of the Mayor.

9. LIABILITY

9.1. As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the [Municipality] Emergency Management Organization, employees of the _____, 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.

c)

10. [REPEAL

Bylaw No. _____ is hereby repealed.]

READ A FIRST TIME the ___ day of _____, 20__.

READ A SECOND TIME the ___ day of _____, 20__.

READ A THIRD TIME the ___ day of _____, 20__.

ADOPTED the __ day of _____, 20__.

MAYOR

[*MANAGER OF ADMINISTRATIVE SERVICES / SECRETARY*]

