

The District of Wells

Bylaw #10, 1999

EMERGENCY MEASURES BYLAW

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

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

NOW THEREFORE, the Wells Council in open meeting assembled enacts as follows:

SECTION 1 – CITATION

1.1 This Bylaw shall be cited as the Emergency Measures Bylaw #10, 1999.

SECTION 2 – INTERPRETATION

2.1 In this bylaw:

- a) “Act” means Emergency Program Act, RSBC 1996, Chapter 111, and all Regulations made thereunder.
- b) “Council” means the District of Wells Municipal Council.
- c) “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.
- d) “disaster” means a disaster as defined in the Act;
- e) “emergency” means an emergency as defined in the Act;
- f) “Emergency Coordinator” means the person appointed by the Council as head of the Wells Emergency Management Organization;
- g) “Mayor” means that member of Council who is head and chief executive officer of the municipality.
- h) “Municipality” means all of the area within the boundaries of the District of Wells;

- i) "Wells Emergency Coordinator" means that person appointed under Section 3.2 of this bylaw;
- j) "Wells Emergency Management Organization" means the Emergency Executive Committee, Emergency coordinator and such other persons 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 thereunder.

SECTION 3 - ADMINISTRATION

3.1 An Emergency Executive Committee shall be composed of:

- a) A Council member (Committee Chairperson);
- b) the Principal Administrative Officer 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 an Emergency Coordinator to facilitate emergency preparedness, response and recovery measure.

3.3 Subject to the approval of the Council, the Emergency Executive 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-governmental agencies for the provision of goods or services.

SECTION 4 – DUTIES AND RESPONSIBILITIES OF THE COUNCIL

4.1 The Wells Emergency Executive committee shall prepare and present to the Council for annual review and approval a list of hazards to which the municipality is subject and which also indicates the relative risk of occurrence.

4.2 The Council shall establish and maintain for all emergency response staff to whom responsibilities are assigned in the plan, those duties in Section 2 (3) (b) of the Local Authority Emergency Management Regulation under the Act

SECTION 5 – POWERS OF THE COUNCIL

- 5.1 The Council or the Mayor or the Emergency Coordinator or other person(s) designated in the plan 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 when the extraordinary power or authority enabled by Section 12 of the Act is required to effectively deal with an emergency or disaster in an 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 Attorney General, 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 the 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 powers granted to a local authority under Section 13(1) of the Act.
- 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 enabled by the Act, no person, including, with limitation, the Council, the Mayor, members of the Wells Emergency Management Organization, employees of Wells, 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 person 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 act, the person was not acting in good faith.

READ A FIRST TIME this 16th day of March, 1999

READ A SECOND TIME this 16th day of March, 1999

READ A THIRD TIME this 20th day of April 1999

FINALLY ADOPTED by the majority of Council members this 18th day of May 1999.

signed by: Joseph Jourdain, Mayor

and by: Doug Ruttan, Clerk

Registered in the office of the Inspector of Municipalities this 13th day of December 1999.