



VILLAGE OF HAY LAKES

BYLAW #01-2019

Emergency Management Bylaw

A BYLAW IN THE VILLAGE OF HAY LAKES, IN THE PROVINCE OF ALBERTA TO ESTABLISH AN EMERGENCY ADVISORY COMMITTEE AND EMERGENCY MANAGEMENT AGENCY IN THE VILLAGE OF HAY LAKES.

WHEREAS the Council of the Village of Hay Lakes 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 Management Committee and to establish and maintain a Municipal Emergency Management Agency; and

WHEREAS it is desirable 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 said Emergency Management Act;

NOW, THEREFORE THE COUNCIL OF THE VILLAGE OF HAY LAKES DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This bylaw may be cited as the Emergency Management Bylaw.

2. In this bylaw:

(a) "Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;

(b) "CAO" means the Chief Administration Officer of the Village of Hay Lakes or their delegate;

(c) "Council" means the Council of the Village of Hay Lakes;

(d) "Emergency Management Committee" means the committee established under this By-law;

(e) "Director of Emergency Management" means the person appointed to the position of Director of Emergency, or DEM, by Council;

(f) "Deputy Director of Emergency Management" means the person appointed to the position of Deputy Director of Emergency Management or Deputy DEM;

(g) "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;

- (h) "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;
- (i) "Emergency Management" means the development, coordination and execution of plans, measures and programs pertaining to mitigation, preparedness, response and recovery before, during and after an emergency event;
- (j) "Minister" means the Minister charged with administration of the Act;
- (k) "Municipal Emergency Management Agency" means the agency established under this By-law;
- (l) "Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster;
- (m) "Person" means an individual and includes a firm, partnership, joint venture; proprietorship, corporation, department, board, agency, association, society or any legal entity; and
- (n) "Village" means the municipality of the Village of Hay Lakes.

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 By-law.

5. Council shall:

- (a) by resolution, appoint 2 of its members to serve on the Emergency Management Committee;
- (b) appointing the Mayor as one of the 2 members;
- (c) provide for the payment of expenses of the members of the Emergency Management Committee;
- (d) by resolution, Council will 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;
- (e) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Village of Hay Lakes;
- (f) approve the Village of Hay Lakes' emergency plans and programs; and;
- (g) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.

6. Council may:

- (a) by By-law 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 plans or programs, including mutual aid plans and programs.

7. The Municipal Emergency Management Agency may be comprised of one or more of the following:

- (a) the Director of Emergency Management;
- (b) the Deputy Director of Emergency Management;
- (c) the CAO;
- (d) other administrative staff as designated by council;
- (e) the Public Works Foreman or designate;
- (f) the Fire Chief or designate; and
- (g) Representative from AEMA.

8. The Director of Emergency Management shall:

- (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Village of Hay Lakes;
- (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).

9. Council 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. The power to declare, renew or terminate a State of Local Emergency, the powers specified in Section 11 of this bylaw, or hereby delegate to either the DEM or a committee comprised of one member of Council. 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.

10. When a state of local emergency has been declared, the person making the declaration shall:

- (a) ensure that the declaration identifies the nature of the emergency and the area of the Village 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;

(c) forward a copy of the declaration to the Minister forthwith.

11. Subject to Section 15, when a state of local emergency is declared, the person 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 the Village;

(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 the Village;

(f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Village 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 the Village for the duration of the state of emergency;

(j) authorize the conscription of persons needed to meet an emergency;

(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; and

(l) utilize any other power granted by the Provincial Government of Alberta, while operating under a State of Local Emergency, included within this document or otherwise.

12. When a state of local emergency is declared,

(a) neither Council nor any member of Council, and

(b) no person 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 By-law, nor are they subject to any proceedings by prohibition, *certiorari*, *mandamus* or injunction.

13. When, in the opinion of the person 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.

14. 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.

15. When a declaration of a state of local emergency has been terminated, the person 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.

16. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

17. This bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 7(a), *Municipal Government Act*, Revised Statutes of Alberta RSA 2000.

Read a first time this 19th day of February, 2019 A.D.

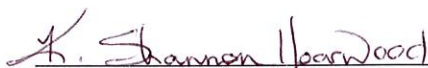
Public Hearing Held this 21st day of June, 2019 A.D.

Read a second time this 21st day June, 2019 A.D.

Read a third and final time this 21st day June, 2019



Dawn Pauls
Mayor



K. Shannon Yearwood
CAO

