

# BYLAW NO. 1799

## OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

A Bylaw of the Town of Fort Macleod, in the Province of Alberta, to Establish a Municipal Disaster Plan.

WHEREAS the Municipal Council of The Town of Fort Macleod is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, RSA 2000, c.E-6.8, to appoint a Disaster Services Committee and to establish and maintain a Municipal Disaster Services Agency; and

WHEREAS it is desirable in the public's 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 said Emergency Management Act;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF FORT MACLEOD, DULY ASSEMBLED, ENACTS AS FOLLOWS:

### **PART 1      PURPOSE**

1. This bylaw may be cited as the Fort Macleod Disaster Services Bylaw.
2. In this bylaw:
  - a. "Act" shall mean the Emergency Management Act, RSA 2000, c.E-6.8 as amended from time to time.
  - b. "Agency" shall mean the Fort Macleod Disaster Services Agency as provided in Part IV of this bylaw.
  - c. "Committee" shall mean the Fort Macleod Disaster Services Committee as provided in Part II of this bylaw.
  - d. "Director" shall mean the Director of the Fort Macleod Disaster Services Agency as appointed by Council.
  - e. "Disaster" shall have the same meaning as given by the Act.
  - f. "Disaster Plan" shall mean the Disaster Plan prepared in accordance with Part I, Section 3 of this bylaw.
  - g. "Emergency" shall have the same meaning as given to it by the Act.
  - h. "Town" means the corporation of the Town of Fort Macleod or the area contained within the boundaries of the Town as the context may require.
3. There shall be created and maintained on an ongoing basis a Disaster Plan which shall be adopted by Council and which shall set out the actions and procedures to be taken in the event of an emergency situation or a local disaster.

### **PART II      DISASTER SERVICES COMMITTEE**

1. In accordance with Section 11(b) of the Act there shall be established a Disaster Services Committee.
2. The Committee shall consist of two (2) members of Council appointed by resolution of Council; as well as the Director of Disaster Services
3. The Committee shall review the Disaster Plan and related plans and programs on a regular basis; and
4. The Committee shall advise the Council on the development of emergency plans and programs at least once each year.

### **PART III STATE OF LOCAL EMERGENCY**

1. The power to declare or to renew a state of local emergency, in accordance with Section 21 of the Act, is hereby delegated to the Deputy Mayor.
2. In the absence of the Deputy Mayor:
  - a. the Acting Deputy Mayor and one Councillor
  - b. or any two members of Councilwill have the power to declare a state of local emergency.
3. When a state of local emergency is declared, the person or persons making the declaration shall;
  - a. ensure that the declaration identifies the nature of the emergency and the area of the Town 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. notify the Alberta Emergency Management Agency, as soon as is reasonably practicable; and
  - d. forward a copy of the declaration to the Minister forthwith.
4. Upon making a declaration of a state of local emergency, and for the duration of the state of local emergency, the local authority is authorized, in accordance with Section 24 of the Act, to do all acts and take all necessary proceedings to deal with the emergency as given to the Town by the Act, which also includes the following:
  - a. authorize or require a local authority to put into effect the Disaster Plan or any related plan or program for the municipality;
  - 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/she is qualified to provide;
  - d. control or prohibit travel to or from any area of the Town;
  - 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 Town;
  - f. cause the evacuation of persons and the removal of livestock and personal property from any area of the Town 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 any part of the Town 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 Disaster Plan and related plans or programs, any power specified in paragraphs (b) to (j) in relation to any part of the Town affected a declaration of a state of local emergency.

5. When a state of local emergency is declared,
  - a. neither Council nor any member of Council, and
  - b. any person acting under the direction or authorization of Council to carry out measures relating to emergencies or disasters, is liable in respect of damage caused through any action taken under this bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.
6. Notwithstanding Part III, section 5,
  - a. Council and any member of Council, and
  - b. any person acting under the direction or authorization of Council is liable for gross negligence in carrying out their duties under this bylaw.
7. When, in the opinion of the person or persons deciding the state of local emergency, an emergency no longer exists in relation to which the declaration was made, they shall terminate the declaration.
8. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:
  - a. the declaration is terminated under Part III, section 7;
  - b. a period of seven days has lapsed since it was declared, unless it is renewed by the persons or person provided for in Part III, sections 1 and 2;
  - c. the Lieutenant Governor in Council makes an order for a state of emergency under the Act relating to the same are or;
  - d. the Minister cancels the state of local emergency.
9. When a declaration of a state of local emergency has been terminated, the person or 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.

#### **PART IV FORT MACLEOD DISASTER SERVICES AGENCY**

1. There shall be a Municipal Disaster Services Agency herein called the "Fort Macleod Disaster Services Agency"
2. Membership of the Agency shall consist of one or more of the following:
  - a. The Chief Administrative Officer or designate;
  - b. The Director of Disaster Services;
  - c. One or more Deputy Directors of Disaster Services;
  - d. The heads of municipal departments and services, which may include:
    - i. Corporate Services Director;
    - ii. Community Services Director;
    - iii. Infrastructure Services Director;
    - iv. RCMP Detachment Commander
    - v. Fire Chief;
    - vi. Director of Family and Community Support Services;
    - vii. Town of Fort Macleod Public Works Superintendent;
    - viii. Town of Fort Macleod Communications Officer;

3. In addition the following public and private organizations operating within the Town may be invited to nominate representatives to serve as members of the Agency:

- a. Alberta Health Services
- b. Livingstone Range School Division
- c. Fortis Alberta;
- d. ATCO Gas;
- e. Telus;
- f. CP Rail;

4. Council shall appoint a Director of Disaster Services, who shall:

- a. prepare and co-ordinate emergency plans and programs for the municipality,
- b. act as director of emergency operations on behalf of the Fort Macleod Disaster Services Agency,
- c. co-ordinate all emergency services and other resources used in an emergency,
- d. in the case of an emergency or disaster situation, direct the operations of the Agency and assume such duties and responsibilities as defined in the Plan; or
- e. ensure that someone is designated to discharge the responsibilities specified in paragraphs (b), (c), (d) and;
- f. perform other duties as prescribed by the local authority.

5. The Director, reporting to the Chief Administrative Officer, shall be responsible, through the Disaster Services Committee, for:

- a. the preparation and co-ordination of the Plan and other programs; and
- b. the submission of an Annual Report on the status of emergency preparedness in the municipality.

6. The Director may appoint up to two (2) deputy directors to act in the absence of the director.

#### **PART V COUNCIL**

1. In addition to the duties and responsibilities identified above, Council may:

- a. by bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Fort Macleod Disaster Services Agency;
- 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.

#### **PART VI ENACTMENT**

- 1. This Bylaw comes into force on the day it is passed.
- 2. This bylaw repeals bylaw 1794.

READ A FIRST TIME THIS 9<sup>TH</sup> DAY OF JUNE 2014 A.D.

READ A SECOND TIME THIS 9<sup>TH</sup> DAY OF JUNE 2014 A.D.

READ A THIRD TIME AND DECLARED PASSED THIS 23 DAY OF June 2014 A.D.

Bylaw Passed