

## CITY OF PORT MOODY

### BYLAW NO. 2866

**A bylaw of the City of Port Moody to develop and implement plans for emergencies and disasters in the City pursuant to the *Emergency Program Act*, R.S.B.C. 1996, c. 111**

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#### **WHEREAS:**

Council for the City of Port Moody is required by the provisions of the *Emergency Program Act*, R.S.B.C. 1996, c. 111, as amended, to establish an *emergency* plan to prepare for, respond to and recover from emergencies and *disasters*;

Council may appoint such committees as it considers necessary or desirable to assist it in meeting its obligations under the *Act*;

Council may appoint a Coordinator of its *emergency* management organization;

This Bylaw is intended to provide a comprehensive program of *emergency* management by a coordinated response of Council, officers and employees of the City of Port Moody, volunteer services and external agencies, that will respond to natural and man-made hazards with the goal of preserving life, property, the local economy and the environment in a comprehensive approach using prevention, mitigation, preparedness, response and recovery, all in a manner that will ensure the continuity of government;

**NOW, THEREFORE, COUNCIL FOR THE CITY OF PORT MOODY** in Open Meeting assembled, hereby enacts as follows:

#### **1. TITLE**

This Bylaw may be cited for all purposes as “Emergency Program Bylaw No. 2866”.

#### **2. REPEAL**

“Emergency Program Bylaw No. 2644” and amendments thereto, is hereby repealed.

### 3. DEFINITIONS

In this Bylaw

“Act” means the *Emergency Program Act*, R.S.B.C. 1996, c. 111, as amended, and any regulations made thereunder;

“*City Manager*” means the senior administrative officer of the City;

“Declaration of a state of local emergency” means a bylaw or resolution of the *Local Authority* or an order of the *City’s Mayor* that an *Emergency* or *Disaster* exists or is imminent and made in accordance with section 12 of the *Act*;

“Director of EOC” means the *City Manager* who provides overall direction in and is responsible for the operations in the Emergency Operations Center;

“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;

“EOC” means the Emergency Operations Centre as defined in the Emergency Program or such other facility as may be designated from time to time as the *EOC* by the *Local Authority*;

“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;

**3. DEFINITIONS (continued)**

“Emergency Program Coordinator” means the person appointed to act in that capacity for the City by the *Local Authority* and is deemed to be the coordinator for the *emergency* management organization of the City pursuant to section 6(3) of the *Act*;

“Emergency Measures Policy / Planning Committee” means a Committee constituted pursuant to Section 4.2 of this Bylaw;

“Local Authority” means the Council for the City;

“Mayor” means the individual elected as *Mayor* of the City or, in the event the *Mayor* is absent, ill or otherwise unable or unwilling to carry out or exercise his or her duties and powers under this Bylaw and the *Act*, the person designated by the City’s policy as the Acting *Mayor* at the relevant time;

“Minister” means the Attorney General for the Province of British Columbia;

“Emergency Program” means the City’s Emergency Program as adopted or implemented from time to time and any amendment thereto;

“City” means the City of Port Moody;

“Order” means a written statement or instruction giving effect to a *Declaration of a state of local emergency* by the *Mayor*, which *Order* must include the date of issuance and bear the name of the *Mayor*.

**4. EMERGENCY PROGRAM ADMINISTRATION**

4.1 The *Local Authority* must appoint an individual to the following position:

- (a) *Emergency Program Coordinator*;

and may establish a reporting structure for such position.

4.2 An *Emergency Measures Policy / Planning Committee* is hereby created which will meet not less than twice per year. The following individuals may constitute the Committee:

- (a) the *Mayor*, who may act as Chair;

**4. EMERGENCY PROGRAM ADMINISTRATION (continued)**

- (b) the *City Manager*;
- (c) the Chief Constable;
- (d) the Director of Emergency Social Services (ESS);
- (e) the City Engineer;
- (f) the Director of Planning and Development Services;
- (g) the City Clerk
- (h) the Emergency Program Coordinator;
- (i) the Fire Chief;
- (k) the Director of Corporate Services;
- (l) the Manager of Finance;
- (m) the Manager of Information Technology;

or their designates; and

such other individuals as may be appointed to the Committee or Subcommittee(s) by the Chair from time to time.

## 5. RESPONSIBILITIES

5.1 The *Emergency Measures Policy / Planning Committee* will be responsible for the following:

- (a) preparing the Emergency Program, which program must
  - (i) provide a general direction and framework that covers prevention, mitigation, preparedness, response and recovery programs to deal with a *Disaster* or *Emergency* in the City, and
  - (ii) formulate roles and responsibilities for all officials appointed pursuant to this Bylaw (whose roles and responsibilities are not otherwise defined herein);
- (b) making and amending practices and procedures to regulate its activities and meetings;
- (c) establishing such sub-committees or working groups as it deems necessary to carry out its duties and obligations;
- (d) subject to the final approval of the *Local Authority*,
  - (i) negotiating agreements with other municipalities or governments for the purpose of mutual aid or the formation of joint organizations,
  - (ii) negotiating with individuals, societies, corporations or other legal entities other than government bodies for the engagement of one or more of their members deemed qualified to provide services necessary to achieve the objectives of this Bylaw;
- (e) submitting annually to the *Local Authority* estimates of expenditures required to maintain and operate the Emergency Program;
- (f) applying for grants and emergency cost recoveries (Provincial Emergency Program);
- (g) approve a budget.
- (h) the coordination and direction of overall operations undertaken by the City in accordance with its Emergency Program.

**5. RESPONSIBILITIES (continued)**

- 5.3 The *Emergency Program Coordinator* will report directly to the *Fire Chief* and will be responsible for the following:
- (a) serving as a member of the *Emergency Measures Policy / Planning Committee*
  - (b) making such minor amendments to the Emergency Program as are necessary to ensure that the information contained in such Program remains current at all times, including, without limitation, updating telephone numbers, addresses, locations of equipment and response teams;
  - (c) providing day to day administration of the Emergency Program, including coordinating staff emergency management, encouraging public emergency management and coordinating with external organizations on emergency management;
  - (d) maintaining information on potential natural and man-made hazards and the impact that such hazards could have on the City;
  - (e) ensuring all City departments, including ESS, develop and keep updated departmental emergency plans that are consistent with and support the Emergency Program;
  - (f) developing and keeping updated the City emergency plan which includes the *EOC Plan*;
  - (g) coordinating, equipping and training the City's emergency volunteer services;
  - (h) providing liaison on behalf of the City with other external support organizations;
  - (i) selecting and processing candidates for Federal or Provincial Emergency Program courses;
  - (j) conducting studies and exercises within the City to ensure that the Emergency Program is understood, effective and in a state of readiness;
  - (k) acting as the point of contact for the City with the Provincial Emergency Program and other governments or agencies concerning emergency planning and operations; and

**5. RESPONSIBILITIES (continued)**

- (l) when a *Declaration of a state of local emergency* exists, acting as the City's liaison person between the director or such other person the *Minister* may appoint pursuant to section 10(2) of the *Act* and the *Local Authority*.

**6. DECLARATION OF A STATE OF LOCAL EMERGENCY AS PROVIDED IN THE ACT**

- 6.1 Subject to section 6.3, the *Local Authority* may, when satisfied that an *Emergency* or *Disaster* exists make a *Declaration of a state of local emergency* either by resolution or bylaw.
- 6.2 Subject to section 6.3 and provided that the *Mayor* has used his or her best efforts to obtain the consent of all other members of the *Local Authority* to a *Declaration of a state of local emergency*, the *Mayor* may, by *Order*, make a *Declaration of a state of local emergency*.
- 6.3 A *Declaration of a state of local emergency*, whether made by the *Local Authority* or the *Mayor* must:
  - (a) identify the nature of the *Disaster* or *Emergency*;
  - (b) identify whether the *Disaster* or *Emergency* affects all of the City or only a portion thereof and, in the latter case, clearly identify the affected portion of the City; and
  - (c) be made in the form annexed as Schedule "A" to this Bylaw.
- 6.4 If a *Declaration of a state of local emergency* is made in accordance with this Bylaw the *Local Authority* or *Mayor*, as applicable, must immediately:
  - (a) forward a copy of the *Declaration of a state of local emergency*, to the *Minister*; and
  - (b) cause details of the *Declaration of a state of local emergency* to be published by a means of communication that the *Local Authority* or *Mayor*, as the case may be, considers most likely to make the contents of the declaration known to the population of the affected area of the City.

**7. POWERS ASSOCIATED WITH THE DECLARATION OF A STATE OF LOCAL EMERGENCY AS PROVIDED FOR IN THE ACT**

7.1 Once a *Declaration of a state of local emergency* has been made in the City, the *Emergency Operations Management and Policy Group* will immediately assume responsibility for the *Disaster* or Emergency which prompted the *Declaration of a state of local emergency* in accordance with the division of responsibilities set out in sections 5.2 and 5.3 of this Bylaw, the *Act* and the Emergency Program. In carrying out its duties and responsibilities the *Emergency Operations Management and Policy Group* may exercise any or all of the following powers of the *Local Authority* pursuant to the delegation provisions of section 6(4) of the *Act*, subject only to an order from the Minister directing the *Local Authority* and, through it to its delegates, to refrain or desist from exercising any one or more of the powers enumerated in paragraphs (a) through to and including (j) below:

- (a) acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of the 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 the Emergency or *Disaster*;
- (c) control or prohibit travel to or from any area of the City;
- (d) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of the City;
- (e) cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the City that is or may be affected by the Emergency or *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 the Emergency Program or if otherwise considered necessary to prevent, respond to or alleviate the effects of the Emergency or *Disaster*;

- (g) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered necessary or appropriate in order to prevent, respond to or alleviate the effects of the Emergency or *Disaster*;
- (h) construct works considered necessary or appropriate to prevent, respond to or alleviate the effects of the Emergency or *Disaster*;
- (i) procure, fix prices for or ration, 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 City for the duration of the *Declaration of a state of local emergency* under this Bylaw;

7.2 The *Local Authority* may, during or within 60 days after the *Declaration of a state of local emergency*, by bylaw ratified by the Minister of Municipal Affairs, borrow any money necessary to pay expenses caused by the *Disaster* or Emergency.

## **8. CANCELLATION OF A DECLARATION OF A STATE OF LOCAL EMERGENCY**

The *Local Authority* or *Mayor*, as the case may be, must, when of the opinion that the Emergency or *Disaster* no longer exists in the City or part thereof for which a *Declaration of a state of local emergency* was made, cancel the Declaration by means of a bylaw or resolution of the *Local Authority* or Order of the *Mayor*, as appropriate, and promptly notify the Minister of the cancellation of the *Declaration of a state of local emergency*.

READ A FIRST TIME this 14<sup>th</sup> DAY OF December, 2010.

READ A SECOND TIME this 14<sup>th</sup> DAY OF December, 2010.

READ A THIRD TIME this 14<sup>th</sup> DAY OF December, 2010.

ADOPTED this 11<sup>th</sup> DAY OF January, 2011.

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MAYOR

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CITY CLERK

## **Schedule A**

### ***Declaration of a State of Local Emergency***

<b>DECLARATION OF A STATE OF LOCAL EMERGENCY</b>
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<b>TO:</b>	Attorney General of B.C. c/o Emergency Coord. Ctr	<b>FAX: 250-952-4872</b>
<b>FROM:</b>	City of Port Moody	<b>Contact:</b>
<b>RE:</b>	State of Local Emergency	<b>Phone:</b>

It is hereby declared, under the authority of the British Columbia Emergency Program Act and the City of Port Moody Emergency Program Bylaw No. 0000, that a State of Local Emergency exists in the City of Port Moody, British Columbia, as the result of

\_\_\_\_\_

(name the emergency and state the date / time of occurrence)

Temporary emergency powers to effectively respond to this *disaster* are now deemed to be required.

The area(s) affected by this *disaster*, and to which this Declaration applies, is identified on the attached. The nature of this emergency is as follows: (include a short narrative description explaining the scope and nature of the emergency)

\_\_\_\_\_

City officials have been delegated the authority to implement powers that are set out in the *Emergency Program Act*. The titles of these officials and the specific powers that they may exercise in connection with this emergency are attached.

For the duration of this State of Local Emergency, the City of Port Moody Emergency Program Bylaw No. \_\_\_\_\_, and the British Columbia Emergency Program Act will prevail in any instance where there may be a conflict with any other bylaw, act or regulation.

As required under the B.C. *Emergency Program Act* and the City's Emergency Program Bylaw, the City of Port Moody hereby officially informs the Attorney General of the Government of British Columbia and also the population within the affected area that a State of Local Emergency now exists.

This Declaration will remain in force for seven days from the date noted below at which time the need for either a renewal or cancellation will be considered. This Declaration is  
Ordered by the Mayor of Port Moody or by resolution of the Port Moody City Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Certified by City Clerk

Date / Time: \_\_\_\_\_

Attachments:

- Affected area(s)
- Delegation of Powers
- Resolution \_\_\_\_\_

**Delegation of Powers  
under Section 10 of the B.C. Emergency Program Act  
authorized to City of Port Moody officials**

Attached as part of the *Declaration of a State of Local Emergency* issued on Date / Time:

Delegated Powers To	Y/N	City Officials' Titles
a) Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
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 the Emergency or <i>Disaster</i> .		
c) Control or prohibit travel to or from any area of the City.		
d) Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of the City.		
e) Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the City that is or may be affected by the Emergency or <i>Disaster</i> 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 the Emergency Program or if otherwise considered necessary to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
g) Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered necessary or appropriate in order to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
h) Construct works considered necessary or appropriate to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
i) Procure, fix prices for or ration, 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 City for the duration of the <i>Declaration of a State of Local Emergency</i> under this Bylaw.		