

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8212

**TO PROVIDE A MANAGEMENT PROGRAM TO PREPARE FOR, RESPOND TO
AND RECOVER FROM EMERGENCIES AND DISASTERS**

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

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

NOW THEREFORE, the Municipal Council of the Corporation of the District of Saanich in open meeting assembled enacts as follows:

1.0 TITLE

1.1 This Bylaw shall be cited as the "Emergency Program Bylaw, 2001, No. 8212".

2.0 INTERPRETATION

2.1 In this bylaw:

- (a) "Act" means the *Emergency Program Act*, 1996, RSBC c.111.
- (b) "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.
- (c) "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.
- (d) "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.
- (e) "Mayor" means the person elected as Mayor of the Corporation of the District of Saanich and includes the person designated as Acting Mayor at the relevant time if the Mayor is absent, ill or otherwise unable to carry out or exercise the Mayor's duties and powers.

- (f) "Saanich Emergency Program" means the organization, plans and procedures established within the Municipality for combating emergencies and disasters. It encompasses all municipal departments, and such other persons appointed and functional groups established and which are charged with emergency preparedness, response and recovery measures.
- 2.2 This bylaw is subject to the Emergency Program Act and its Regulations.
- 3.0 ADMINISTRATION
- 3.1 There shall be an Public Safety and Emergency Planning Committee which will meet not less than every 6 months. The Committee will consist of the following members or their designates:
- (a) Mayor (Chair)
 - (b) A Councillor appointed annually by the Mayor
 - (c) Administrator
 - (d) Fire Chief
 - (e) Chief Constable
 - (f) Director of Engineering
 - (g) Emergency Coordinator
 - (h) Such other members as may be appointed by the Mayor.
- 3.2 Subject to the approval of the Council, the Public Safety and Emergency Planning 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-government agencies for the provision of goods or services.
- 3.3 The Fire Chief shall be responsible for the submission of estimates of expenditures to Council for the cost of maintenance and operation of the Emergency Program for each current year.
- 3.4 The Fire Chief shall appoint an Emergency Coordinator to facilitate emergency preparedness, response and recovery measures. The Emergency Coordinator shall report to the Fire Chief.
- 3.5 There shall be prepared an Emergency Response and Recovery Plan. This document shall provide general direction and a framework within which municipal officials can formulate responses to deal with emergencies or disasters. Minor amendments including names, addresses and phone numbers may be approved by the Emergency Coordinator. The Plan shall be on distribution to all Council members, Department Heads and key municipal emergency positions.

4.0 DUTIES AND RESPONSIBILITIES

4.1 The Emergency Program Committee shall be responsible for the periodic review and updating of emergency planning.

4.2 During a disaster or an emergency

(a) the Emergency Operations Centre (EOC) Director will coordinate and direct the overall operations undertaken by the municipality respecting preparation for, response to and recovery from the emergency or disaster, and

(b) the Public Safety and Emergency Planning Committee shall serve as the policy group to support the Emergency Operations Centre as outlined in the Emergency Response and Recovery Plan.

4.3 Heads of departments or services shall prepare and review annually departmental emergency plans containing information and direction that is specific to their departments or services and shall submit such information to the Emergency Coordinator for inclusion in the Emergency Response and Recovery Plan.

4.4 The Emergency Coordinator, under the direction of the Fire Chief, shall:

(a) be responsible for day to day emergency management and the Saanich Emergency Program, including coordination of staff emergency training and management, encouragement of public emergency preparedness and coordination with the Provincial Emergency Program and other external organizations involved in emergency management,

(b) advise the Mayor, Council, Administrator, heads of departments and the Emergency Program Committee on all matters relating to the Emergency Program.

(c) prepare and update the Emergency Response and Recovery Plan,

(d) direct and coordinate the activities of the municipal volunteer services during an emergency or disaster,

(e) select and process candidates for federal and provincial emergency planning courses,

(f) coordinate the equipping and training of the municipal volunteer services,

(g) conduct studies and exercises to ensure the Saanich Emergency Program is effective and in a tested state of readiness, and

(h) maintain information on potential hazards and their impact on the municipality.

5.0 POWERS

- 5.1 The Council or the Mayor or the Emergency Coordinator or other person 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 13 of the Act is required to effectively deal with an emergency or disaster in any 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 Minister, 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 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 following:
- (a) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster,
 - (c) 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 an emergency or disaster,
 - (c) control or prohibit travel to or from any part of the municipality,
 - (d) authorize the expenditures of special funds to meet the exigencies of the situation,
 - (e) 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 the municipality,
 - (f) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the municipality that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and 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 or if otherwise considered by the Council or Mayor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster,
 - (h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Mayor to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster,

- (i) construct works considered by the Council or Mayor to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster,
- (j) 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 municipality for the duration of the state of local emergency, and
- (k) authorize the Emergency Coordinator or other selected person or persons to exercise, in any part of the municipality affected by a declaration of a state of local emergency, those specific powers enabled in Section 5.4 and assumed by the Council or Mayor.

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 a state of local 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.

6.0 LIABILITY

6.1 As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the Saanich Emergency Program, employees of Saanich, 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.

7.0 PREVIOUS BYLAW

7.1 Bylaw No. 6371 being the "Emergency Programme Bylaw, 1989" is hereby repealed except insofar as it may repeal any other bylaw.

Includes Bylaw Amendments No. 8660, 8749 and 8992