

THE CORPORATION OF THE TOWN OF PORT McNEILL

BYLAW NO. 579, 2006.

EMERGENCY MEASURES BYLAW

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

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

AND WHEREAS the Council of the Town of Port McNeill recognizes that emergencies do not always follow known boundaries;

NOW THEREFORE the Council of the Town of Port McNeill in open meeting assembled, enacts as follows:

1. CITATION

- 1.1 This Bylaw shall be cited as the “Town of Port McNeill Emergency Measures Bylaw No. 579, 2006”.

2. INTERPRETATION

2.1 In this bylaw:

- a. “Council” means the municipal council of The Corporation of the Town of Port McNeill.
- b. “declaration of a state of local emergency” means a declaration of Council or the Mayor or the Mount Waddington Regional District 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:

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- 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. “Emergency Coordinator” means the person appointed by the Town of Port McNeill or the Mount Waddington Regional District as head of the Emergency Management Organization.
- f. “Mayor” means that member of Council who is head and chief executive of the municipality or, in the absence of the Mayor, the person appointed Acting or Deputy Mayor;
- g. “Municipality” means all of the area within the boundaries of the Town of Port McNeill;
- h. “Port McNeill Emergency Management Organization” includes the Mount Waddington Regional District Emergency Planning Committee, Emergency Coordinator and such other persons and functional groups as they may establish, and which are charged with emergency preparedness, response and recovery measures.
- 2.2 This bylaw shall be construed in accordance with the Province of British Columbia *Emergency Program Act*, and all Regulations made there under. In this bylaw, “Act” means the *Emergency Program Act*.

3. ADMINISTRATION

- 3.1 An Emergency Planning Committee shall be composed of:
- a. the Town of Port McNeill Emergency Planning Committee; or
 - b. the Mount Waddington Regional District Emergency Planning Committee.

4. POWERS

- 4.1 The Council or the Mayor or the Administrator or the Emergency Coordinator or the Mount Waddington Regional District Emergency Coordinator, or other person designated by Mount Waddington Regional District may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.
- 4.2 The Council by bylaw or resolution, the Mount Waddington Regional District by bylaw or resolution or the Mayor by order when time is of the essence, may

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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 any part of the municipality.

- 4.3 Upon a “declaration of a state of local emergency” being made, Council or the Mayor or the Mount Waddington Regional District 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 or the Mount Waddington Regional District considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- 4.4 After a declaration of a state of emergency is made under Section 4.2 in respect of all or any part of the municipality, and for the duration of the state of emergency, the Council or Mayor or the Mount Waddington Regional District may do any or all of the following acts and procedures that the Council or Mayor considers to be 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;
 - 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 an emergency or disaster;
 - c. control or prohibit travel to or from any part of the municipality;
 - 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 the municipality;
 - e. 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 property;
 - f. 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 or the Mount Waddington Regional District to be necessary to prevent, respond or to alleviate the effects of an emergency or disaster;

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- g. cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Mayor or the Mount Waddington Regional District to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - h. construct works considered by the Council or Mayor or the Mount Waddington Regional District to be necessary or appropriate to prevent, respond to or alleviate the effects of an 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 municipality for the duration of the local state of emergency; and
 - j. authorize the Town of Port McNeill Emergency Coordinator, the Mount Waddington Regional District Emergency Coordinator (or other person designated by Council or the Mount Waddington Regional District) to exercise, in any part of the municipality affected by a declaration of a local state of emergency, those specific powers assumed by the Council or Mayor or the Mount Waddington Regional District..
- 4.5 The Council or Mayor or the Mount Waddington Regional District must, when of the opinion that an emergency no longer exists in the municipality to which a declaration local state of emergency is 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 the Mount Waddington Regional District 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.

5. LIABILITY

- 5.1 As enabled by the *Act*, no person, including, without limitation, the Council, the Mayor, The Mount Waddington Regional District, members of the Mount Waddington Regional District Emergency Management Organization, members of the Town of Port McNeill Emergency Management Organization, employees of the Town of Port McNeill, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters,

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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 person to do the acts, the person was not acting in good faith.

6. REPEAL OF CURRENT BYLAW

- 6.1 The Town of Port McNeill "Emergency Measures Bylaw, Bylaw No. 448, 1996" is hereby repealed.

READ A FIRST TIME this 20th day of March 2006 .


READ A SECOND TIME this 20th day of March 2006.

READ A THIRD TIME this 20th day of March 2006.

RECONSIDERED AND FINALLY ADOPTED this 3rd day of April 2006.



Mayor



Chief Administrative Officer