

Village Slocan Emergency Measures Bylaw No 624

**A bylaw to provide for the Implementation of Emergency Plans in accordance with
Chapter 111 of the *Emergency Program Act*, RSBC 1996.**

WHEREAS the Council of the Village of Slocan must establish and maintain an emergency management organization to develop and implement emergency plans;

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

NOW THEREFORE the Council of the Village of Slocan in open meeting assembled enacts as follows:

1. INTERPRETATION

1.1. In this bylaw:

- a. "Council" means the Municipal Council of the Village of Slocan,
- 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. "Emergency Coordinator" means the person appointed by the Regional District of Central Kootenay,
- d. "Mayor" means a member of Council who is head and Chief Executive Officer of the Municipality or, in the absence of the Mayor, the person appointed Acting Mayor,
- e. "Municipality" means all of the area within the boundaries of the Village of Slocan,
- f. "Village of Slocan Management Emergency Organization" means the Regional District of Central Kootenay Emergency Preparedness Committee, the Emergency Coordinator and such other persons and functional groups as they may establish, and which are charged with emergency preparedness, response and recovery measures,
- g. "RDCK" means Regional District of Central Kootenay (Board or its designate).
- h. "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;

1.2. This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996 Chapter 111 and all Regulations made there under. In this bylaw, "Act" means the *Emergency Program Act*.

2. ADMINISTRATION

- a. The Village of Slocan Emergency Planning Committee shall be composed of members of the Regional District of Central Kootenay Emergency Preparedness Committee (refer to RDCK Bylaw No. 2210, 2011).

3. POWERS

- 3.1. The Council or Mayor or the Chief Administrative Officer or the Emergency Coordinator, or other person designated by the RDCK may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.
- 3.2. The Council by bylaw or resolution, or the Mayor by order when time is of the essence, may 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.
- 3.3. Upon a declaration of a state of emergency being made, Council or the Mayor or Chief Administrative Officer 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 RDCK considers most likely to make the contents of the declaration known to the majority of the population of the affected areas.
- 3.4. After a declaration of a state of local emergency is made under Section 3.2 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 RDCK may do any or all of the following acts and procedures that are considered to be necessary to prevent, respond to, or alleviate the effects of an emergency or 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 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 to be necessary to prevent, respond or to alleviate the effects of an emergency or disaster;
 - g. Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - h. Construct works considered 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 Emergency Coordinator (or other person designated by Council or the RDCK to exercise, in any part of the Municipality affected by a declaration of a state of local emergency, those specific powers assumed by the Council or Mayor or the RDCK.
- 4.4 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 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
 - 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

As enabled by the *Act*, no person, including, without limitation, the Council, the Mayor, the RDCK, members of the Regional District of Central Kootenay Emergency Management Organization, employees of the Village of Slocan, volunteers and any other persons appointed, authorized or requested to carry out measures relating to the 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 the person to do the acts, the person was not acting in good faith.

6. ENACTMENT

- 6.1 The Village of Slocan Emergency Program Bylaw No. 479, 1996 and all amendments thereto, are hereby repealed.
- 6.2 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- 6.3 This Bylaw shall come into full force and effect on the final adoption thereof.

7. CITATION

- 7.1 This Bylaw shall be cited as the **"Village of Slocan Emergency Measures Bylaw No. 624, 2012"**

READ A FIRST TIME the 9th day of July, 2012

READ A SECOND TIME the 9th day of July, 2012.

READ A THIRD TIME the 9th day of July, 2011.

FINALLY PASSED AND ADOPTED the 13th day of August, 2012

Certified a true and correct copy of the "Village of Slocan
Emergency Measures Bylaw No. 624, 2012"

Chief Administrative Officer

Mayor

Chief Administrative Officer