

By-Law 784.18

BY-LAW NO. 784.18

A Bylaw of Lamont County in the Province of Alberta to establish an Emergency Advisory Committee and Emergency Management Agency in Lamont County.

WHEREAS

The Municipal Government Act R.S.A 2000, Chapter M-26 and amendments thereto provides that a council of a municipality may pass by-laws respecting the safety, health and welfare of people and the protection of people and property and for services provided by or on behalf of the municipality,

AND WHEREAS

Pursuant to the Emergency Management Act, R.S. A 2000 c E-6.8 (Act) Lamont County Council is responsible for the direction and control of all Lamont County's emergency responses and is required under the Act to appoint an Emergency Advisory Committee to advise on the development of emergency plans and programs;

AND WHEREAS

The Emergency Management Act requires Council to maintain an Emergency Management Agency to act in carrying out statutory power and obligations of Council under the ACT;

AND WHEREAS

The Emergency Management Act requires Council appoint a Director of the Emergency Management Agency;

BE IT RESOLVED THAT The Council of Lamont County of the Province of Alberta
Duly assembled, enacts as follows: SECTION 1 –

NAME OF BY-LAW

1.1 This By-law may be cited as the "Municipal Emergency Management Bylaw".

SECTION 2 – DEFINITIONS

In this Bylaw:

- 2.1 "Act" shall mean the Emergency Management Act, R.S.A 2000, e-E-6.8.
- 2.2 "Administrator" shall mean the County Manager for Lamont County.
- 2.3 "Agency" means the Emergency Management Agency (EMA) established under section 5 of this bylaw.
- 2.4 "Committee" shall mean the Emergency Management Advisory Committee of Council established under section 3.1 of this bylaw.
- 2.5 "Council" means the Council of Lamont County.
- 2.6 "County" shall mean Lamont County.
- 2.7 "Deputy Director of Emergency Management shall mean the person appointed to the position of Deputy Director of Emergency Management by Lamont County Council.
- 2.8 "Deputy Reeve" shall mean the Deputy Reeve of Lamont County.
- 2.9 "Director of Emergency Management" shall mean the person appointed to the position of Director of Emergency Management by Lamont County Council.
- 2.10 "Disaster" shall mean an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property.
- 2.11 "Emergency" or "Emergency Incident" shall mean a present or imminent event that requires 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.

- 2.12 “Emergency Management” shall mean the development, coordination and execution of plans, measures and programs pertaining to mitigation, preparedness, response and recovery before, during and after an emergency event.
- 2.13 “Emergency Operations Center (EOC)” shall mean a site from where County officials can coordinate, monitor, support and direct emergency response and recovery functions during an emergency.
- 2.14 “Equipment” shall mean any tools, contrivances, devices or materials used by emergency response personnel that may be applied at an emergency incident.
- 2.15 “Minister” means the Minister responsible for the Act.
- 2.16 “Municipal Emergency Plan (MEP)” means the emergency plan prepared and maintained by the Emergency Management Agency to coordinate the response to an emergency event.
- 2.17 “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, department, board, agency, association, society or any other legal entity.
- 2.18 “Reeve” shall mean the Reeve for Lamont County.
- 2.19 “Risk” means a probability or threat of damage, injury, liability, loss, or other negative occurrence that is caused by external or internal vulnerabilities, and that may be neutralized through pre-emptive action.
- 2.20 “Threat” means a negative event that can cause a risk to become a loss, expressed as an aggregate of risk, consequences of risk and the likelihood of the occurrence of the event. A threat may be a natural phenomenon such as an earthquake, flood, storm or a manmade incident such as fire, power failure, sabotage, or other created situation.

SECTION 3 – EMERGENCY MANAGEMENT ADVISORY COMMITTEE

- 3.1 The Emergency Management Advisory Committee is hereby established to advise Council on the development of emergency plans and programs.
- 3.2 Three members of Council one of which shall be the Reeve will be appointed to the Emergency Management Advisory Committee by resolution of Council.
- 3.3 Members of the Emergency Management Advisory Committee are entitled to expenses in accordance with Council policy.
- 3.4 Council shall by resolution on recommendation of the Emergency Management Advisory Committee, appoint a Director of Emergency Management who shall perform duties as outline in section 5.2 of this by-law.
- 3.5 Council shall by resolution on recommendation of the Emergency Management Advisory Committee, appoint a Deputy Director of Emergency Management who shall perform duties as outlined in section 5.3 of this by-law.
- 3.6 The Committee shall meet annually, or more frequently as required, and may meet on less than twenty-four (24) hours’ notice, where necessary. Where meetings are not feasible, the Committee may convene by electronic means of communication.
- 3.7 The Committee will review the Municipal Emergency Plan and related plans and programs annually and shall be responsible to advise the County on the development of those emergency management plans and programs.
- 3.8 The County Manager may call an emergency meeting of the Committee where a Councillor, Reeve, Deputy Reeve or the County Manager considers that an emergency exists or may exist in the County.
- 3.9 The County Manager must give a minimum of one (1) hour notice of the time and place of an emergency meeting to as many Committee members as possible in the circumstances.

- 3.10 The notice required in 3.9 will be by such a means of communications considered by the County Administrator to be the most effective to notify the Committee members and the public.
- 3.11 Those Committee members attending an emergency meeting of the Emergency Management Advisory Committee will constitute a quorum.

SECTION 4 – FINANCIAL

- 4.1 Subject to 4.2, Council may by by-law borrow, levy, appropriate and expend without consent of the electors, all sums required for the operation of the Agency.
- 4.2 Council may, during or within sixty (60) days after the state of local emergency, by Bylaw that is not advertised but is approved by the Minister, borrow any payment for services provided by the Government of Alberta or the Government of Canada, when services were provided at the request of the County.
- 4.3 Council may, upon the Committee recommendation enter into agreements with and make payments or grants, or both, to persons or organizations for the provisions of services in the development or implementation of the emergency plans or programs, including mutual aid plans and programs.
- 4.4 Council may, in accordance with 4.2 expend all sums required for the response to and recovery from an emergency event.

SECTION 5 – EMERGENCY MANAGEMENT AGENCY

- 5.1 The Emergency Management Agency (Agency) is hereby established.
- 5.2 The Director of Emergency Management shall:
- a. Ensure that all Lamont County emergency plans are prepared and coordinated as required by the Act.
 - b. Act as the director of the EOC and emergency operations. In absence of the Director of Emergency Management the Deputy Director of Emergency Management shall act as director of the EOC and emergency operations. In absence of the Deputy Director of Emergency Management a designate authorized to act on behalf of the Agency in the Director of Emergency Management position shall act as director of the EOC and emergency operations.
 - c. Coordinate all emergency operations within the County.
 - d. Perform other duties as required by the County during an emergency.
 - e. Recommend Appointment of a Deputy Director of Emergency Management as required.
- 5.3 The Deputy Director of Emergency Management shall:
- a. Assist the Director of Emergency Management ensuring that all Lamont County emergency plans are prepared and coordinated as required by the Act.
 - b. Act as the Deputy Director of the EOC and emergency operations, in absence of the Director of Emergency Management act on behalf of the Agency in the Director of Emergency Management position.
 - c. Assist in coordinating all emergency operations within the County.
 - d. Perform other duties as required by the County during an emergency.
- 5.4 The Director of Emergency Management is authorized to delegate and authorize further delegations of any powers, duties and functions delegated to the Director of Emergency Management under this bylaw.

- 5.5 The Emergency Management Agency shall be comprised of one or more representatives and/ or delegate representing any or all of the following:
- a. Any two (2) Emergency Management Advisory Committee members one of which will be appointed Agency Chairman;
 - b. County Manager or designate;
 - c. Director of Emergency Management;
 - d. Deputy Director of Emergency Management;
 - e. Director of Public Works or designate;
 - f. Manager of Agricultural Services or designate;
 - g. County Protective Services;
 - h. Senior Assessor or designate;
 - i. Fort Saskatchewan, Two Hills and/or Vegreville RCMP NCO's in charge or designate;
 - j. District Fire Chief of each Lamont County Fire Districts or designate(s);
 - k. Alberta Health Services Representative (Lamont Health Care Center) or designate;
 - l. Director of Emergency Management from the Town and Villages within Lamont County or designates;
 - m. Manager of Prairie EMS or designate;
 - n. Chairman of the Elk Island School Division #31 or designate;
 - o. Director of Family and Community Support Services (FCSS) or designate;
 - p. Representative from local business or business associations;
 - q. Representatives from local industry or industrial associations;
 - r. Representative from TELUS;
 - s. Representatives from Electrical Power Corporations;
 - t. Representatives from Natural Gas suppliers and Distribution Corporations, associations or Cooperatives;
 - u. Representative from Alberta Transportation;
 - v. Local individuals, companies, associations or organizations with specialities that will benefit the Agency during an emergency and in preparation of the Municipal Emergency Plan.

SECTION 6 – STATE OF LOCAL EMERGENCY DECLARATION POWERS

- 6.1 The power to declare or renew a state of local emergency declaration under the Act, specified in Section 7 of the By-law and the requirements specified in Section 7 of this Bylaw are hereby delegated to:
- a. The Reeve, or in absence,
 - b. The Deputy Reeve, or in absence,
 - c. Any two (2) Councillors

SECTION 7 – STATE OF LOCAL EMERGENCY PROVISIONS

- 7.1 At any time when satisfied that an emergency exists or may exist in Lamont County, elected officials specified in Section 6 may make a declaration of a State of Local Emergency relating to all or any part of the County.
- 7.2 When a State of Local Emergency is declared County officials shall:
- a. Ensure that the declaration identifies the nature of the emergency and the area of Lamont County in which it exists.
 - b. Forward a copy of the declaration to the Minister of Municipal Affairs.
 - c. Cause the details of the declaration to be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected by the contents of the declaration.
- 7.3 When a State of Local Emergency is declared, the Director of Emergency Management or designate collaboratively with the Agency, in accordance with the Municipal Emergency Plan and related plans or programs may at any time:
- a. Cause the MEP or any related plans or programs to be put into operation.
 - 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 or she is qualified to provide.
 - d. Control or prohibit travel to and from any area of Lamont County.
 - e. Cause the evacuation of persons and the removal of livestock and personal property from any area of the County 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 their personal property.
 - f. Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate essential services and other services in any part of Lamont County.
 - 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, 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 the County for the duration of the State of Local 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 Municipal Emergency Plan and related plans and programs, any power specified in this by-law in relation to any part of the municipality affected by a declaration of a State of Local Emergency.

7.4 No action lies against Council or a person acting under the direction or authorization of Council for anything done or omitted to be done in good faith while carrying out a power or duty under the Act or this Bylaw nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

SECTION 8 – Termination of State of Local Emergency

8.1 When, in the opinion of the Council, the major emergency no longer exists in relation to which the declaration was made, the Council shall, by resolution, terminate the declaration of a State of Local Emergency.

8.2 A declaration of a State of Local Emergency is considered terminated and ceases to be of any force or effect when:

- a. A period of seven (7) days has lapsed since a State of Local Emergency was declared, unless it is renewed by resolution.
- b. The Lieutenant Governor in Council makes an order for a State of Local Emergency under this Act, relating to the same area; or
- c. The Minister cancels the State of Local Emergency.
- d. When a declaration of a State of Local Emergency has been terminated, the Director of Emergency Management shall cause the details of the termination to be published immediately by such means of communication considered most likely to make known to notify the population of the area affected.

SECTION 9 – SEVERABILITY

9.1 Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the Section found to be improperly enacted had not been enacted as part of this Bylaw

SECTION 10 – PENALTIES

10.1 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or who refrains from doing anything required to be done by the provisions of this Bylaw, or who does any act or thing or omits any act or thing, thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of an offence under this By-law, and upon conviction, is liable to a fine of not less than \$200.00 and not more than \$5,000.00 plus costs. No person found guilty of an offence under this By-law shall be liable to imprisonment.

SECTION 11 – MISCELLANEOUS

11.1 By-law No. 690/08 passed on June 24, 2008, is hereby repealed.

RECEIVED FIRST READING THIS
13th DAY OF February, A.D. 2018
IN THE TOWN OF LAMONT, IN THE
PROVINCE OF ALBERTA

* 
*REEVE

* 
*COUNTY MANAGER

RECEIVED SECOND READING THIS
13th DAY OF February, A.D. 2018
IN THE TOWN OF LAMONT, IN THE
PROVINCE OF ALBERTA

* 
*REEVE

* 
*COUNTY MANAGER

RECEIVED THIRD READING THIS
13th DAY OF February, A.D. 2018
IN THE TOWN OF LAMONT, IN THE
PROVINCE OF ALBERTA

* 
*REEVE

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*COUNTY MANAGER