

BY-LAW # 1068

BEING a By-Law of the Town of Carstairs, in the Province of Alberta, the Carstairs Emergency Management Agency

WHEREAS, it is deemed expedient Council of the TOWN OF CARSTAIRS being responsible for the direction and control of its emergency response is required, under the Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8, to appoint a Emergency Management Advisory Committee and to establish and maintain a Carstairs Emergency Management Agency; and

WHEREAS it is desirable in the public interest, and in the interest of public safety, that such a committee be appointed and such an agency be established and maintained to carry out Council's statutory powers and obligations under the said Emergency Management Act;

NOW THEREFORE, the Council of the Town of Carstairs, duly assembled, enacts as follows:

1. This By-Law may be cited as the Carstairs Emergency Management Agency By-Law.
2. In this By-Law:
 - (a) "Act" means the Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8;
 - (b) "Council" means the Council of the Town of Carstairs;
 - (c) "Disaster" means an event that results in serious harm to the safety, health or welfare of people, or in widespread damage to property;
 - (d) "Emergency Management Advisory Committee" means that committee established under this By-Law;
 - (e) "Emergency" means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health, or welfare of people or to limit damage to property;
 - (f) "Minister" means the Minister determined under section 16 of the Government Organization Act as the minister responsible for the Emergency Management Act;
 - (g) "Carstairs Emergency Management Agency" means the agency established under this By-Law; and
 - (h) "Carstairs Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster.
3. There is hereby established a Emergency Management Advisory Committee to advise Council on the development of emergency plans and programs.
4. There is hereby established Carstairs Emergency Management Agency to act as the agent of Council to carry out its statutory powers and obligations under the Act. This does not include the power to declare, renew or terminate a state of local emergency, nor the powers contained in Section 12 of this By-Law.
5. Council shall:
 - a) by resolution, appoint three (3) of its members to serve on the Emergency Management Advisory Committee;
 - b) provide for payment of expenses of the members of the Emergency Management Advisory Committee;

- c) by resolution, on the recommendation of the Emergency Management Advisory Committee, appoint a Director of Emergency Management and up to two (2) Deputy Director of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence;
 - d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Carstairs;
 - e) approve the Town of Carstairs emergency plans and programs; and
 - f) review the status of the Carstairs Municipal Emergency Plan and related plans and programs at least once each year.
6. Council may:
- a) by, by-law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Carstairs Emergency Management Agency; and
 - b) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.
7. The Emergency Management Advisory Committee shall:
- a) review the Carstairs Municipal Emergency Plan and related plans and programs on a annual basis; and
 - b) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans at least once each year.
8. The Carstairs Emergency Management Agency may be comprised of one or more of the following:
- a) the Director of Emergency Management;
 - b) the Deputy Director of Emergency Management;
 - c) members at large;
 - d) the Administrator, Clerk or other administrative staff member(s);
 - e) RCMP, NCO in charge or designate
 - f) the Fire Chief or designate;
 - g) the Operational Services Manager or designate;
 - h) the AHS manager or designate;
 - i) the Health Unit Manager or designate;
 - j) representative(s) from local business associations (e.g. Chamber of Commerce);
 - k) representative(s) from local utility and telecommunications companies;
 - l) representative(s) from Government of Alberta Departments; and
 - m) anyone else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.
9. The Director of Emergency Management shall:
- a) prepare and co-ordinate the Carstairs Municipal Emergency Plan and related plans and programs for the Town of Carstairs;
 - b) act as the Director of Emergency Operations, or ensure that someone is designated under the Carstairs Municipal Emergency Plan to so act on behalf of the Carstairs Emergency Management Agency; and
 - c) co-ordinate all emergency services and other resources used in an emergency; or
 - d) ensure that someone is designated to discharge the responsibilities specified in paragraphs a, b and c.
10. The power to declare or renew a state of local emergency under the Act, those powers specified in Section 12 of this By-Law and the requirement specified in Section 15 of this By-Law is hereby delegated to the:

Mayor or, in the Mayor's absence, any 2 Councilors. This committee may, at any time when it is satisfied that an emergency exists or may exist, make a declaration of a state of local emergency. As soon as is possible after the state of local emergency is declared, all members of Council shall be advised that such a state has been declared.

11. When a state of local emergency is declared, the Mayor or Councilors making the declaration shall:
 - a) ensure the declaration identifies the nature of the emergency and the area of the municipality in which it exists;
 - b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected;
 - c) notify Alberta Emergency Management as soon as is reasonably practicable; and
 - d) forward a copy of the declaration to the Minister forthwith.
12. Subject to Section 15, when a state of local emergency is declared, the Mayor or Councilors making the declaration shall:
 - a) Cause the Carstairs Municipal Emergency Plan or any related plans or programs to 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 or from any area of the municipality;
 - 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 any part of the municipality;
 - f) cause the evacuation of persons and the removal of livestock and personal property from any area of the municipality 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 the personal property;
 - g) authorize the entry into any building or on any land, without warrant, by a 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, or to attempt to forestall its occurrence or to combat its progress;
 - i) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or essential supplies and the use of any property, services, resources or equipment within the municipality for the duration of the state of emergency;
 - j) authorize the conscription of persons needed to meet an emergency; and
 - k) authorize any persons at any time to exercise, in the operation of the Carstairs Municipal Emergency Plan and related plans or programs, any power specified in paragraphs b through j in relation to any part of the municipality affected by a declaration of a state of local emergency.
13. When a state of local emergency is declared:
 - a) neither Council nor any member of Council, and

b) no persons appointed by Council to carry out measures relating to emergencies or disasters is liable in respect of damage caused through any action taken under this By-Law nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

14. Notwithstanding Section 13:

- a) Council and any member of Council, and
- b) Any person acting under the direction or authorization of Council, is liable for gross negligence in carrying out their duties under this By-Law.

15. When, in the opinion of the Mayor or designate declaring the state of local emergency, an emergency no longer exists in relation to which the declaration was made, they shall, by resolution, terminate the declaration.

16. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:.

- a) a resolution is passed under Section 15;
- b) a period of seven (7) days has lapsed since it was declared, unless it is renewed by resolution;
- c) the Lieutenant Governor in Council makes an order for a state of emergency under the Act, relating to the same area; or
- d) the Minister cancels the state of local emergency.

17. When a declaration of a state of local emergency has been terminated, the Mayor or designate who made the declaration shall cause the details of the termination to be published by such means of communication considered most likely to notify the population of the area affected and shall notify Alberta Emergency Management as soon as is reasonably practicable.

18. The Town of Carstairs will collaborate with the other communities in the Mountain View Regional Emergency Management Agency (MVREMA) in sustaining a Regional Emergency Response Plan.

19. The Town of Carstairs will actively participate in the MVREMA for the purpose of assisting in the managing of the Regional Emergency Response Plan.

20. Bylaw No. 894 rescinds Bylaw No. 713.

EFFECTIVE DATE

This By-Law shall come into force and effect from and after the date of third reading thereof.

READ A FIRST TIME THIS 25 DAY OF JUNE AD., 2018.

READ A SECOND TIME THIS 25 DAY OF JUNE AD., 2018.

BY UNANIMOUS CONSENT OF ALL COUNCIL PRESENT, READ A THIRD AND FINAL TIME THIS 25 DAY OF JUNE AD., 2018.


LANCE COLBY, MAYOR


CARL MCDONNELL, CAO