

# DISTRICT OF BARRIERE

## BYLAW NO. 0010

### EMERGENCY MEASURES BYLAW

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

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

NOW THEREFORE, the Barriere Council in open meeting assembled enacts as follows:

#### 1. CITATION

This bylaw may be cited for all purposes as “District of Barriere Emergency Measures Bylaw No. 0010, 2008”

#### 2. INTERPRETATION

2.1 In this bylaw

- a) “Council” means the District of Barriere municipal council;
- b) “declaration of a state of 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 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 person 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 Thompson-Nicola Regional District (TNRD) as head of the Emergency Management Organization;
- f) “Mayor” means the 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;
- g) “municipality” means all of the area within the boundaries of the District of Barriere.

2.2 This bylaw shall be construed in accordance with the Emergency Program Act, RSBC 1996 Chapter 111 and all Regulations made thereunder. In this bylaw “Act” means the Emergency Program Act.

### **3. ADMINISTRATION**

- 3.1 An Emergency Planning Committee shall be composed of:
- a) the TNRD Emergency Planning Committee

### **4. DUTIES AND RESPONSIBILITIES**

- 4.1 The Emergency Planning Committee shall prepare and present to the Council for annual review and approval:
- a) a list of hazards to which the municipality is subject and which indicate the relative risk of occurrence.
  - b) plans respecting the preparations for, response to and recovery from emergencies and disasters, which include:
    - (i) a program of emergency response exercises
    - (ii) a training program
    - (iii) procedures by which physical and financial emergency resources or assistance may be obtained.

- (iv) procedures by which emergency plans are to be implemented
- (v) warning procedures to those person who may be harmed or suffer loss in an emergency or impending disaster
- (vi) procedures to coordinate the provisions of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether other provision is made from within or outside of the municipality, and
- (vii) procedures to establish the priorities for restoring essential services provided by the municipality, or recommend priorities to other service providers that are interrupted during an emergency or disaster.

## **5. POWERS**

- 5.1 The Council or the Mayor or the Administrator or the TNRD Emergency Coordinator, or other person designated by TNRD 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 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.
- 5.3 Upon a “declaration of a state of local emergency” being made, Council or the Mayor or the TNRD 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 TNRD 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 or the TNRD 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 TNRD 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 by the Council or Mayor or the TNRD 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 TNRD 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 TNRD Emergency Coordinator (or other person designated by Council or the TNRD) 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 TNRD.

- 5.5 The Council or Mayor must, when of the opinion that the emergency no longer exists in the municipality to which a declaration local stat 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 Council, or the TNRD, 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. LIABILITY**

- 6.1 As enabled by the *Act*, no person, including, without limitation, the Council, the Mayor, the TNRD, members of the TNRD District Emergency Management Organization, employees of the District of Barriere, a volunteer and any other person appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to person 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. COMPENSATION FOR LOSS**

- 7.1 Despite Section 6 above, if, as a result of acquisition or use of a person's real property by, or under the direction of authority of the Council or Mayor under Section 5.4.a above, the person suffers a loss of or to that property, the Council or Mayor shall authorize to compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.
- 7.2 If any dispute arises concerning the amount of compensation payable under Section 7.1 above, the matter shall be submitted for determination by one or three arbitrators appointed under the Commercial Arbitration Act. The person to be

compensated shall deliver a notice setting out his or her choice as to whether there shall be one or three arbitrators to the Minister responsible for the Emergency Program Act. The Commercial Arbitration Act shall apply to such dispute.

READ FOR A FIRST TIME this 20<sup>th</sup> day of October, 2008

READ FOR A SECOND TIME this 20<sup>th</sup> day of October, 2008

READ FOR A THIRD TIME this 20<sup>th</sup> day of October, 2008

ADOPTED this 3<sup>rd</sup> day of November, 2008

Original Signed by Mike Fennell  
Mayor

Original Signed by Wayne Vollrath  
Chief Administrative Officer