

TOWN OF RAINBOW LAKE

BYLAW NO. 05-03

A BY-LAW OF THE TOWN OF RAINBOW LAKE IN THE PROVINCE OF ALBERTA, TO ESTABLISH A DISASTER SERVICES AGENCY.

WHEREAS the Council of the Town of Rainbow Lake is responsible for the direction and control of its emergency response and is required, under the Disaster Services Act, Chapter D-36, Revised Statutes of Alberta 1980, to appoint a Disaster Services Committee and to establish and maintain a Municipal Disaster Services Agency; and

WHEREAS, it is desirable in the public interest, and in the interests 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 Disaster Services Act;

NOW THEREFORE, the Council of the Town of Rainbow Lake in the Province of Alberta, DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

1. That bylaw may be cited as the "Municipal Disaster Services Agency Bylaw".
2. In this bylaw, unless the context otherwise requires;

"**ACT**" means the Disaster Services Act, Chapter D-36, Revised Statutes of Alberta 1980;

"**DISASTER**" means 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;

"**DISASTER SERVICES COMMITTEE**" means the committee established under this By-law;

"**COUNCIL**" means the Council of the Town of Rainbow Lake, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta;

"**EMERGENCY**" means a present or imminent event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;

"**MINISTER**" means the Minister charged with administration of the Act;

“**MUNICIPAL DISASTER SERVICES AGENCY**” means the agency established under this By-law; and

“**MUNICIPAL EMERGENCY PLAN**” means the emergency plan prepared by the Director of Disaster Services to coordinate response to an emergency or disaster.

“**TOWN**” means the Town of Rainbow Lake, a Municipal Corporation in the Province of Alberta;

3. There is hereby established a Disaster Services Committee to advise Council on the development of emergency plans and programs. The Disaster Services Committee shall consist of one or more members of Town Council.
4. There is hereby established a Municipal Disaster Services 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 powers contained in Section 11 of this By-law.
5. Council shall
 - (a) by resolution, appoint one or more of its members to serve on the Disaster Services Committee;
 - (b) provide for the payment of expenses of the members of the Disaster Services Committee;
 - (c) by resolution, on the recommendations of the Disaster Services Committee, appoint a Director and Deputy Director of Disaster Services;
 - (d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters within the Town;
 - (e) approve the Town’s emergency plans and programs; and
 - (f) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.

6. The Disaster Services Committee shall
 - (a) review the Municipal Emergency Plan and related plans and programs on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once each year.

7. The Municipal Disaster Services Agency shall be comprised of one more of the following:
 - (a) The Director of Disaster Services;
 - (b) The Deputy Director of Disaster Services;
 - (c) The Manager, Administrator, Clerk or other administrative staff members of the municipality;
 - (d) The Police Chief or designate or the N.C.O. in Charge, R.C.M. Police or designate;
 - (e) The Fire Chief or designate;
 - (f) The Public Works Foreman or designate;
 - (g) The Ambulance Service Manager or designate;
 - (h) The Health Unit Manager or designate;
 - (i) The School Board Chairman or designate;
 - (j) Representative(s) from local industry;
 - (k) Representative(s) from Alberta Environment, Land & Forest Service
 - (l) Anybody else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.

8. The Director of Disaster Services shall
 - (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Town;
 - (b) act as director of emergency operations, or ensure that someone is designated under the Municipal Emergency Plan to so act, on behalf of the Municipal Disaster Services 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).

9. (a) The power to declare or renew a state of local emergency under the Act, the powers specified in Section 11 of this By-law, and the requirement specified in Section 14 of this By-law, are hereby delegated to a committee comprised of the Mayor or any two members of council. This committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a state of local emergency.
- (b) ~~In the event that the Committee established under Section 9(a) of this bylaw is not available to assume those powers given under Section 9(a) of this bylaw, those same powers are hereby delegated to the Town Manager and such declarations and actions must be ratified by the Committee established under Section 9(a) of this bylaw as soon as possible thereafter.~~
10. When a state of local emergency is declared, the persons making the declaration shall
- (a) ensure that 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 Disaster Services, as soon as is reasonably practicable; and
- (d) forward a copy of the declaration to the Minister forthwith.
11. Subject to Section 14, when a state of local emergency is declared, the persons making the declaration may
- (a) cause the Municipal Emergency Plan 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 or from any area of the Town;

- (e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of the;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Town 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 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 other essential supplies and the use of any property, services resources or equipment within the Town 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 Municipal Emergency Plan and related plans or programs, any power specified in Paragraphs (b) through (j) in relation to any part of the Town affected by a declaration of a state of local emergency.
12. 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.

13. Notwithstanding Section 12,
 - (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 Bylaw.

14. When, in the opinion of the persons 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.

15. 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 14;
 - (b) a period of seven days has lapsed since it was declared, unless it is renewed;
 - (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.

16. When a declaration of a state of local emergency has been terminated, the persons who made the declaration shall cause the details of the termination to be published immediately by such means of communication considered most likely to notify the population of the area affected and shall notify Alberta Disaster Services as soon as is reasonably practicable.

17. By-law No. 292 to provide for establishment of a Disaster Service Agency is hereby repealed.

18. This bylaw shall come into full force and effect upon receiving third and final reading.

READ A FIRST TIME this day of April 2005.

READ A SECOND TIME this day of April, 2005.

READ A THIRD TIME AND FINALLY PASSED this day of April, 2005.

Mayor

Town Manager