

**DISTRICT OF LANTZVILLE
BYLAW NO. 178**

**A BYLAW TO DEVELOP AND IMPLEMENT PLANS FOR EMERGENCIES
AND DISASTERS IN THE DISTRICT OF LANTZVILLE**

WHEREAS Municipalities are required by the provisions of the *Emergency Program Act*, R.S.B.C. 1996 c. 111, as amended, to establish an emergency plan to prepare for, respond to and recover from emergencies and disasters;

AND WHEREAS the District of Lantzville Council believes it to be in the best interest of the Municipality to establish an Emergency Program Bylaw pursuant to the *Emergency Program Act*, R.S.B.C. 1996 c. 111;

AND WHEREAS the Municipal Council may appoint such committees as it considers necessary or desirable to assist it in meeting its obligations under the Act;

AND WHEREAS the Municipal Council may appoint a Coordinator of its emergency management organization;

AND WHEREAS this bylaw is intended to provide a comprehensive program of emergency management by a coordinated response of the District of Lantzville, officers and employees and of volunteer services and external agencies, that will respond to natural and human caused hazards with the goal of preserving life, property, the local economy and the environment in a comprehensive approach using prevention, mitigation, preparedness, response and recovery, all in a manner that will ensure the continuity of government;

NOW THEREFORE, the Council of the District of Lantzville in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as "Emergency Program Bylaw No. 178, 2019".

2. DEFINITIONS IN THIS BYLAW

- 2.1 "Act" the *Emergency Program Act*, R.S.B.C. 1996, c. 111, as amended, and any regulations thereunder;
- 2.2 "District" means the Corporation of the District of Lantzville;
- 2.3 "Chief Administrative Officer" means the individual appointed by Council in accordance with the *Community Charter*;
- 2.4 "Council" means the elected Council of the District of Lantzville;
- 2.5 "Declaration of a State of Local Emergency" means a bylaw or resolution of the Council or an order of the Mayor that an Emergency or Disaster exists or is imminent and made in accordance with section 12 of the Act;
- 2.6 "Director of EOC" means the Chief Administrative Officer who provides overall direction in and is responsible for the operations in the Emergency Operations Centre;

- 2.7 "Disaster" means a calamity that:
- a) is caused by accident, fire, explosion or technical failure or by the forces of nature,
 - b) has resulted in serious harm to the health, safety or welfare of people or in widespread damage to property;
- 2.8 "Emergency" means a present or imminent event or circumstance that
- a) is caused by accident, fire, explosion, technical failure or the forces of nature, and
 - b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property;
- 2.9 "EOC" means the Emergency Operations Centre as defined in the Emergency Program or such other facility as may be designated from time to time as the EOC by the Council;
- 2.10 "Emergency Operations Management and Policy Group" means the group constituted as such pursuant to section 3.3 of this bylaw;
- 2.11 "Emergency Program" means the District's Emergency Program as adopted or implemented from time to time and any amendment thereto;
- 2.12 "Emergency Program Coordinator" means the person appointed to act in that capacity for the District by the Council and is deemed to be the coordinator for the emergency management organization of the District established pursuant to Section 6(3.1) (a) of the Act;
- 2.13 "Emergency Measures Policy/Planning Committee" means a Committee constituted pursuant to Section 3.2 of the bylaw;
- 2.14 "Mayor" means the individual elected as the Mayor of the District or, in the event the Mayor is absent, ill, or otherwise unable or unwilling to carry out or exercise his or her duties and powers under this bylaw and the Act, the person appointed as the acting Mayor at the relevant time;
- 2.15 "Minister" means the Solicitor General for the Province of British Columbia;
- 2.16 "Order" means a written statement or instruction giving effect to a Declaration of a state of local emergency by the Mayor, which Order must include the date of issuance and bear the name of the Mayor.

3. EMERGENCY PROGRAM ADMINISTRATION

- 3.1 The Local Authority must appoint an individual to the following position:
- a) Emergency Program Coordinator; and

b) may establish a reporting structure for such position.

3.2 An Emergency Measures Policy/Planning Committee is hereby created which will meet not less than every 6 months. The following individuals may constitute the Committee:

- a) the Mayor, who may act as Chair;
- b) the Chief Administrative Officer;
- c) the Director of Public Works;
- d) the RCMP Representative as appointed by the RCMP;
- e) the Director of Financial Services;
- f) the Emergency Program Coordinator;
- g) the Fire Chief;
- h) the Director of Planning;
- i) the Emergency Social Services Director;

or their designates; and such other individuals as may be appointed to the Committee or sub-Committee(s) by the Chair from time to time.

3.3 With the exception of the Mayor, or any Council member(s), the positions listed in 3.2 shall be members of the Emergency Operations Management and Policy Group (see section 4.2).

4. RESPONSIBILITIES

4.1 The Emergency Measures Policy/Planning Committee will be responsible for the following:

- a) preparing the Emergency Program, which program must:
 - (i) provide a general direction and framework that covers prevention, mitigation, preparedness, response and recovery programs to deal with a Disaster or Emergency in the Municipality, and
 - (ii) formulate roles and responsibilities for all officials appointed pursuant to this bylaw (whose roles and responsibilities are not otherwise defined herein);
- b) making and amending practices and procedures to regulate its activities and meetings;
- c) establishing such sub-committees or working groups as it deems necessary to carry out its duties and obligations;

- d) subject to the final approval of the Local Authority,
 - (i) negotiating agreements with other municipalities or governments for mutual aid or the formation of joint organizations,
 - (ii) negotiating with individuals, societies, corporations or other legal entities other than government bodies for the engagement of one or more of their members deemed qualified to provide services necessary to achieve the objectives of this bylaw;
 - e) submitting annually to the Local Authority, estimates of expenditures required to maintain and operate the Emergency Program;
- 4.2 The Emergency Operations Management and Policy Group will be responsible for the coordination and direction of overall operations in accordance with its Emergency Program.
- 4.3 The Emergency Program Coordinator will report directly to the Chief Administrative Officer and will be responsible for the following:
- a) acquiring a task number from Emergency Management BC Vancouver Island Region Office immediately upon Declaration of a State of Local Emergency;
 - b) serving as a member of the Emergency Measures Policy/Planning Committee and the Emergency Operations Management and Policy Group;
 - c) making such minor amendments to the Emergency Program as are necessary to ensure that the information contained in such Program remains current at all times, including, without limitation, updating telephone numbers, addresses, locations of equipment and response teams;
 - d) providing day to day administration of the Emergency Program, including coordinating staff, encouraging public emergency management and coordinating with external organizations on emergency management;
 - e) maintaining information on potential natural and human caused hazards and the impact that such hazards could have on the District;
 - f) ensuring all District Departments, including Emergency Social Services, develop and keep updated departmental emergency plans that are consistent with and support the Emergency Program;
 - g) developing and keeping updated the District Emergency Plan which includes the EOC Plan;
 - h) coordinating, equipping and training the District emergency volunteer services;
 - i) coordinating and arranging for emergency preparedness training for District staff;
 - j) providing liaison on behalf of the District with other external support organizations;

- k) selecting and enrolling candidates for Federal or Provincial Emergency Program courses;
- l) conducting studies and exercises within the District to ensure that the Emergency Program is understood, effective and in a state of readiness;
- m) acting as the point of contact for the District with the Provincial Emergency Program and other governments or agencies concerning emergency planning and operations; and
- n) when a Declaration of a state of emergency exists, acting as the District's liaison between the Director or such other person the Minister may appoint pursuant to section 10(2) of the Act and the Local Authority.

5. DECLARATION OF A STATE OF LOCAL EMERGENCY AS PROVIDED IN THE ACT

- 5.1 Subject to section 5.3, the Local Authority may, when satisfied that an Emergency or Disaster exists make a Declaration of a State of Local Emergency either by resolution or bylaw.
- 5.2 Subject to section 5.3 and provided that the Mayor has used his or her best efforts to obtain the consent of all other members of the Local Authority to make a Declaration of a state of local emergency, the Mayor may, by Order, make a Declaration of a State of Local Emergency.
- 5.3 A Declaration of a State of Local Emergency, whether made by the Local Authority or the Mayor must:
 - a) identify the nature of the Disaster or Emergency;
 - b) identify whether the Disaster or Emergency affects all of the District or only a portion thereof and, in the latter case, clearly identify the affected portion of the District; and
 - c) be made in the form attached as Schedule "A" to this bylaw.
- 5.4 If a Declaration of a state of local emergency is made in accordance with this bylaw, the Local Authority or Mayor, as applicable, must immediately:
 - a) forward a copy of the Declaration of a State of Local Emergency, to Emergency Management BC Vancouver Island Region Office first and then onto the Solicitor General; and
 - b) cause details of the Declaration of a State of Local Emergency to be published by a means of communication that the Local Authority or Mayor, as the case may be, considers most likely to make the contents of the declaration known to the population of the affected area of the District.

6. POWERS ASSOCIATED WITH THE DECLARATION OF A STATE OF LOCAL EMERGENCY AS PROVIDED FOR IN THE ACT

- 6.1 Once a Declaration of a state of local emergency has been made in the District the Emergency Operations Management and Policy Group will immediately assume responsibility for the Disaster or Emergency which prompted the Declaration of a state of local emergency in accordance with the division of responsibilities set out in sections 4.2 and 4.3 of this Bylaw, the Act and the Emergency Program. In carrying out its duties and responsibilities the Emergency Operations Management and Policy Group may exercise any or all of the following powers of the Local Authority pursuant to the delegation provisions of section 6(4) of the Act, subject only to an order from the Minister directing the Local Authority and, through it to its delegates, to refrain or desist from exercising any one or more of the powers enumerated in paragraphs (a) through to and including (i) below:
- a) acquire or use any land or personal property considered necessary to prevent, respond to alleviate the effects of the 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 the Emergency or Disaster;
 - c) control or prohibit travel to or from any area of the District;
 - 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 any part of the District;
 - e) cause the evacuation of persons and the removal of personal property from any area of the District that is or may be affected by the Emergency or Disaster and make arrangement for the adequate care and protection of those persons and personal property;
 - f) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the Emergency Program or if otherwise considered necessary to prevent, respond to or alleviate the effects of the Emergency or Disaster;
 - g) cause the demolition or removal of any trees, structures if the demolition or removal is considered necessary or appropriate in order to prevent, respond to or alleviate the effects of the Emergency or Disaster;
 - h) construct works considered necessary or appropriate to prevent, respond to or alleviate the effects of the Emergency or Disaster;
 - i) procure, clothing, fuel, equipment medical supplies or other essential supplies and the use of any property, services resources or equipment, within any part of the District for the duration of the Declaration of a State of Local Emergency under this bylaw.

6.2 The Local Authority may, during or within 60 days after the Declaration of a State of Local Emergency, by bylaw ratified by the Minister responsible for the administration of the *Community Charter*, borrow any money necessary to pay expenses caused by the Disaster or Emergency.

7. CANCELLATION OF A DECLARATION OF A STATE OF LOCAL EMERGENCY

The Local Authority or Mayor, as the case may be, must, when of the opinion that the Emergency or Disaster no longer exists in the District or part thereof for which a Declaration of a State of Local Emergency was made, cancel the Declaration of a State of Local Emergency by means of a bylaw or resolution of the Local Authority or by order of the Mayor, as appropriate, and promptly notify the Minister of the cancellation of the Declaration of a State of Local Emergency.

8. REPEAL

“District of Lantzville Emergency Measures Bylaw No. 19 – 2004” is hereby repealed.

READ A FIRST TIME on the 18th day of March, 2019.

READ A SECOND TIME on the 18th day of March, 2019.

READ A THIRD TIME on the 18th day of March, 2019.

ADOPTED this 1st day of April, 2019.

ORIGINAL SIGNED

Mark Swain, Mayor

ORIGINAL SIGNED

Trudy Coates,
Director of Corporate Administration

Schedule "A"

DECLARATION OF A STATE OF LOCAL EMERGENCY

TO: Minister Responsible
Emergency Management BC
VI Region, Block A – Suite 200
2261 Keating Cross Road
Saanichton, BC V8M 2A5

FAX: (250) 952-4304

FROM: District of Lantzville
PO Box 100, 7192 Lantzville Road
Lantzville, BC V0R 2H0

CONTACT: Chief Administrative Officer
TEL: (250) 933-8080
FAX: (250) 390-5188

RE: State of Local Emergency

It is hereby declared, under the authority of the British Columbia *Emergency Program Act* and the District of Lantzville Emergency Program Bylaw No. 178, 2019, that a State of Local Emergency exists in the District of Lantzville, British Columbia, as the result of:

(name of emergency and state the date / time of occurrence)

Temporary emergency powers to effectively respond to this disaster are now deemed to be required.

The area(s) affected by this *disaster*, and to which this Declaration applies, is identified on the attached. The nature of this emergency is as follows: (include a short narrative description explaining the scope and nature of the emergency).

District of Lantzville officials have been delegated the authority to implement powers that are set out in the *Emergency Program Act*. The titles of these officials and the specific powers that they may exercise in connection with this emergency are attached.

For the duration of this State of Local Emergency, the District of Lantzville Emergency Program Bylaw No. 178, 2019 and the British Columbia *Emergency Program Act* will prevail in any instance where there may be a conflict with any other bylaw, act or regulation.

As required under the B.C. *Emergency Program Act* and the District of Lantzville Emergency Program Bylaw No. 178, 2019, the District of Lantzville hereby officially informs the Emergency Management BC Vancouver Island Region Office, Minister Responsible Emergency Management British Columbia and also the population within the affected area that a State of Local Emergency now exists.

This Declaration will remain in force for seven days from the date noted below at which time the need for either a renewal or cancellation will be considered. This Declaration is Ordered by the Mayor of the District of Lantzville and, or by resolution of the District of Lantzville.

Mayor (signature)

Chief Administrative Officer (signature)

Mayor (print name)

Chief Administrative Officer (print name)

Date and Time: _____

Attachments:

- Original Declaration or Last Renewal of a State of Local Emergency
- Delegation of Powers
- Affected area(s)
- Resolution
- Other: _____

**Delegation of Powers
 Under Section 10 of the B.C. *Emergency Program Act*
 Authorized to District of Lantzville Officials**

Attached as part of the *Declaration of a State of Local Emergency* issued on
 Date/Time: _____

Delegated Powers To	Y/N	District of Lantzville Officials' Titles
a) Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of the 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 the Emergency or <i>Disaster</i> .		
c) Control or prohibit travel to or from any area of the District.		
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 any part of the District.		
e) Cause the evacuation of persons and the removal of animals and personal property from any area of the District that is or may be affected by the Emergency or <i>Disaster</i> and make arrangements for the adequate care and protection of those persons, animals and personal property.		
f) Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the Emergency Program or if otherwise considered necessary to prevent, respond to or alleviate the effects of the Emergency of <i>Disaster</i> .		
g) Cause the demolition or removal of any trees and structures if the demolition or removal is considered necessary or appropriate in order to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
h) Construct works considered necessary or appropriate to prevent, respond to or alleviate the effects of the Emergency or <i>Disaster</i> .		
i) Procure, fix prices for 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 District for the duration of the <i>Declaration of a State of Local Emergency</i> under this		

Schedule "B"

RENEWAL/CANCELLATION OF A STATE OF LOCAL EMERGENCY

TO: Minister Responsible
Emergency Management BC
VI Region, Block A – Suite 200,
2261 Keating Cross Rd
Saanichton, BC V8M 2A5

FAX: (250) 952-4304

FROM: District of Lantzville
PO Box 100, 7192 Lantzville Road
Lantzville, BC V0R 2H0

CONTACT: Chief Administrative Officer
TEL: (250) 933-8080
FAX: (250) 390-5188

RE: State of Local Emergency

A State of Local Emergency declared on: _____

by the District of Lantzville is hereby:

- Renewed **OR** Cancelled
 In its entirety **OR** For the following affected areas only:

This _____ Renewal will remain in force for seven days from the date noted below:

OR

This _____ Cancellation will remain in force from the date noted below unless otherwise noted notified.

This _____ Renewal or _____ Cancellation is:

- Ordered by the Mayor of the District of Lantzville
 By Resolution of the District of Lantzville

Mayor (signature)

Chief Administrative Officer (signature)

Mayor (print name)

Chief Administrative Officer (print name)

Date and Time: _____

Attachments:

- Original Declaration or Last Renewal of a State of Local Emergency
 Delegation of Powers
 Affected area(s)
 Resolution
 Other: _____