

BYLAW NO. 147 / 2011

**A BYLAW OF THE TOWN OF BENTLEY
IN THE PROVINCE OF ALBERTA FOR THE ADOPTION OF A
MUNICIPAL EMERGENCY MANAGEMENT BYLAW**

WHEREAS the Council of the Town of Bentley is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8, to appoint a Municipal Emergency Advisory Committee and to establish and maintain a Municipal Emergency Management Agency;

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 Emergency Management Act;

WHEREAS it is recognized that an emergency or disaster of a jurisdictional or multi-jurisdictional nature could affect any or all of the municipalities within the geographical boundaries of Lacombe County to such a degree that local resources would be inadequate to cope with the situation; and

WHEREAS Council wishes to enter into a regional emergency management partnership with other municipalities within the geographical boundaries of Lacombe County for the purpose of integrated emergency management planning and operations.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BENTLEY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Bentley Municipal Emergency Management Bylaw.

2. In this Bylaw,

- (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 Bentley;
- (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" means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property;
- (e) "Lacombe Regional Emergency Management Partnership" means those municipalities who have entered into a joint agreement for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs;
- (f) "Lacombe Regional Emergency Advisory Committee" means a regional committee comprised of a Councillor, or designate, from each of the partnering municipalities of the Lacombe Regional Emergency Management Partnership
- (g) "Lacombe Regional Emergency Management Agency" means the Directors of Emergency Management, or designate, from each of the partnering municipalities of the Lacombe Regional Emergency Management Partnership;
- (h) "Lacombe Regional Emergency Management Plan" means the integrated emergency management plan prepared by the Lacombe Regional Emergency Management Agency to coordinate response to an emergency or disaster within the geographic boundaries of Lacombe County.
- (i) "Minister" means the Minister responsible for the Emergency Management Act;

- (j) "Bentley Municipal Emergency Advisory Committee" means the committee established under this Bylaw; and
- (k) "Bentley Municipal Emergency Management Agency" means the agency established under this Bylaw;

3. There is hereby established a Bentley Municipal Emergency Advisory Committee to advise Council on the development of emergency plans and programs.

4. There is hereby established a Bentley Municipal 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, or the powers contained in Section 12 of this Bylaw.

5. Council shall

- (a) by resolution, appoint all members of Council to serve on the Municipal Emergency Advisory Committee;
- (b) provide for the payment of expenses of the members of the Municipal Emergency Advisory Committee;
- (c) by resolution, on the recommendation of the Municipal Emergency Advisory Committee, appoint a Director of Emergency Management and Deputy Director(s) 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 Bentley;
- (e) approve the Town of Bentley's emergency plans and programs; and
- (f) review the status of the Regional Emergency Management 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 Municipal 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 Bentley Emergency Advisory Committee shall
 - (a) review the Regional Emergency Management Plan and related plans and programs on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Regional Emergency Management Plan and related plans and programs at least once each year.
8. The Municipal Emergency Management Agency shall be comprised of one or more of the following:
 - (a) the Director of Emergency Management;
 - (b) the Deputy Director(s) of Emergency Management;
 - (c) the Chief Administrative Officer or designate;
 - (d) the Fire Chief or designate;
 - (e) the Public Works Foreman or designate;
 - (f) the Family and Community Support Services Manager or designate;
- 8.A In addition, the following public and private organizations may be invited to provide representative(s) to the Municipal Emergency Management Agency:
 - (a) the NCO in Charge, Local RCMP Detachment or designate;
 - (b) the Ambulance Service Manager or designate;
 - (c) the School Division Superintendent or designate;
 - (d) representative(s) from Alberta Health Services;

- (e) representative(s) from adjacent communities which have entered into mutual aid agreements;
- (f) representative(s) from local business or business associations (e.g. Chamber of Commerce);
- (g) representative(s) from local industry or industrial associations;
- (h) representative(s) from Municipal Affairs, Alberta Emergency Management Agency;
- (i) representative(s) from Alberta Environment;
- (j) representative(s) from Alberta Transportation; and
- (k) anybody else who might serve a useful purpose in the preparation or implementation of the *Regional Emergency Management Plan*.

9. The Director of Emergency Management shall

- (a) assist in the preparation and coordination of the *Regional Emergency Management Plan* and prepare and coordinate related plans and programs for the Town of Bentley;
- (b) act as director of emergency operations, or ensure that someone is designated under the *Regional Emergency Management Plan* to so act, on behalf of the *Municipal Emergency Management Agency*; and
- (c) coordinate all emergency services and other resources used in an emergency; and/or
- (d) ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), and (c).

10. The power to declare, terminate or renew a state of local emergency under the Act, the powers specified in Section 12 of this Bylaw, and the requirement specified in Section 15 of this Bylaw, are hereby delegated to a committee comprised of the Mayor, or the Deputy Mayor, alone, or in their absence, 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.

11. When a state of local emergency is declared, the person or persons making the declaration shall
 - (a) ensure that the declaration identifies the nature of the emergency and the area of the Town of Bentley 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; and
 - (c) forward a copy of the declaration to the Minister forthwith.

12. Subject to Section 13, when a state of local emergency is declared, the person or persons making the declaration may
 - (a) cause the Lacombe Regional Emergency Management 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 the person is qualified to provide;
 - (d) control or prohibit travel to or from any area of the Town of Bentley;
 - (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 Town of Bentley;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Town of Bentley 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 of Bentley for the duration of the state of local 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 Regional Emergency Management 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, in the opinion of the person or 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.

14. 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 13;
- (b) a period of seven 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.

15. When a declaration of a state of local emergency has been terminated, the person or 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.

- (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.

15. When a declaration of a state of local emergency has been terminated, the person or 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.

16. No action lies against the Town of Bentley or a person acting under the Town of Bentley's direction or authorization for anything done or omitted to be done in good faith while carrying out a power under the Emergency Management Act or the regulations during a state of local emergency.

17. Bylaw No. 131/2009 passed on March 24, 2009, dealing with the establishment of a Disaster Services/Emergency Management Committee and/or Agency is hereby rescinded.

This Bylaw comes into force and effect on the day it is finally passed.

Read a first time this 8th day of February , 2011.

Read a second time this 8th day of February, 2011.

Read a third time and finally passed this 8th day of February, 2011.



Mayor



Municipal Administrator