

BYLAW NO. 4092,2010

A Bylaw to develop and implement plans for emergencies and disasters in the City of Coquitlam

WHEREAS Council for the City of Coquitlam is 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 Council may appoint such committees as it considers necessary or desirable to assist in meeting its obligations under the Act;

AND WHEREAS Council may appoint a manager of its emergency management organization;

AND WHEREAS This Bylaw is intended to provide a comprehensive program of emergency management by a coordinated response of Council, officers and employees of the City of Coquitlam, volunteer services and external agencies, that will respond to natural and man-made 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 City of Coquitlam, in open Meeting lawfully assembled, enacts as follows:

PART ONE: NAME OF BYLAW

1.1 This Bylaw is cited as "Emergency Program Bylaw No. 4092, 2010."

PART TWO: REPEAL OF EXISTING BYLAWS

2.1 The following Bylaw is hereby repealed:
"Coquitlam Emergency Program Bylaw No. 3332, 1999"

PART THREE: INTERPRETATION

3.1 In this Bylaw, unless the context requires otherwise:

ACT	means the <i>Emergency Program Act, R.S.B.C. 1996, C. 111</i> , as amended.
ADMINISTRATOR	means the senior administrative officer of the City of Coquitlam or his delegate.
B.C.E.R.M.S.	means a comprehensive all hazards provincial emergency response management system used to manage emergency events.
CITY	means the City of Coquitlam.
DECLARATION OF A STATE OF LOCAL EMERGENCY	means a bylaw or resolution of the Local Authority or an order of the Municipality's Mayor that an Emergency or Disaster exists or is imminent and made in accordance with section 12 of the Act.
DIRECTOR OF EOC	means the Administrator who provides overall direction in and responsibility for the operations in the Emergency Operations Centre (EOC).
DISASTER	means a calamity that <ol style="list-style-type: none">i) is caused by means including, accident, fire, explosion or technical failure or by the forces of nature, andii) has resulted in serious harm to the health, safety or welfare of people or in widespread damage to property.
EOC	means the Municipal Emergency Operations Centre as defined in the Municipal Emergency Program or such other facility as may be designated from time to time as the EOC by the Local Authority.
EMERGENCY	means a present or imminent event that <ol style="list-style-type: none">i) is caused by means including, accident, fire, explosion or technical failure or by the forces of nature; andii) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property.
EMERGENCY MANAGEMENT COMMITTEE	means a committee constituted pursuant to section 4.2 of the Bylaw to oversee management of the Municipal Emergency Program.

EOC MANAGEMENT TEAM	means the group constituted as such pursuant to section 4.5 of this Bylaw.
EMERGENCY PROGRAM MANAGER	means the person appointed to act in that capacity for the Municipality by the Local Authority and is deemed to be the coordinator for the emergency management organization pursuant to section 6(3) of the Act.
EXECUTIVE COMMITTEE OF COUNCIL	means all of Council, as represented through the Strategic Priorities, Administration & Protective Services Standing Committee.
LOCAL AUTHORITY	means Council for the Municipality;
MAYOR	means the individual elected as Mayor of the Municipality or, in the event that 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 designated Acting Mayor.
MINISTER	means the Attorney General for the Province of British Columbia.
MUNICIPAL EMERGENCY PROGRAM	means the organization, plans and procedures established within the City to combat emergencies and disasters including the procedures set out in this Bylaw.
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.
POLICY GROUP	means the Mayor and Council members.

3.2 Words that are not defined in this Bylaw will have the definitions assigned to them in the Act if defined therein.

3.3 Reference in this Bylaw to:

- a) a numbered "section" or "Part" is a reference to the correspondingly numbered section or Part of this Bylaw;
- b) unless the context otherwise requires, the plural is to be considered to be a reference also to the singular;

PART FOUR: MUNICIPAL EMERGENCY PROGRAM ADMINISTRATION

- 4.1 The Local Authority must appoint an individual to the position of Manager Emergency Program.
- 4.2 An Emergency Management Committee will be established by the Administrator and the following individuals constitute the Committee:
 - a) Members of the Senior Executive Team;
 - b) Manager Emergency Programs; and
 - c) Emergency Social Services Director or designate.
- 4.3 The Deputy City Manager and Manager Emergency Program will be the Co-Chairs of the Emergency Management Committee.
- 4.4 An Executive Committee of Council is hereby created and the following individuals constitute the Committee:
 - a) Council, as represented through the Strategic Priorities, Administration & Protective Services Standing Committee.
- 4.5 The Policy Group is hereby created and the following individuals constitute the Group:
 - a) Council
- 4.6 The EOC Management Team is established by the EOC Director, when the EOC is activated, and the following individuals may constitute the Team:
 - a) EOC Director;
 - b) EOC Deputy Director;
 - c) Liaison Officer;
 - d) Information Officer;
 - e) Safety/Risk Officer;
 - f) Operations Section Chief;
 - g) Planning Section Chief;
 - h) Logistics Section Chief; and
 - i) Finance and Administration Section Chief.

PART FIVE: RESPONSIBILITIES

5.1 The Manager Emergency Program will report directly to the Deputy City Manager for the Municipality and will be responsible for the following:

- a) reporting on program activities requiring Council direction to the City's Strategic Priorities, Administration & Protective Services Standing Committee;
- b) making such minor amendments to the Municipal 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;
- c) providing day to day administration of the Municipal Emergency Program including coordinating staff and public education and liaising with external organizations on emergency management issues;
- d) maintaining information on potential natural and man-made hazards and the impact that such hazards could have on the Municipality;
- e) coordinating, equipping and training Municipal Emergency Program volunteer services;
- f) ensuring all municipal departments develop and keep updated departmental emergency plans that are consistent with and support the Municipal Emergency Program;
- g) providing liaison on behalf of the Municipality with other external support organizations;
- h) selecting and processing City candidates for Federal or Provincial Emergency Program courses;
- i) conducting studies and exercises within the Municipality to ensure that the Municipal Emergency Program is understood, effective and in a state of readiness; and
- j) acting as the point of contact for the Municipality with the Provincial Emergency Program and other governments or agencies concerning emergency planning and operations.

5.2 The Emergency Management Committee will be responsible for the following:

- a) making and amending practices and procedures to regulate its activities and meetings;
- b) establishing such sub-committees or working groups as it deems necessary to carry out its duties and obligations;
- c) subject to the final approval of the Local Authority:

- i) negotiating with other municipalities or governments for the purpose of mutual aid or the formation of joint organizations; and
 - ii) negotiating with individuals, societies, corporations or other legal entities 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;
 - d) preparing the Municipal 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
 - iii) formulate roles and responsibilities for all officials appointed pursuant to this Bylaw (whose roles and responsibilities are not otherwise defined herein).
- 5.3 The Policy Group is responsible for the following:
- a) approving extraordinary financial expenditures and, or policy decisions, during response and recovery operations.
- 5.4 The EOC Management Team will be responsible for the following:
- a) Coordinating the overall operations undertaken by the Municipality in response to and recovery from an Emergency or Disaster, in accordance with the Municipal Emergency Program.
- 5.5 The Director of the EOC shall be responsible for the following:
- a) exercising overall management responsibility for the coordination between emergency response and supporting agencies in the EOC during an emergency or disaster;
 - b) ensuring the Policy Group is kept apprised of the emergency response and is consulted to approve extraordinary financial expenditures and, or policy decisions;
 - c) when a Declaration of a State of Local Emergency exists, acting as the Municipality's liaison person between the Provincial Director or such other person as the Minister may appoint under Section 10(2) of the Act and the Local Authority.

PART SIX: DECLARATION OF A STATE OF LOCAL EMERGENCY

- 6.1 Subject to Section 6.3, 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.
- 6.2 Subject to section 6.3 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 a Declaration of a State of Local Emergency, the Mayor may, by Order, make a Declaration of a State of Local Emergency.
- 6.3 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 Municipality or only a portion thereof and, in the latter case, clearly identify the affected portion of the Municipality; and
 - c) be made in approximately the form annexed as Schedule "A" to this Bylaw.
- 6.4 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 the Minister; 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 Municipality.

PART SEVEN: POWERS ASSOCIATED WITH THE DECLARATION OF A STATE OF LOCAL EMERGENCY

- 7.1 Once a Declaration of a State of Local Emergency has been made in the municipality, the EOC Management Team 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 5.3 of this Bylaw, the Act and the Municipal Emergency Program. In carrying out

its duties and responsibilities, the EOC Management Team 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 j) below:

- a) acquire or use any land 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 area designated in the declaration within the local authority's jurisdiction;
- 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 local authority's jurisdiction;
- e) cause the evacuation of persons and the removal of livestock, animals and personal property from any area designated in the declaration within the local authority's jurisdiction 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 personal 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 local authority to be necessary to prevent, respond to or 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 local authority 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 local authority 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 area designated in the declaration within the local authority's jurisdiction for the duration of the state of local emergency;

- 7.2 The Local Authority may, during or within 60 days after the Declaration of a State of Local Emergency, by bylaw ratified by the Minister of Municipal Affairs, borrow any money necessary to pay expenses caused by the Disaster or Emergency.

PART EIGHT: CANCELLATION OF A DECLARATION OF A STATE OF LOCAL EMERGENCY

- 8.1 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 Municipality or part thereof for which a Declaration of a state of local emergency was made, cancel the Declaration by means of a bylaw or resolution of the Local Authority or Order of the Mayor, and promptly notify the Minister of the cancellation of the Declaration of a State of Local Emergency.

PART NINE: OTHER PROVISIONS

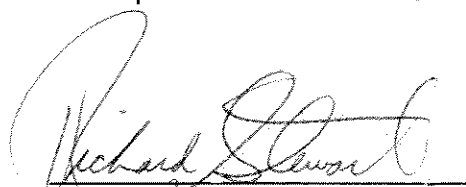
- 9.1 If any part, section or sub-clause of this Bylaw is, for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of the Bylaw.
- 9.2 This Bylaw will come into force on the date of final adoption.

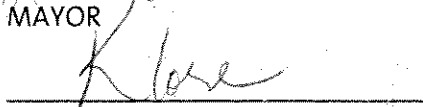
READ A FIRST TIME this 1st day of March, 2010

READ A SECOND TIME this 1st day of March, 2010

READ A THIRD TIME this 1st day of March, 2010

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 15th day of March, 2010.


MAYOR


DEPUTY CITY CLERK

Schedule A

Declaration of a State of Local Emergency

DECLARATION OF STATE OF LOCAL EMERGENCY

TO: Attorney General of B.C. c/o Provincial Emergency Program FAX: 250-952-4872

FROM: City of Coquitlam CONTACT: _____ PHONE: _____

ORDER

WHEREAS *[type of hazard]* in *[name of local authority]*;

AND WHEREAS *[explanation of ongoing or imminent threat to life or property]*;

AND WHEREAS this *[type of hazard]* emergency requires prompt coordination of action or special regulation of persons or property to protect the health, safety, or welfare of people or to limit damage to property;

NOW THEREFORE:

IT IS HEREBY ORDERED pursuant to Section 12 (1) of the *Emergency Program Act* (RS, 1996, Chap 111) that a state of local emergency exists in *[specific geographic boundaries of designated area]* due to *[short hazard description]* and *[short consequence statement]*;

IT IS FURTHER ORDERED THAT the *[name of local authority]*, its employees, servants and agents are empowered pursuant to Section 13 (1) of the *Emergency Program Act* to do all acts and implement all procedures that are considered necessary to prevent or to alleviate the effects of the emergency, including: *[delete those emergency powers not needed from the list below]*

- Acquire or use any land or personal property considered necessary to prevent, respond to, or alleviate the effects of an emergency or disaster.

- 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.
- Control or prohibit travel to or from any area designated in the declaration within the local authority's jurisdiction.
- 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 local authority's jurisdiction.
- Cause the evacuation of persons and the removal of livestock, animals, and personal property from any area designated in the declaration within the local authority's jurisdiction 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 personal property.
- 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 local authority to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster.
- Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the local authority to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster.
- Construct works considered by the local authority to be necessary or appropriate to prevent, respond to, or alleviate the effects of an emergency or disaster.
- 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 area designated in the declaration within the local authority's jurisdiction for the duration of the state of local emergency.

ORDERED by the *[head of local authority]* this date *[date]* at *[time]* to remain in force for seven days until *[date]* at *[time]* unless cancelled by order of *[name of local authority]* or the Solicitor General.

(Head of local authority)

DELEGATION OF POWERS MATRIX

Note: This sample matrix would accompany the Declaration of a State of Local Emergency and identify the emergency powers that have been delegated to EOC staff (Ref: Emergency Program Act, Section 10). Other individuals/agencies may be included in the matrix at the discretion of the head of a local authority.

Emergency Powers	Delegated to			
	EOC Director	Deputy EOC Director	Operations Section Chief	Incident Commander
<ul style="list-style-type: none"> ▪ Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster. 				
<ul style="list-style-type: none"> ▪ 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. 				
<ul style="list-style-type: none"> ▪ Control or prohibit travel to or from any area designated in the declaration within the local authority's jurisdiction. 				
<ul style="list-style-type: none"> ▪ 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 local authority's jurisdiction. 				
<ul style="list-style-type: none"> ▪ Cause the evacuation of persons and the removal of livestock, animals, and personal property from any area designated in the declaration within the local authority's jurisdiction 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 personal property. 				

Emergency Powers	Delegated to			
	EOC Director	Deputy EOC Director	Operations Section Chief	Incident Commander
<ul style="list-style-type: none"> 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 local authority to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster. 				
<ul style="list-style-type: none"> Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the local authority to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster. 				
<ul style="list-style-type: none"> Construct works considered by the local authority to be necessary or appropriate to prevent, respond to, or alleviate the effects of an emergency or disaster. 				
<ul style="list-style-type: none"> 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 area designated in the declaration within the local authority's jurisdiction for the duration of the state of local emergency. 				