

Section 2: Legal Authority

The Burns Lake Emergency Program is carried out under a bylaw and various legislation:

- **Burns Lake Emergency Preparedness Planning Bylaw # 869** (attached)
- **Mutual Aid Agreements** (being developed)
- **Partnership Agreements** (being developed)
- **Emergency Program Act**
 - http://www.qp.gov.bc.ca/statreg/stat/E/96111_01.htm
- **Compensation and Disaster Financial Assistance Regulation**
 - http://www.qp.gov.bc.ca/statreg/reg/E/EmergencyProgram/124_95.htm
- **Local Authority Emergency Management Regulation**
 - http://www.qp.gov.bc.ca/statreg/reg/E/EmergencyProgram/380_95.htm

THE CORPORATION OF THE VILLAGE OF BURNS LAKE

BYLAW NO. 869

A Bylaw of the Corporation of the Village of Burns Lake to establish a Municipal Emergency Program within the Village of Burns Lake.

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

AND WHEREAS the Municipal Council of the Corporation of the Village of Burns Lake wishes to provide a comprehensive management program to prepare for, respond to, and recover from emergencies and disasters.

NOW THEREFORE, the Municipal Council of the Village of Burns Lake, in open meeting assembled, enacts as follows:

SECTION 1 – CITATION

- 1.1 This Bylaw shall be cited as the Corporation of the Village of Burns Lake Emergency Program Bylaw No. 869, 2006.
- 1.2 The Corporation of the Village of Burns Lake Emergency Program Bylaw No. 749, 1999, is hereby rescinded in its entirety.

SECTION 2 – INTERPRETATION

- 2.1 In this bylaw:
 - (a) “Council” means the Corporation of the Village of Burns Lake Municipal Council;
 - (b) “declaration of a state of local emergency” means a declaration of the Mayor or Council;
 - (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 persons or property, to protect the health, safety or welfare of people or to limit damage to property:
 - (e) “Village of Burns Lake Emergency Coordinator” means person appointed by the Council as head of the Village of Burns Lake Municipal Emergency Program;
 - (f) “Mayor” means the member of Council who is head and chief executive officer of the Municipality;
 - (g) “Village” means the area within the boundaries of the Municipality of Burns Lake;
 - (h) “The Village of Burns Lake Municipal Emergency Program” means the Emergency Planning Committee, Emergency Coordinator, and such other persons appointed, and charged with emergency preparedness, response, and recovery program.
- 2.2 This bylaw shall be construed in accordance with the Emergency Program Act, RSBC 1996, Chapter III and all regulations made thereunder. In this bylaw, “Act” means the Emergency Program Act.

SECTION 3 – ADMINISTRATION

- 3.1 An Emergency Executive Committee shall be composed of:

- (a) Chairperson (Village Council Member)
- (b) Chief Administrative Officer
- (c) Emergency Coordinator
- (d) Financial Administrator

Others may be added as required. This Committee shall meet no less than twice annually and shall represent the Burns Lake Emergency Program on Village Council. They also shall give direction, set priorities, and approve decisions made by the Emergency Management Committee.

- 3.2 An Emergency Management (Planning) Committee shall be composed of :

- (a) Emergency Coordinator (chair)
- (b) RCMP Staff Sergeant
- (c) Fire Chief
- (d) Chief Administrative Officer
- (e) Engineering & Development Services Director
- (f) Emergency Social Services Director
- (g) BC Ambulance Unit Chief

The Committee shall meet no less than 3 times annually and shall be responsible for facilitating the every day duties of the Burns Lake Emergency Program.

The following personnel can be added as required and / or situations warrant: Communications Rep, Search and Rescue Rep, Emergency Health Services Rep, Public Health Officer, Ministry of Transportation Rep, PEP, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, and RDBN Emergency Coordinator. (Reps from industry, utility companies, school boards, airport management, volunteer agencies, transportation companies, local service clubs and First Nations, could also be included in special circumstances.)

3.3 The Council shall appoint an Emergency Coordinator to facilitate emergency preparedness, response, and recovery Program.

3.3.1 Subject to the approval of the Emergency Executive Committee and Council, the Emergency Management Committee may:

- (a) make and amend its terms of reference, policies, and procedures;
- (b) enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formation of coordinated emergency preparedness, response or recovery, and
- (c) enter into agreement with individuals, bodies, corporations or non-government agencies for the provision of goods or services.

SECTION 4 – DUTIES AND RESPONSIBILITIES OF THE COUNCIL

4.1 The Village of Burns Lake Emergency Planning Committee shall prepare and present to the Emergency Executive Committee and Council for annual review and approval:

- (a) a list of hazards to which the “Village” is subject and which also indicates the relative risk of occurrence,
- (b) plans respecting the preparation for, response to, and recovery from emergencies and disasters, which include:
 - i) a period review and updating of plans and procedures for that review,
 - ii) a program of emergency response exercises,
 - iii) training program,
 - iv) procedures by which physical and financial emergency resources or assistance may be obtained,
 - v) procedures by which emergency plans are to be implemented,

- vi) warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster,
- vii) procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, where that provision is made from within or outside of the municipality,
and
- viii) 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.

SECTION 5 – POWERS OF THE COUNCIL

- 5.1 The Mayor of the Council may, whether or not a state of emergency has been declared, cause the emergency plan to be implemented.
- 5.2 The Council by bylaw or resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the Act which is attached to and forms part of this Bylaw, is required to effectively deal with an emergency or disaster in any part of the Village.
- 5.3 After a declaration of a state of emergency is made under Section 5.2 in respect of all or any part of the Village, and for the duration of the state of emergency, the Council or Mayor may do any or all acts considered necessary and implement procedures that the Council or Mayor considers 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 to 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 Village;
 - (d) provide for the restoration of essential facilities and the distribution of essential services in the municipality;
 - (e) cause the evacuation or person 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 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 Mayor or Council 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 Mayor or Council 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 Mayor or Council to be necessary or appropriate in order 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, resource or equipment within any part of the municipality for the duration of the local state of emergency; and
 - (j) authorize the Emergency Coordinator (or other designated person or persons) to exercise, in any part of the Village effected by a declaration of a state of emergency, those specific powers enabled in Section 5.4 and assumed by the Mayor or Council.
- 5.4 The Mayor or Council must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of local state of emergency was 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 the Council, or
 - ii) by order, if the cancellation is effected by the Mayor, and as enabled by the Emergency Program Act.
 - (b) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

SECTION 6 – LIABILITY

6.1 As enabled by the Act, no person, including without limitation the Council, the Mayor, members of the Village of Burns Lake Emergency Program, employees of the Village of Burns Lake, a volunteer and any other persons appointed, authorized or requested to carry out program relating to emergencies and disasters, is liable for any loss, costs, expenses, damages or injury to persons or property that result from:

- (a) the person in good faith doing or omitting to do any act that a 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 person to do the acts, the person was not acting in good faith.

READ A FIRST TIME this ____ day of _____, 2006

READ A SECOND TIME this ____ day of _____, 2006

READ A THIRD TIME this ____ day of _____, 2006

RECONSIDERED and adopted this ____ day of _____, 2006

MAYOR

CLERK

Certified to be a true copy of the “Corporation of the Village of Burns Lake Emergency Program Bylaw #869, 2006”.

CLERK