



THE CORPORATION OF THE VILLAGE OF BURNS LAKE

EMERGENCY MEASURES AMENDMENT BYLAW NO. 1075, 2024

A Bylaw to amend the "Corporation of the Village of Burns Lake Emergency Measures Bylaw No. 869, 2006".

The Council of the Village of Burns Lake in an open meeting assembled, hereby enacts as follows:

That this Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Emergency Measures Amendment Bylaw No. 1075, 2024*".

That the "Corporation of the Village of Burns Lake Emergency Measures Bylaw No. 869, 2006" be amended as follows:

2. Interpretation

(a) In this Bylaw, unless the context otherwise requires, the following terms shall have the meaning hereby assigned:

"ACT" means; Bill 31-2023, The Emergency and Disaster Management Act, and it's regulations.

"COUNCIL" means the Council of the Village of Burns Lake.

"DECLARATION" means the declaration of a state of Local Emergency, as defined by the act.

"EMERGENCY" means a state that is the result of any of the following:

1. an event that:

- a.** has occurred, is ongoing or appears imminent, and;
- b.** is caused by one or more incidents, whether or not those incidents occur in the same location or at the same time, of accident, fire, explosion, technical failure, rioting, security threat, or terrorist activity

within the meaning of section 83.01 of the Criminal Code, force of nature or a prescribed type of incident.

2. the presence, suspected presence or imminent spread of a transmissible disease or an environmental toxin.
3. a prescribed type of event or the presence or suspected presence of prescribed circumstances, and;
4. requires the prompt coordination of action, of the special regulation of persons or property, to protect:
 - a. the health, safety or well-being of persons, or;
 - b. the safety of property or of objects or sites of heritage value

“EMERGENCY PROGRAM COORDINATOR” means the locally approved and appointed person of the municipality authorized for the coordination with Emergency Response Plans.

“EMERGENCY MANAGEMENT PLAN” means a plan prepared in accordance with section 52 of the ACT.

“HAZARD” means a circumstance, condition, process, phenomenon, activity or prescribed type of thing, whether natural or human-caused, that may give rise to an emergency.

“LOCAL AUTHORITY” means the following:

1. a municipality;
2. a regional district;
3. the Nisga’a Nation;
4. a treaty first nation.

“MAYOR” means the person elected as head of a local government body or their designate.

“MUNICIPALITY” means, as the context requires:

1. the corporation into which the residents of an area are incorporated as a municipality under Part 2 of the Local Government Act or under any other Act, or;
2. the council of a corporation referred to in paragraph (a) of this definition.

“PROPERTY” means land and personal property.

“SPECIFIED LAND” means the following:

1. Nisga’a Lands;

2. treaty lands of a treaty first nation.
3. shíshálh lands within the meaning of the *shíshálh Nation Self Government Act* (Canada);
4. a reserve within the meaning of the *Indian Act* (Canada);
5. land held under Aboriginal title;
6. prescribed land.

(b) This Bylaw shall be construed in accordance with Bill 31-2023, The Emergency and Disaster Management Act, and all Regulations made thereunder.

3. Administration

(a) Council must establish and appoint an Emergency Executive Committee for the purpose of presenting the Municipality with a viable Emergency Program as per the Objectives outlined under Section 3.1.1 of the *Village of Burns Lake Emergency Preparedness Plan*.

(b) This Executive Committee must include the Emergency Program Coordinator of the municipality, and may also include:

1. Mayor or other appointed Council member
2. Chief Administrative Officer
3. Director of Protective Services
4. Director of Financial Services

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

(d) The Executive Committee must establish an Emergency Planning Committee for the purpose of delivering the Village's Emergency Management Plan.

(e) The Planning Committee shall be led by the Emergency Program Coordinator, and may include the following members:

1. Chief Administrative Officer;
2. Director of Protective Services;
3. Director of Public Works;
4. Emergency Support Services Director;

5. EPC' s from Lake Babine Nation and Ts'il Kaz Koh Nation;
6. RCMP Operations Non-Commissioned Officer;
7. Regional District of Bulkley Nechako Emergency Program Coordinator;
8. Unit Chief BC Ambulance Service.

(f) Additional representatives may be added as required and / or situations warrant:

1. Communications, Search and Rescue, Emergency Health Services, Public Health Officer, Ministry of Transportation, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, industry, utility companies, school boards, airport management, volunteer agencies and transportation companies.

(g) The Planning Committee is tasked with implementing the Emergency Preparedness Plan for the Village.

4. Powers of a Local Authority

(a) As per Section 95 of the *Act*, in the event a State of Emergency has not already been declared, the Mayor or their designate may declare the Emergency Plan to be implemented.

(b) 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 95 of the *Act* is required to effectively deal with an emergency or disaster in any part of the Village.

(c) In the event a Declaration of a State of Local Emergency is made, Council or Mayor must:

1. identify the nature of the emergency and the area to which the declaration applies, and as soon as reasonably practicable;
2. give a copy of the declaration to the Minister, and;
3. publish the declaration.

(d) After a Declaration of a State of Emergency is made under Section 95 of the *Act*, in respect of all or any part of the Village, and for the duration of the State of Emergency, a local authority may exercise the powers of DIVISION 4 of the *Act*, including:

1. The local authority may, by order, do one or more of the following:
 - a. identify supplies, equipment or other items, services, property or facilities, or a class of any of these, as essential;
 - I. for things identified under paragraph (a) as essential:

- i) establish or restrain increases in prices or rents for them;
- ii) ration or otherwise provide for their distribution or use;
- iii) provide for their restoration, and;
- iv) authorize a person to provide a service or give assistance of a type that the person is qualified to provide or give;
- v) require a person to provide a service or give assistance of a type that the person is qualified to provide or give;
- vi) provide for, maintain and coordinate the provision and maintenance of necessities.

- 2. Subsection (1) (b) (i) and (iv) applies despite any enactment governing tenancies or the recovery of property.
- 3. Subsection (1) (c) and (d) applies despite any contract, including a collective agreement.

(e) The local authority may, by order, do one or more of the following:

- 1. appropriate, use or control the use of any personal property;
- 2. use or control the use of any land;
- 3. authorize the entry without warrant into any structure or onto any land by any person for the purpose of taking emergency measures;
- 4. prohibit the entry into any structure or onto any land by any person;
- 5. authorize or require the alteration, removal or demolition of any trees, crops, structures or landscapes;
- 6. authorize or require the construction, alteration, removal or demolition of works;
- 7. require the owner of a structure to:
 - a. have any damage to the structure assessed, and;
 - b. give the results of the assessment to the local authority or a person in a class of persons specified by the local authority.

(f) The power under subsection (1) (b) to use or control the use of land does not apply to specified land.

(g) The local authority may, by order, do one or more of the following in relation to any area to which a declaration of a state of provincial emergency applies:

1. require a person to evacuate from the area;
 2. authorize the evacuation of individuals or animals, or both, from the area;
 3. authorize the removal of personal property from the area.
- (h)** If the local authority makes an order under subsection (1), the local authority may arrange for:
1. the adequate care and protection of evacuated individuals or animals, or both, and;
 2. the adequate protection of personal property that has been removed.
- (i)** The local authority may, by order, control or prohibit one or more of the following:
1. travel to or from any area;
 2. the carrying on of a business or a type of business;
 3. an event or a type of event.
- (j)** The local authority may, by order, do one or more of the following:
1. require a person to stop doing an activity, including an activity that a person is licensed, permitted or otherwise authorized to do under an enactment;
 2. put limits or conditions on doing an activity, including limits or conditions that have the effect of modifying a license, permit or other authorization issued under an enactment.
- (k)** Unless cancelled or amended under Section 96 of the Act a Local State of Emergency is valid for a maximum of 14 days. If deemed necessary, an extension may be granted for additional periods, not to exceed 14 days each.
- (l)** In the event of a:
1. cancellation;
 2. amendment;
 3. extension of the Local State of Emergency.
- (m)** cancel the State of Local Emergency Declaration in relation to that part:
- (n)** by bylaw or resolution, if the cancellation is effected by the Council; or
- (o)** by Order if the cancellation is affected by the Mayor; and
- (p)** promptly notify the Minister of the cancellation of the State of Local Emergency Declaration.

(q) Unless cancelled or amended under Section 96 of the Act a Local State of Emergency is valid for a maximum of 14 days.

1. If deemed necessary an extension may be granted for additional periods, not to exceed 14 days each.
 - a. In the event of a cancellation, amendment or extension of the Local State of Emergency, the local authority, by emergency instrument, must notify the public and,
 - b. promptly notify the Minister of the cancellation, amendment or extension of the State of Local Emergency Declaration.

5. Liability

(a) As enabled by Section 18 of the *Act*, no person, including, without limitation, Council, other members of the Executive Council, the director, a local authority, the head of a local authority, a member of a local authority, a volunteer and any other person appointed, authorized or required to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damage or injury to person or property that results from:

1. the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under the Act or the regulations, unless, in doing or omitting to do the act, the person was grossly negligent, or;
2. any acts done or omitted to be done by one or more of the persons who were, under the Act or the regulations, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

6. Validity Of Bylaw

(a) If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

6. Full Force and Effect:

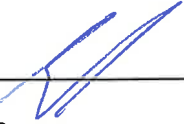
This Bylaw has full force and effect from the date of adoption until amended, repealed, or replaced.

READ A FIRST TIME THIS 8TH DAY OF OCTOBER, 2024


READ A SECOND TIME THIS 8TH DAY OF OCTOBER, 2024

READ A THIRD TIME THIS 8TH DAY OF OCTOBER, 2024

ADOPTED THIS 22ND DAY OF OCTOBER, 2024



MAYOR



CORPORATE OFFICER

Certified to be a true copy of the "Corporation of the Village of Burns Lake Emergency Measures Amendment Bylaw No. 1075, 2024".