

**BYLAW 2009-765
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

BEING A BY-LAW OF THE VILLAGE OF CARBON IN THE PROVINCE OF ALBERTA TO ESTABLISH A REGIONAL EMERGENCY MANAGEMENT AGENCY and REGIONAL EMERGENCY MANAGEMENT COMMITTEE.

WHEREAS the Council of the Village of Carbon is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, E-6.8, Revised Statutes of Alberta, 2006 to appoint a Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency; and

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 the Town of Three Hills, Town of Trochu, Village of Acme, Village of Carbon, Village of Linden, and Kneehill County have agreed to work together through a Regional Emergency Management Agency to carry out emergency preparedness activities;

NOW, THEREFORE, THE COUNCIL OF VILLAGE OF CARBON, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Regional Emergency Management Agency By-law.
2. In this Bylaw,
 - (a) "Act" means the Emergency Management Act, c.E6.8, Revised Statutes of Alberta 2006;
 - (b) "Council" means the Council of the Village of Carbon;
 - (c) "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;
 - (d) "Regional Emergency Management Committee" means the committee established under this Bylaw;
 - (e) "Emergency" means a present or imminent event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;
 - (f) "Minister" means the Minister charged with administration of the Act;
 - (g) "Regional Emergency Management Agency" means the agency established under this Bylaw; and
 - (h) "Regional Emergency Plan" means the emergency plan prepared by the Regional Emergency Management Committee to co-ordinate response to an emergency or disaster.
3. There is hereby established a Regional Emergency Management Committee to advise Council on the development of emergency plans and programs.
4. There is hereby established a Regional 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. Each participating Council shall:
 - (a) by resolution, appoint one or more of its members, to serve on the Regional Emergency Management Committee;
 - (b) provide for the payment of expenses of the members of the Regional Emergency Management Committee;
 - (c) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Carbon and the participating municipalities;
 - (d) approve the regions municipal emergency plans and programs; and
 - (e) review the status of the Regional Emergency Plan and related plans and programs at least once a year.

6. Each participating Council may:
 - (a) by Bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Regional 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.
 - (c) by resolution, on the recommendation of the Regional Emergency Planning Committee, appoint a Regional Director and a Regional Deputy Director of Emergency Management;

7. The Regional Emergency Planning Committee shall:
 - (a) review the Regional Emergency Plan and related plans and programs on a regular basis with assistance from any person or agency who/which might serve a useful purpose in the preparation or implementation of the Regional Emergency Management Plan; and
 - (b) advise their respective Councils, duly assembled, on the status of the Regional Emergency Plan and related plans and programs at least once a year.

8. The Director of Emergency Management shall be the DEM from the lead municipality involved in an emergency or disaster or an appointed Regional Director of Emergency Management and shall:
 - (a) act as director of emergency operations, or ensure that someone is designated under the Regional Emergency Plan to so act, on behalf of the Regional Emergency Agency; and
 - (b) co-ordinate all emergency services and other resources used in an emergency; or

9. The power to declare 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 Council committee comprised of the Mayor, or in the Mayor's absence, the Deputy Mayor, or in the Deputy Mayor's absence, two Councillors. This Council 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.

10. 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 geographic area 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.

11. Subject to Section 15, when a state of local emergency is declared, the person or persons making the declaration may:
 - (a) cause the Regional Emergency 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 he or she is qualified to provide;
 - (d) control or prohibit travel to or from any area of the municipality;
 - (e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of the municipality;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the municipality 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 municipality for the duration of the state of 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 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.

12. When a state of local emergency is declared,
 - (a) neither Council nor any member of Council, and
 - (b) no person appointed by Council to carry out measures relating to emergencies or disasters,is liable in respect of damage caused through any action taken under this Bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

13. Notwithstanding Section 13,
 - (a) Council and any member of Council, and
 - (b) any person acting under the direction or authorization of Council,is liable for gross negligence in carrying out their duties under this Bylaw.

14. 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.

15. 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 15;
 - (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.

16. 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.
17. Bylaw #391, #432, #577, #586, and #637, and all amendments thereto are hereby rescinded.

This By-law comes into full force and effect upon the date of the third and final reading.

READ A FIRST TIME this 28th day of September 2009

READ A SECOND TIME this 28th day of September 2009

READ A THIRD and final time, and finally passed this 28th day of September 2009



Mayor



Municipal Administrator