

**BYLAW NO. 806**  
OF THE  
TOWN OF KILLAM  
IN THE PROVINCE OF ALBERTA

**BEING A BYLAW OF THE TOWN OF KILLAM, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL EMERGENCY MANAGEMENT AGENCY.**

**WHEREAS**            **the *Emergency Management Act*, Chapter E-6.8, Revised Statutes of Alberta, 2000 is the authority for Councils to direct and control its emergency response and is required to appoint an Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency; and**

**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 Councils statutory powers and obligations under the said *Emergency Management Act*;**

**NOW THEREFORE** **the Council of the Town of Killam, duly assembled, enacts as follows:**

**SHORT TITLE**

1. The short title of this Bylaw shall be the “Emergency Management Agency”.

**DEFINITIONS**

2. In this Bylaw the following words shall be defined as:
  - (a) “Act” means the emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta, 2000;
  - (b) “Agency” means the agency Municipal Emergency Agency, as established under this Bylaw;
  - (c) “Committee” means the Municipal Emergency Committee established under this Bylaw;
  - (d) “Council” means the Council of the Town of Killam;
  - (e) “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;
  - (f) “Emergency” means a present or imminent event that requires prompt co-ordination for the welfare of people or to limit damage to property;
  - (g) “Minister” means the Minister charged with administration of the Act;
  - (h) “Plan” means the Municipal Emergency Plan prepared by the Director of Disaster Services to co-ordinate response to an emergency or disaster.

## **CONDITIONS**

3. There is hereby established a Committee which shall consist of all members of Council and any other members appointed by the Council, by resolution. The Committee will advise Council on the development of emergency plans and programs.
4. There is hereby established an 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, nor the powers contained in Section 12 of this Bylaw.
5. **Council shall:**
  - (a) By resolution, appoint members to serve on the Committee;
  - (b) Provide for the payment of expenses of the members of the Committee;
  - (c) By resolution, appoint a Director of Disaster Services and Deputy Director of Disaster Services who shall do those things required of the Director of Disaster Services in that persons absence;
  - (d) Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town;
  - (e) Approve the Town's emergency plans and programs; and
  - (f) Review the status of the Plan and related plans and programs at least once each year.
6. **Council may:**
  - (a) by Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Agency;
  - (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 or emergency plans or programs, including mutual aid plans and programs at least once each year;
7. **The Committee shall:**
  - (a) Review the Plan and related plans and programs on a regular basis; and
  - (b) Advise Council, duly assembled, on the status of the Plan and related plans and programs at least once each year.
8. **The Agency shall be comprised of one or more of the following:**
  - (a) The Director of Disaster Services
  - (b) The Deputy Director of Disaster Services

- (c) The Chief Administrative Officer of the municipality;
- (d) The Fire Chief or designate;
- (e) The Public Works Foreman;
- (f) The Regional Director of Family & Community Support Services or designate;
- (g) Representatives from adjacent communities which have entered into mutual aid agreements;
- (h) Anyone else who might serve a useful purpose in the preparation or implementation of the Plan.

**9. The Director of Disaster Services shall:**

- (a) Prepare and co-ordinate the Plan and related plans and programs for the Town;
- (b) Act as director of emergency operations, or ensure that someone is designated under the Plan to so act, on behalf of the Agency; and
- (c) Co-ordinate all emergency services and other resources used in an emergency; or
- (d) Ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b) and (c).

**10. The power to declare or renew a state of local emergency under the Act, the powers specified in Section 12 of the Bylaw, and the requirement specified in Section 15 of this Bylaw, are hereby delegated to the Mayor or any one member of Council. Council 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 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 15, when a state of local emergency is declared, the person or persons making the declaration may:**

- (a) Cause the 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 Town;
- (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 Town;
- (f) Cause the evacuation of persons and the removal of livestock and personal property from any area of the Town 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 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 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 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.

**14. Notwithstanding Section 13,**

- (a) Mayor 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.

15. 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.
16. 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.
17. 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.

**18. EFFECTIVE DATE**

This bylaw shall take effect on the date of passing thereof.

**READ** a first time this 11<sup>th</sup> day of January 2011.

**READ** a second time this 11<sup>th</sup> day of January 2011.

**READ** a third time, by unanimous consent by the Councilors present, and finally passed this 11<sup>th</sup> day of January 2011.

---

Mayor

---

Chief Administrative Office