

NO. 04-23

EMERGENCY PROGRAM BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to:

- (a) prepare a local emergency plan respecting preparation for response to and recovery from emergencies and disasters;
- (b) provide a comprehensive program of emergency management which will address hazards including the preservation of life, property, local economy and the environment in a four program approach addressing prevention, preparedness, response and recovery; and
- (c) provide for continuity of government and the preservation of life and property through a coordinated response by elected officials, municipal departments, volunteer services and outside agencies in the event of an emergency or disaster.

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Under its statutory powers, including the Emergency Program Act, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

**PART 1
Introductory Provisions**

Title

- 1.1 This Bylaw may be cited as the 'EMERGENCY PROGRAM BYLAW.'

Definitions

- 1.2 In this Bylaw unless the context requires otherwise:
 - (a) "building" means any structure used or intended for supporting or sheltering any use or occupancy;
 - (b) "declaration of a state of local emergency" means a Bylaw of the City, a resolution of Council or an order of the Mayor that an emergency exists or is imminent;
 - (c) "disaster" means a calamity that:
 - (i) is caused by an accident, fire, explosion or technical failure or by the forces of nature, and
 - (ii) has resulted in serious harm to the 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, 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) "Emergency Coordinator" means the person appointed for that purpose by Council under section 2.1 of this Bylaw;
- (f) "emergency management" means an organized strategy and program consisting of prevention, preparedness, response and recovery;
- (g) "Emergency Operations Coordinators Group" (E.O.C.G.) means the persons holding from time to time the offices or positions within the City of Victoria that are listed in section 2.4 (2) of this Bylaw;
- (h) "Emergency Social Services Director" means the person appointed for that purpose by the Emergency Coordinator;
- (i) "Municipal Public Information Officer" means the person appointed for that purpose by Council;
- (j) "order" means a written statement or instruction, bearing the printed name and title of the issuer and the date of the issuance;
- (k) "Victoria Emergency Program" means the organization, plans and procedures that are referred to in section 2.6 and that are established for combating emergencies and disasters.

Emergency Program Act

- 1.3 This Bylaw is subject to the *Emergency Program Act (B.C.)* and its Regulations.

PART 2 Administration

Emergency Coordinator

- 2.1 Council may appoint an Emergency Coordinator and designate that person's reporting structure.

Emergency Planning Committee

- 2.2 (1) The Emergency Planning Committee must meet at least every six months with a Councillor who has been appointed by the Council as Chairperson.
- (2) The Emergency Planning Committee consists of the following members or their designate:
- a) a Councillor who will act as a Chairperson;
 - b) all members of the Emergency Operations Coordinators Group, as identified in Section 2.4;
 - c) other members that may be appointed by Council.

Powers of Emergency Planning Committee

- 2.3 Subject to the approval of Council, the Emergency Planning Committee may:
- (a) negotiate agreements with other municipalities or governments for the purpose of mutual aid or for the formation of joint organizations;
 - (b) negotiate with individuals, corporations or agencies other than government for the employment of their members within the Emergency Program according to their qualifications;
 - (c) make and amend rules for regulating its own practices and procedures.

Emergency Operations Coordinators Group

- 2.4 (1) The Emergency Operations Coordinators Group is responsible for the administration of the Victoria Emergency Program during an emergency.
- (2) The Emergency Operations Coordinators Group consists of the Mayor, the City Manager, and the City officers or employees who are appointed under the Emergency Plan to perform the following functions, or their designate:
- a) Emergency Coordinator;
 - b) Emergency Social Services Director;
 - c) Finance & Administration Section Chief;
 - d) Information Officer;
 - e) Liaison Officer;
 - f) Logistics Section Chief;
 - g) Operations Section Chief;
 - h) Planning Section Chief;
 - i) Risk Manager.

Expenditures

- 2.5 The Emergency Planning Committee must submit estimates of expenditures to Council for the cost of maintenance and operation of the Victoria Emergency Program for each year.

Victoria Emergency Program

- 2.6 (1) The Victoria Emergency Program must be approved by Council.
- (2) An Emergency Plan must be prepared by the Emergency Planning Committee for the approval of Council.
- (3) This plan must provide the general direction and framework covering prevention, preparedness, response and recovery programs within which municipal officials can formulate roles and responsibilities to deal with major emergencies and disasters.

- (4) Minor amendments to the Victoria Emergency Plan, including names, addresses and telephone numbers, may be approved by the Emergency Coordinator.

PART 3 Duties and Responsibilities

Emergency Funds

- 3.1 In the event of an emergency, disaster or a declaration of a state of local emergency, Council may authorize the expenditure of special funds to meet the emergencies of the situation.

Review of Victoria Emergency Plan

- 3.2 The Emergency Planning Committee must review the Victoria Emergency Plan annually.

Emergency Response

- 3.3 During an emergency or disaster the Emergency Operations Coordinators Group must coordinate and direct the overall operations undertaken by the City respecting preparation for, response to and recovery from the emergency or disaster.

Emergency Preparedness

- 3.4 Heads of departments and services referred to in the Victoria Emergency Plan must prepare detailed departmental roles, responsibilities and procedures containing information and direction that is specific to their departments or services and that supplements the Victoria Emergency Plan.

Emergency Coordinator

- 3.5 The Emergency Coordinator:
- (a) must coordinate all operations within the Emergency Operations Centre, as defined in the Victoria Emergency Plan, during an emergency or disaster, including scheduling of regular briefings to the members of the Emergency Operations Coordinators Group respecting response to and recovery from emergencies and disasters;
 - (b) under a declared state of emergency, must act as the liaison between the Director or other person that the Minister may appoint under Section 10(2) of the *Emergency Program Act (B.C.)* and Council for the coordination and implementation of necessary plans or the Victoria Emergency Plan;
 - (c) has the authority, whether or not there has been a declaration of a state of local emergency, to cause the Victoria Emergency Plan to be implemented if, in the opinion of the Emergency Coordinator, an emergency exists or appears imminent or a disaster has occurred or threatens in:
 - (i) all or any part of the City, or

- (ii) any other municipality or electoral area, if the local authority having responsibility for that other jurisdictional area has requested assistance;
- (d) must prepare and update semi-annually the Victoria Emergency Plan, Part 1 (Action and Activation);
- (e) must ensure that Part 2 (Responsibilities and Resources) of the Victoria Emergency Plan is maintained in a current state by heads of departments and services;
- (f) is responsible for day to day emergency management and the Victoria Emergency Program, including coordination of staff emergency management, encouragement of public emergency management and coordination with external organizations in emergency management;
- (g) must select and process candidates for federal and provincial emergency planning courses;
- (h) must maintain information on potential hazards and the impact on the City;
- (i) must coordinate the equipping and training of the City's volunteer services;
- (j) must conduct studies and exercises to ensure the Victoria Emergency Program is effective and in a state of readiness;
- (k) must act as the point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations;
- (l) must appoint the Emergency Social Services Director.

PART 4 Powers

Who Declares State of Local Emergency

- 4.1 Despite any other provisions of this Bylaw or the *Community Charter*, the Council or the Mayor, when satisfied that an emergency exists or is imminent in the City, may declare that a state of local emergency exists.

How State of Local Emergency Declared

- 4.2 A declaration of a state of local emergency must identify the nature of the emergency and the part of the City in which it exists or is imminent and the declaration must be made:
- (a) by Bylaw or resolution if made by Council; or
 - (b) by order if made by the Mayor.
- 4.3 When a declaration of a state of local emergency is made, the Mayor or Council must

- (a) forward a copy to the Attorney General; and
- (b) cause the details of the declaration to be published to the population of the affected area.

Powers in Declared State of Emergency

4.4 When a declaration of a state of local emergency has been made, Council may by order in relation to any area affected by the declaration:

- (a) implement the Victoria Emergency Program or any part or parts of the Emergency Plan;
- (b) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- (c) 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;
- (d) control or prohibit travel to or from any area of the City;
- (e) 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 the City;
- (f) cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the City that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- (g) authorize the entry into any building or on any land without warrant by any person in the course of implementing the Emergency Plan or program or if otherwise considered by Council to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- (h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by Council to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
- (i) construct works considered by Council to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
- (j) 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 part of the City for the duration of the state of local emergency.

4.5 When a state of local emergency has been declared, Council may authorize in writing, the Emergency Coordinator, or Emergency Operations Coordinators Group, to exercise any of the powers referred to in section 4.4 (b) to (j) in relation to any area affected by the declaration.

Cancellation of Declaration of State of Local Emergency

- 4.6 Council or the Mayor, when of the opinion that an emergency no longer exists in the part of the City in relation to which a declaration of a state of local emergency was made, must
- (a) cancel the declaration of a state of local emergency in relation to that part
 - (i) by Bylaw or resolution, if the cancellation is effected by Council, or
 - (ii) by order, if the cancellation is effected by the Mayor; and
 - (b) promptly notify the Minister responsible for the Emergency Program Act (B.C.) of the cancellation of the declaration of a state of local emergency.

PART 5 General Provisions

- 5.1 No person, including, without limitation, the Mayor, other members of Council, the Emergency Operations Coordinators Group or the Emergency Planning Committee, employees of The Corporation of the City of Victoria, its police or fire departments, a volunteer or other person appointed or authorized or required to carry out measures relating to an emergency or disaster, is liable for any loss, cost, expense, damage or injury to persons or property that results from:
- (a) the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Bylaw, the Victoria Emergency Program, or the *Emergency Program Act (B.C.)* 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, under this Bylaw, the Victoria Emergency Program or the *Emergency Program Act (B.C.)* were 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.

Compensation for Loss

- 5.2 (1) Despite section 5.1, if as a result of the acquisition or use of a person's real property under section 4.4(b) above, the person suffers a loss of or to that property, Council must compensate that person for such loss in accordance with the regulations made under the *Emergency Program Act (B.C.)*.
- (2) Despite section 5.1, if a person suffers a loss of or to any real or personal property as a result of the implementation of the Victoria Emergency Program or any other action taken by or under the direction or authority of Council under section 4.4(b), Council may compensate that person for the loss in accordance with the regulations made under the *Emergency Program Act (B.C.)*.

- (3) If any dispute arises concerning the amount of compensation payable under this section, the matter must be submitted for determination by one or three arbitrators appointed under the *Commercial Arbitration Act (B.C.)*, and
- (a) the person to be compensated must deliver to the Minister responsible for the *Emergency Program Act (B.C.)* a notice setting out whether one or three arbitrators are to be appointed; and
 - (b) the *Commercial Arbitration Act (B.C.)* applies to the dispute.

Repeal

5.4 Bylaw No. 96-23, the Emergency Programme Bylaw, is repealed.

READ A FIRST TIME the	26TH	day of	FEBRUARY	2004.
READ A SECOND TIME the	26TH	day of	FEBRUARY	2004.
READ A THIRD TIME the	26TH	day of	FEBRUARY	2004.
ADOPTED on the	11TH	day of	MARCH	2004.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR