



TOWN OF HINTON
BYLAW # 1144
EMERGENCY MANAGEMENT BYLAW

WHEREAS, pursuant to the *Emergency Management Act*, RSA 2000, c. E-6.8 as amended or repealed and replaced from time to time, Council is responsible for the direction and control of all **Town of Hinton** emergency responses;

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

This Bylaw is cited as the Town of Hinton "Emergency Management Bylaw".

1. DEFINITIONS

For the purposes of this Bylaw, the following words mean:

- a. *AEMA* means the Alberta Emergency Management Agency, which is the Alberta Government agency responsible for the coordination, collaboration and cooperation of all organizations involved in the prevention, preparedness and response to Disasters and Emergencies;
- b. *Town* means the Town of Hinton;
- c. *Town Manager* means the Chief Administrative Officer or designate for the Town of Hinton;
- d. *Council* means the municipal Council for the Town of Hinton, and may include the Mayor, individual Councillors, or Council as a whole;
- e. *DDEM* means a Deputy Director of Emergency Management appointed by the DEM;
- f. *DEM* means the Town of Hinton employee appointed as Director of Emergency Management by the Town Manager pursuant to the Town of Hinton's Delegation of Authority;
- g. *Disaster* means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;
- h. *DRP* means the Disaster Recovery Program managed by the Alberta Government to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), Local Authorities and government departments for uninsurable loss and damage caused by Emergencies and Disasters;
- i. *EMA* means the Emergency Management Agency established under this Bylaw exercising those powers and duties, which are granted by the *EM Act* and assigned to the EMA under this Bylaw;

- j. *EM Act* means the *Emergency Management Act*, RSA 2000, c. E-6.8;
- k. *Emergency* means an event that requires prompt coordination of action or special regulation of Persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;
- l. *EAC* means the Emergency Advisory Committee, which is established under this Bylaw consisting of 1 or more Council members;
- m. *Emergency Management* means the development, coordination and execution of plans, measures and programs pertaining to prevention, preparedness, response and recovery before, during and after an Emergency event;
- n. *Emergency Procurement* means a procurement of goods or services, including sole source procurements, that bypasses normal procurement requirements, such as the need for an standing offer agreement, request for quote, request for proposal or an invitation to tender, when necessitated by Emergency or other unforeseen circumstances;
- o. *EOC* means the Emergency Operations Centre or a site from where Town officials can coordinate, monitor and direct Emergency response and recovery activities and disseminate information during an Emergency, or a location used for command and control of planned, non-emergent civic events;
- p. *Evacuation Order* means an evacuation order made under Section 19(1)(g) or Section 24(1)(b) of the *EM Act*;
- q. *Fire Chief* means the Person appointed as head of the Town Fire Department;
- r. *IC* means the Incident Commander responsible for Emergency Management of an incident and may include the DEM, DDEM, or if a further sub-delegation has been made, the IMT IC assigned to manage an incident;
- s. *LEMR* means the *Local Authority Emergency Management Regulation* 203/2018, in force on January 1, 2020;
- t. *Local Authority* means a municipality which has a council, pursuant to the MGA;
- u. *MEP* means the Municipal Emergency Plan prepared and maintained by the EMA to coordinate the response to an Emergency event;
- v. *MGA*" means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26;
- w. *Minister* means the Minister responsible for the EM Act;
- x. *Peace Officer* means a police officer or peace officer having jurisdiction and authority to enforce the EM Act, LEMR, and this Bylaw;

- y. *Person* means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, department, board, agency, association, society or any other legal entity;
- z. *Risk* means a probability or Threat of damage, injury, liability, loss, or other negative occurrence that is caused by external or internal vulnerabilities, and that may be neutralized through preemptive action;
- aa. *SOLE* means a declaration of a State of Local Emergency by a Local Authority relating to all or any part of the Local Authority at any time when it is satisfied that an Emergency exists or may exist; and
- bb. *Threat* means a negative event that can cause a Risk to become a loss, expressed as an aggregate of Risk, consequences of Risk and the likelihood of the occurrence of the event. A Threat may be a natural phenomenon such as an earthquake, flood, storm or a human caused incident such as fire, power failure, sabotage, etc.

2. EMERGENCY ADVISORY COMMITTEE

- 2.1 A Local Authority shall, at all times, be responsible for the direction, control and administration of the Local Authority's Emergency response unless the Alberta Government assumes direction and control under Section 18 of the EM Act.
- 2.2 All Council members are members of the EAC. The Mayor is the Chair of the EAC. If the Mayor is absent, the Deputy Mayor shall chair the EAC.
- 2.3 The EAC shall meet at minimum, once each year and more frequency as required. Members of the EAC, including the Chair, shall be entitled to expenses in accordance with Council policy.
- 2.4 The EAC may meet on less than 24 hours' notice. Where meetings in person are not feasible, the Committee may convene by electronic means of communication.
- 2.5 Where the EAC is not able to meet in a timely manner; the powers of the EAC may be exercised by the Mayor acting alone, or in the Mayor's absence the Deputy Mayor, or in absence of the Mayor and Deputy Mayor, by any 2 members of Council.
- 2.6 The Managing Director of AEMA may prescribe the command, control and coordination system to be used by the EAC.
- 2.7 The Managing Director of the AEMA may prescribe courses that each Local Authority's Council members shall complete, by posting notice of the courses on the AEMA website. Any courses that are prescribed must be completed within 90 days of the Council member taking an official oath as required by the MGA (e.g., a Municipal Elected Officials Course).
- 2.8 The DEM may call an emergency meeting of the EAC when the DEM considers that an Emergency exists or may exist in the Town .

- 2.9 A quorum for an emergency meeting of the EAC is not dependent on the number attending, but on those Council members available to attend.
- 2.10 The EAC shall apply appropriate provisions of the Town's Procedures Bylaw for matters relating to parliamentary procedure.

3. EAC ROLES AND RESPONSIBILITIES

- 3.1 The EAC is to guide and direct the Town's EMA in the development of a MEP and any related programs.
- 3.2 The LEMR stipulates this Bylaw shall appoint a Person as the DEM or state the Person who holds a specified title or position and is appointed the DEM by virtue of holding that title or position.
- 3.3 The Town's DEM:
 - a. shall be appointed through this Bylaw, and the EAC shall appoint the Person who holds the office of Town Manager as the DEM;
 - b. the Town Manager may delegate another Town employee to serve as the DEM; and
 - c. if another Town employee is appointed to serve as the DEM, the Town Manager shall cause that appointment to be recorded pursuant to the Town's Delegation of Authority.
- 3.4 When no Disaster or Emergency exists, the EAC shall:
 - a. on an annual basis, review and advise the Town about the MEP and related programs;
 - b. on an annual basis, approve the MEP;
 - c. assess the hazards, Risks, and mitigation strategies affecting the Local Authority; and
 - d. determine the level of Emergency Management resourcing for the Town.
- 3.5 During an Emergency or Disaster, the EAC shall:
 - a. maintain regular Council member duties, to the extent possible;
 - b. provide political, financial and resourcing support to the EMA; and
 - c. may be required to declare a SOLE.
- 3.6 The Mayor, or in the Mayor's absence the Deputy Mayor, or in their absence any 2 members of the EAC are authorized to declare, renew or terminate a SOLE.
- 3.7 Following an Emergency or Disaster, the EAC may,

- a. within 90 days, make an application to the DRP to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), municipalities and government departments for uninsurable loss and damage caused by Emergencies and Disasters; and
- b. seek reasonable remuneration by the Person who caused the Emergency, for expenses and costs of the actions or measures for any Person who provides labour, services, equipment or materials to the municipality to eliminate the Emergency, pursuant to the MGA.

3.8 The members of the EAC, including the Chair, shall be entitled to expenses in accordance with Council policy.

4. EMERGENCY MANAGEMENT AGENCY

4.1 The Town's EMA is responsible for:

- a. the administration of the Local Authority's Emergency Management program;
- b. the development, maintenance and implementation of the MEP. A Local Authority must review the MEP that applies to that Local Authority at least once per year;
- c. the maintenance, establishment and operation of the EOC;
- d. the provision of Emergency Management advice to the DEM and the EAC as required;
- e. the conduct of all coordination and liaison with AEMA; and
- f. coordinating and conducting all appropriate training to ensure the effective operation of the EOC.

4.2 The EMA shall provide updates to the EAC at least annually, or more frequently if directed to do so by the EAC. Updates may include:

- a. a summary of the EMA's prevention, preparation, response and recovery efforts;
- b. the status of the Local Authority's EMA MEP;
- c. status of training of EOC personnel;
- d. planned training events; and
- e. budget recommendations.

4.3 The EMA will utilize the command, control and coordination system prescribed by the Managing Director of AEMA (e.g., Incident Command System – Canada).

5. EMA TRAINING REQUIREMENTS

- 5.1 The LEMR sets out minimum training requirements for the EMA.
- 5.2 The Managing Director of the AEMA may prescribe courses that each director of a Local Authority EMA must complete, by posting notice of the courses on the AEMA's website. (e.g., Basic Emergency Management and ICS 100).
- 5.3 Staff who have been assigned responsibilities respecting the implementation of the MEP must complete the posted courses within 6 months of being identified for this role, or by January 1, 2020.

6. EMA TRAINING EXERCISES

- 6.1 Unless an exercise under subsection 6.2 is carried out that year, a Local Authority's EMA shall engage in at least 1 exercise per year in which participants identify a significant possible Emergency or Disaster scenario, and discuss how the Local Authority would respond to and resolve Emergency Management issues which may arise from the scenario.
- 6.2 A Local Authority's EMA shall engage in at least 1 exercise every 4 years in which participants identify a significant possible Emergency or Disaster scenario and carry out actions as if the significant Emergency or Disaster was actually occurring, but without deploying personnel or other resources.
- 6.3 Section 6.2 does not apply to a Local Authority EMA that has responded to an Emergency or Disaster within the previous 4 years, which resulted in the implementation of the Local Authority's MEP and where a written post-incident assessment was completed that included observations, recommendations for improvement, and corrective action to be conducted.
- 6.4 A Local Authority EMA may fulfill the obligations set out in Sections 6.1 and 6.2 by participating in regional Emergency exercises that require the Local Authority to utilize relevant portions of the Local Authority's MEP.
- 6.5 A Local Authority EMA shall submit an exercise notification to the AEMA 90 days before engaging in the exercise required under 6.1 or 6.2. The exercise notification must outline the exercise scenario, state the exercise objectives, identify the participants, and state the date the exercise will be conducted.

7. DEM

- 7.1 The DEM plans and leads the responses to natural Disasters and other Emergencies and is to ensure Town Council members and staff become familiar with Emergency procedures.
- 7.2 The DEM shall:
 - a. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;

- b. act as Director of the EOC;
- c. coordinate all Emergency operations within the Town
- d. conduct or direct appropriate training to ensure effective operation of the EOC, such as:
 - i. the incident command system and all position-specific training required by the Alberta Government under the EM Act or LEMR; and
 - ii. optional position-specific training or training intended to ensure the readiness or mental well-being of personnel assigned to Emergency Management for the Town (e.g., standard or emergency first aid, and mental health resiliency training);
- e. perform other duties as required by the Town during an Emergency;
- f. appoint 1 or more Deputy DEM(s) as required; and
- g. appoint an Interim DEM as required.

7.3 The DEM is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the DEM under this Bylaw.

7.4 The DEM may invite any Person or entity to work with or support the activation and management of the EOC, including:

- a. all departments within the Town;
- b. Alberta Health Services;
- c. public and separate school divisions;
- d. police or RCMP Services;
- e. municipalities that have entered into mutual-aid agreement(s) with the Town;
- f. local business or industry, or business or industry associations;
- g. local utility companies;
- h. Alberta or Canadian Government boards or agencies; and
- i. any other Person or non-governmental organization who might serve a useful purpose in the preparation or implementation of the MEP.

8. DEM TRAINING REQUIREMENTS

- 8.1 The LEMR sets out minimum training requirements for the DEM.
- 8.2 The Managing Director of the AEMA may prescribe courses that each Director of a Local Authority EMA shall complete by posting notice of the courses on the AEMA's website. (e.g., Basic Emergency Management, ICS 100, 200 & 300, and the Director of Emergency Management course).
- 8.3 Any courses prescribed for the DEM under the LEMR shall be completed within 18 months of the Person being appointed as the Director of a Local Authority's EMA, or within 6 months of the LEMR coming into force, whichever is later.

9. DDEM

- 9.1 The DDEM is to assist the DEM in planning and leading the responses to natural Disasters and other Emergencies, and to ensure Council members and staff become familiar with the Emergency procedures.
- 9.2 The DDEM shall assist the DEM to:
 - a. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;
 - b. act as Director of the EOC when appointed to do so by the DEM, or in the absence of the DEM;
 - c. coordinate all Emergency operations within the Town;
 - d. conduct or direct appropriate training to ensure effective operation of the EOC; and
 - e. perform other duties as required by the Town during an Emergency.

10. DDEM TRAINING REQUIREMENTS

- 10.1 A DDEM shall meet the minimum training requirements required for a DEM as defined in the LEMR.

11. DUTIES OF THE FIRE CHIEF

- 11.1 The DEM may appoint the Fire Chief as a DDEM.
- 11.2 The Fire Chief, or another person designated by the Town Manager, shall manage the day-to-day aspects of Emergency Management planning and preparedness, assist the DEM with all aspects of Emergency Management, and to ensure that the MEP and all other plans and programs are prepared, coordinated, maintained and submitted to the proper authorities as directed by the DEM.

11.2 The MEP shall include:

- a. an administrative description of the Local Authority's Emergency Management program;
- b. the procedures for implementing the MEP during an Emergency or exercise response;
- c. the Local Authority's plan for preparedness, response and recovery activities;
- d. a hazard and Risk assessment;
- e. Emergency Management program exercises that the Local Authority shall engage in;
- f. the Local Authority EMA's plan for regular review and maintenance of the Local Authority's MEP;
- g. the Local Authority EMA's plan for the review and maintenance of the Local Authority's MAP after an exercise, Emergency or Disaster;
- h. how the command, control and coordination system prescribed by Section 3(3) of the LEMR shall be used by the Local Authority's EMA;
- i. the assignment of responsibilities to Local Authority employees and Council members by position, respecting the implementation of the Local Authority's MEP;
- j. a training plan for staff assigned with responsibilities under the Local Authority's MEP;
- k. the mechanisms that shall be used to prepare and maintain an Emergency Management staff contact list for employees and Council members who have been assigned responsibilities respecting the implementation of the Local Authority's MEP;
- l. the Local Authority's plan for communications, public alerts and notifications during exercises, Emergencies and Disasters; and
- m. the Local Authority's plan for providing Emergency social services during an Emergency or Disaster.

11.3 The DEM and Fire Chief shall present the MEP to the EMA, a minimum of once each calendar year, and discuss the current practices and optimal Emergency Management planning for the Town.

12. SOLE

- 12.1 By resolution, the EAC may at any time when it is satisfied that an Emergency exists or may exist, make a declaration of a SOLE relating to all or any part of the Town.
- 12.2 The EAC shall ensure that the declaration identifies the nature of the Emergency and the area of the Town in which it exists.
- 12.3 When a SOLE is declared, the EAC shall:
 - a. cause the details of the declaration to be published by any means of communication that it considers most likely to make known to the population of the area affected the contents of the declaration; and
 - b. forward a copy of the declaration to the Minister.
- 12.4 When a SOLE is declared, the DEM or IC may at anytime, in accordance with the MEP or related plans or programs:
 - a. cause the MEP or any related plans or programs to be put into operation, if not already in 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 any type they are qualified to provide;
 - d. control or prohibit travel to and from any area of the Town;
 - e. provide for the restoration of essential services and the distribution of essential supplies, and provide, maintain and coordinate 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 their 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, 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, services, resources or equipment within the Town for the duration of the SOLE. If impractical to procure equipment or services in accordance with the Town's procurement policy, the DEM may authorize an Emergency Procurement, and/or;

- j. authorize the conscription of Persons needed to meet an Emergency.

13. SOLE CANCELLATION OR TERMINATION

- 13.1 When, in the opinion of the EAC, an Emergency no longer exists in a Local Authority in relation to which a declaration of a SOLE was made, it shall by resolution or, in the case of the Minister responsible for the MGA, by order, terminate the SOLE declaration.
- 13.2 Immediately after:
 - a. the passage of a resolution or order terminating a declaration of a SOLE;
 - b. the cancellation by the Minister of a declaration of a SOLE; or
 - c. the termination by lapse of 7 days of a declaration of a SOLE,the EAC shall cause the details of the declaration, cancellation, or the termination lapse to be published by any means of communication that it considers most effective to the residents of the affected areas.
- 13.3 Upon cancellation or termination of a SOLE, a copy of the notice shall be forwarded to the Minister.

14. EVACUATION ORDERS

- 14.1 Following a declaration of a SOLE made by the EAC, an Evacuation Order may be issued by the DEM or DDEM, or by the IC when delegated the authority to serve as IC by the DEM, DDEM or Town Manager.
- 14.2 When circumstances permit, the DEM, DDEM or the IC should communicate notice of their intent to issue an Evacuation Order to the EAC, prior to issuing the Evacuation Order.
- 14.3 If the Emergency situation does not permit notice to be given to the EAC in advance, the DEM, DDEM or the IC may issue an Evacuation Order without seeking or obtaining further direction or input from the EAC.
- 14.4 Subject to Section 14.3, an Evacuation Order issued by the DEM, DDEM or IC shall be communicated to the EAC as soon as reasonably practicable.
- 14.5 Pursuant to Section 19.1(1) of the EM Act, If an Evacuation Order is made, every Person within the area that is the subject of the Evacuation Order shall leave the area:
 - a. immediately, or
 - b. if a deadline for evacuation is specified in the Evacuation Order, by that deadline.

- 14.6 Section 19.1(1) of the EM Act does not apply to a Person acting under the direction of a Person exercising powers under Section 19(1) or 24(1)(b) of the EM Act, as the case may be, so long as there is a plan for safely evacuating that Person in a timely manner and the means available to carry out the plan.
- 14.7 An Evacuation Order shall be enforced by a Peace Officer having authority to enforce the EM Act or LEMR and holding jurisdiction for the Town.

15. FINANCIAL

- 15.1 In accordance with the EM Act, Council may by a bylaw which does not require advertising, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the EMA.
- 15.2 Council may, during or within 60 days after the SOLE, by a bylaw which does not require advertising but that is approved by the Minister responsible for the MGA, borrow any money necessary to pay expenses caused by the Emergency. This may include payment for services provided by the Provincial or Federal Government, when the services were provided at the request of the Town.
- 15.3 Council may 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 MEP and related programs.
- 15.4 Council may, in accordance with the EM Act and this Bylaw, expend all sums required for the response to and recovery from an Emergency event.
- 15.5 In the event of a Disaster, the Alberta Government may provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not for-profit cooperatives), Local Authorities and government departments after a Local Authority applies for DRP relief on behalf of their residents, and if the program is approved.

16. NUMBER AND GENDER REFERENCES

- 16.1 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

17. SEVERABILITY PROVISION

- 17.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

18. OFFENCE

- 18.1 Any Person who violates any provision of this Bylaw or interferes with or obstructs any Person in the exercise of any power or the performance of any duty conferred

or imposed by this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000, or in default of payment of the fine to imprisonment for a period not exceeding 1 year, or to both fine and imprisonment in such amounts.

18.2 Section 17 of the EM Act states that when a Local Authority declares a SOLE, any Person who:

- a. contravenes the EM Act or the LEMR;
- b. fails to comply with an Evacuation Order, or
- c. interferes with or obstructs any Person in the carrying out of a power or duty under the EM Act or the LEMR,

is guilty of an offence and liable to imprisonment for a term of not more than 1 year or to a fine of not more than \$10,000, or to both imprisonment and a fine.

18.3 No action lies against Council or a Person acting under the direction or authorization of Council for anything done or omitted to be done in good faith while carrying out a power or duty under the EM Act or this Bylaw.

19. REPEAL

19.1 Emergency Management Bylaw 1091 is hereby repealed.

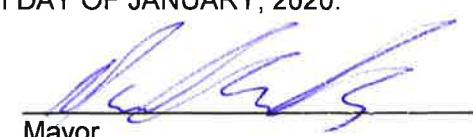
20. EFFECTIVE DATE

20.1 This Bylaw becomes effective upon third and final reading.

READ A FIRST TIME THIS 7th DAY OF JANUARY, 2020.

READ A SECOND TIME THIS 7th DAY OF JANUARY, 2020.

READ A THIRD TIME THIS 7TH DAY OF JANUARY, 2020.


Mayor


Legislative Clerk