

*DISTRICT OF SECHELT
STATE OF LOCAL
EMERGENCY
BYLAW No. 319, 2005*



Consolidated for convenience only February 2011

This Consolidation includes the following Bylaw Amendments:
319-1, 2010

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

Bylaw No. 319, 2005

A bylaw to provide for the declaration of a state of local emergency

WHEREAS Council under the *Community Charter* and the *Emergency Program Act*, has the authority to declare a state of emergency relating to all or any part of the municipality;

AND WHEREAS the District of Sechelt participates in an Emergency Measures Service to prepare for, respond to and recover from emergencies and disasters, under the direction and coordination of the Sunshine Coast Regional District;

NOW THEREFORE, the District of Sechelt Council in open meeting assembled enacts as follows:

1. TITLE

1.1 This Bylaw shall be cited as the “District of Sechelt State of Local Emergency Bylaw No. 319, 2005.”

2. PROVISIONS

2.1 In this bylaw:

- (a) “Act” means the *Emergency Program Act*;
- (b) “Affected Area” means an area for which a "declaration of a state of local emergency" has been declared;
- (c) “Council” means the District of Sechelt Municipal Council;
- (d) “Declaration of state of local emergency” means a declaration of Council or the Mayor that an emergency exists or is imminent in all or part of the municipality;
- (e) “Disaster” means a calamity that:
 - (i) is caused by 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;
- (f) “District of Sechelt Emergency Liaison” means the person appointed by the Council as the District's liaison to the SCRD's Emergency Measures Organization;

- (g) “Emergency” means a present or imminent event that:
 - (i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - (ii) requires the prompt coordination of action or special regulation of persons or property, to protect the health, safety and welfare of people or to limit damage to property;
- (h) “Emergency Measures Organization” means the Sunshine Coast Regional District Emergency Measures Coordinator and such other persons appointed and functional groups established and charged with emergency preparedness, response and recovery measures;
- (i) “Mayor” means that member of Council who is head and chief executive officer of the municipality;
- (j) “Municipality” means all of the area within the boundaries of the Municipality of the District of Sechelt;

2.2 This bylaw shall be construed in accordance with the *Emergency Program Act* and all Regulations made thereunder.

3. POWERS OF THE COUNCIL

3.1 The Council by resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by the Act is required to effectively deal with an emergency or disaster in any part of the municipality.

3.2 Upon a “declaration of a state of local emergency” being made, Council or the Mayor shall:

- a) forward a copy of the declaration to the Solicitor General or Minister, and
- b) communicate immediately with the Emergency Coordinator at the Sunshine Coast Regional District that a declaration has been made,
- c) cause the details of the declaration to be published by a means of communication that the Council or Mayor considers most likely to make the contents of the declaration known to the majority of the population of the affected area.

- 3.3 After a declaration of a state of emergency is made under section 3.1 in respect of all or any part of the municipality, and for the duration of the state of emergency, the Council or Mayor may do or cause to be done any or all acts considered necessary and implement procedures that the Council or Mayor considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:
- a) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - b) 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;
 - c) control or prohibit travel to and from any part of the municipality;
 - d) 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 municipality;
 - e) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the municipality that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
 - f) 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 or if otherwise considered by the Council or Mayor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - g) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Mayor to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - h) construct works considered by the Council or Mayor to be necessary or appropriate to prevent, respond to or alleviate the effect of an emergency or disaster;
 - i) 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 municipality for the duration of the local state of emergency.

- 3.4 Without limiting or restricting the authority of Mayor and Council set out in Section 3.3, for the purposes of Section 6(4) of the *Emergency Program Act*, Council hereby delegates authority to the Emergency Measures Organization established by the Sunshine Coast Regional District to the extent required by the District's participation in the Sunshine Coast Regional District Emergency Measures Service and establishment and adoption of the Sunshine Coast Regional District Emergency Plan pursuant to the said Service.
- 3.5 The Council or Mayor must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of local state of emergency was made;
- a) cancel the declaration of a state of local emergency in relation to that part
 - i) by bylaw or resolution, if cancellation is effected by the Council, or
 - ii) by order, if the cancellation is effected by the Mayor, and
 - b) promptly notify the Solicitor General or Minister, the SCR D Emergency Program Coordinator, and the public of the cancellation of the declaration of a local state of emergency.

4. LIABILITY

- 4.1 As enabled by the Act, no person, including, without limitation, the Council, the Mayor, employees of the District of Sechelt, a volunteer and any other person appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result 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, 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 were, under this bylaw, 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.

READ A FIRST TIME THE	19th	DAY OF	October,	2005
READ A SECOND TIME THE	19th	DAY OF	October,	2005
READ A THIRD TIME THE	19th	DAY OF	October,	2005
ADOPTED THE	2nd	DAY OF	November,	2005

Mayor

Corporate Officer

I certify this to be a true and accurate copy of
"District of Sechelt State of Local Emergency
Bylaw No. 319, 2005."

Corporate Officer