

## **BYLAW 83-03**

### **SUMMER VILLAGE OF WHISPERING HILLS**

#### **A By-Law of the Summer Village of Whispering Hills in the Province of Alberta To Establish a Municipal Disaster Services Committee and a Regional Municipal Disaster Services Agency**

**WHEREAS**, the Council of the Summer Village of Whispering Hills is responsible for the direction and control of emergency response and is required, under the Disaster Services Act, Chapter D-13; Revised Statutes of Alberta 2000, to appoint a Disaster Services Committee and to establish and maintain a Municipal Disaster Services 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 Disaster Service Act; and

**WHEREAS**, the County of Athabasca, the Town of Athabasca & the Village of Boyle have agreed to work together through a Regional Disaster Services Agency to carry out, emergency preparedness activities;

**WHEREAS**, the Summer Village of Whispering Hills has entered into an Emergency Prepared Response Agreement with the County of Athabasca:

#### **NOW, THEREFORE, THE COUNCIL OF THE SUMMER VILLAGE OF WHISPERING HILLS ENACTS AS FOLLOWS:**

1. This By-Law may be cited as the Municipal Disaster Services Agency By-Law.
2. In this By-Law,
  - a) "Act" means the Disaster Services Act, Chapter D-13, Revised Statutes of Alberta 2000;
  - b) "Council" means the Council of the Summer Village of Whispering Hills.
  - 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) "Disaster Services Committee" means the committee established under this Bylaw;
  - e) "emergency" means a present or imminent event that 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.
  - f) "Minister" means the Minister charged with administration of the Act;
  - g) "Regional Municipal Disaster Services Agency" means the agency established under this Bylaw; and
  - h) "Municipal Emergency Response Plan" means the emergency plan prepared by the Regional Municipal Disaster Services Agency to co-ordinate response to an emergency or disaster.
3. There is hereby established a Disaster Services Committee to declare, renew, or terminate a state of local emergency.
4. There is hereby established a Regional Municipal Disaster Services 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 By-Law.
5. Council shall
  - a) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Summer Village of Whispering Hills.
  - b) approve the Regional Emergency Response Plans and programs; and

- c) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.
- 6. Council may
  - a) by By-Law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Regional Municipal Disaster Services 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.
- 7. The Regional Municipal Disaster Services Agency shall
  - a) review the Regional Emergency Response 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 Response Plan; and
  - b) advise Council, duly assembled, on the status of the Regional Emergency Response Plan and related plans and programs at least once each year.
- 8. The Regional Municipal Disaster Services Agency shall be comprised of 2 elected officials to be appointed from each of the County of Athabasca Council, the Town of Athabasca Council and the Village of Boyle Council, as well as the Director of Disaster Services from the three above mentioned municipalities and the Deputy Director of Disaster Services for the County of Athabasca.
  - a) The Regional Municipal Disaster Services Agency has prepared the Athabasca Regional Emergency Response Plan dated March 2003, which is hereby adopted.
  - b) Revisions and updates to the Athabasca Regional Emergency Response Plan shall be done in accordance with Section 10.4 of the Plan upon the authority of the Regional Disaster Services Agency.
- 9. The Director of Disaster Services shall
  - a) act as director of emergency operations, or ensure that someone is designated under the Regional Emergency Response Plan to so act, on behalf of the County of Athabasca; and
  - b) Co-ordinate all emergency services and other resources used in an emergency.
- 10. The power to declare or renew a state of local emergency under the Act, the powers specified in Section 12 of this By-Law, and the requirement specified in Section 14 of this By-Law, are hereby delegated to the Disaster Services Committee comprised of the Mayor, or the Deputy Mayor alone, or in their absence, any two members of Council. This 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.
- 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,
  - 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 14, when a state of local emergency is declared, the person or persons making the declaration may
  - a) cause the Regional Municipal Emergency Response 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 the area;



- 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 service;
- f) cause the evacuation of persons and the removal of livestock and personal property from the area 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 summer village 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 Municipal 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 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 By-Law, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

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) resolution is passed under Section 14;
- 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.

**This By-Law comes into force on the day it is finally passed.**

**READ A FIRST TIME this 29th day of April, A.D., 2003.**

**READ SECOND TIME this 29th day of April, A.D., 2003.**

**READ A THIRD TIME and finally passed this 29th day of April, A.D., 2003.**

  
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 Mayor

  
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 Administrator