

SUNSHINE COAST REGIONAL DISTRICT

LOCAL EMERGENCY BYLAW NO. 565

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

WHEREAS the Sunshine Coast Regional District under *Emergency Measures Establishing Bylaw No. 1041, 2001*, established the Sunshine Coast Regional District Emergency Measures Organization;

AND WHEREAS the Board of the Sunshine Coast Regional District wishes to provide for the declaration of a state of local emergency as required to deal with an emergency or disaster in any part of the Participating Electoral Areas;

NOW THEREFORE the Board of the Sunshine Coast Regional District in open meeting assembled ENACTS AS FOLLOWS:

1.0 CITATION

1.1 This Bylaw may be cited for all purposes as the "*Sunshine Coast Regional District Local Emergency Bylaw No. 565, 2005*".

2.0 INTERPRETATION

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) "Board" means the Board of Directors of the Sunshine Coast Regional District;
- (d) "Chair" means the person elected by the Board as its chair;
- (e) "Declaration of a state of local emergency" means a declaration under Section 3.2 of this Bylaw that an emergency exists or is imminent in one or more electoral areas of the Regional District;
- (f) "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;
- (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 co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;
- (h) “Emergency Executive Committee” means the Committee established in Section 4 of *Sunshine Coast Regional District Emergency Measures Plan and Administration Bylaw No. 564, 2005*;
- (i) “Emergency Measures Co-ordinator” means the person appointed in accordance with *Sunshine Coast Regional District Emergency Measures Plan and Administration Bylaw No. 564, 2005*;
- (j) “Emergency Management Organization” means the Emergency Executive Committee, Emergency Measures Co-ordinator and such other persons appointed and functional groups established and charged with emergency preparedness, response and recovery measures under this Bylaw;
- (k) “Emergency Plan” means the local emergency plan required to be prepared, established and maintained under section 6 of the Act and referred to in Section 5 of *Sunshine Coast Regional District Emergency Measures Plan and Administration Bylaw No. 564, 2005*;
- (l) “Minister” means the Attorney-General for the Province of British Columbia;
- (m) “Participating Areas” means all electoral areas of the Sunshine Coast Regional District;
- (n) “Regional District” means the Sunshine Coast Regional District;

3.0 POWERS OF THE BOARD

- 3.1 The Board, the Chair, or the Emergency Measures Co-ordinator [or other persons designated in the plan] may, whether or not a state of local emergency has been declared, cause the Emergency Plan to be implemented.

- 3.2 The Board by bylaw or resolution, or the Chair by order, may declare a state of local emergency when the extraordinary power or authority enabled by section 12 of the Act is required to effectively deal with an emergency or disaster in any part of the Participating Electoral Areas.
- 3.3 Upon a declaration of a state of local emergency being made, the Board or Chair shall
- (a) forward a copy of the declaration to the Minister, and
 - (b) cause the details of the declaration to be published by a means of communication that the Board or Chair considers most likely to make the contents of the declaration known to the majority of the population of the Affected Area.
- 3.4 After a declaration of a state of emergency is made under Section 3.2 in respect of all or any part of the Participating Electoral Areas, and for the duration of the state of emergency, the Board or Chair may do any or all acts considered necessary and implement procedures that the Board or Chair 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 a 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 or from any portion of the Affected Area;
 - (d) 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 the Affected Area;
 - (e) cause the evacuation of persons and the removal of livestock, animals and personal property from the Affected Area 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 Board or Chair 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 Board or Chair 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 Board or Chair to be necessary or appropriate to prevent, respond to or alleviate the effects 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 Affected Area for the duration of the local state of emergency; and
- (j) authorize the Emergency Measures Co-ordinator [or other selected person or persons] to exercise, in any part of the Affected Area, those specific powers enabled in Section 5.4 and assumed by the Board or the Chair.

3.5 The Board or Chair must, when of the opinion that an emergency no longer exists in the Participating Electoral Areas 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 Board, or
 - (ii) by order, if the cancellation is effected by the Chair, and
- (b) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

4.0 LIABILITY

4.1 As enabled by the Act, no person, including, without limitation, the Regional District, the Directors of the Board, the Chair, members of the Emergency Management Organization, employees of the Sunshine Coast Regional District, a volunteer and any other person appointed, authorized or required to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expenses, 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 person who were, under the Act or 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 this 13th day of October, 2005

READ A SECOND TIME this 13th day of October, 2005

READ A THIRD TIME this 13th day of October, 2005

ADOPTED this 13th day of October, 2005

CORPORATE OFFICER

CHAIR