

BYLAW NO. 721/09

**BEING A BYLAW OF MACKENZIE COUNTY,
IN THE PROVINCE OF ALBERTA,
TO ESTABLISH AN EMERGENCY MANAGEMENT AGENCY**

WHEREAS the *Municipal Government Act, RSA 2000, Chapter M-26*, provides that a Council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and for services provided by or on behalf of the municipality; and

WHEREAS, the Council of Mackenzie County is responsible for the direction and control of emergency response and is required under the *Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000*, to establish and maintain a municipal emergency management agency; and

WHEREAS it is desirable in the public interest, and in the interest of public safety, that such a committee be appointed and such an agency be established and maintained to carry out Councils' statutory powers and obligations under the said *Emergency Management Act*; and

NOW THEREFORE, the Council of Mackenzie County, in the province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1 NAME OF BYLAW

1.1. This Bylaw may be cited as the "Municipal Emergency Management Agency Bylaw".

SECTION 2 INTERPRETATION

2.1 Where there is a conflict between this bylaw and any other bylaw pertaining to the municipal emergency management agency in the Municipality, the provisions of this bylaw shall apply.

SECTION 3 DEFINITIONS

3.1 In this bylaw

- a) "Act" means the *Emergency Management Act, Chapter E-6.8, RSA 2000* and all amendments thereto;
- b) "Council" means the Council of Mackenzie County;

- 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) “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;
- e) “Mackenzie County Emergency Response Committee” means a Council appointed committee consisting of a member or members of the local authority;
- f) “local authority” means where a municipality has a council within the meaning of the *Municipal Government Act Chapter M-26, RSA 2000*;
- g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Emergency Management Act*;
- h) “Mackenzie County Municipal Emergency Management Agency” means the agent of the local authority, to carry out the local authority’s statutory powers and obligations under the *Alberta Emergency Management Act*;
- i) “Municipal Emergency Plan” means the emergency plan prepared by the Director of the Municipal Emergency Management Agency;
- j) “municipality” means the area comprising a municipality within the meaning of the *Municipal Government Act Chapter M-26, RSA 2000*;
- k) Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa;
- l) Words importing the singular shall include the plural or vice versa whenever the context so requires.

SECTION 4 MUNICIPAL EMERGENCY RESPONSE COMMITTEE

4.1 Council shall:

- a) by resolution, establish the Mackenzie County Emergency Response Committee that shall consist of the Reeve and two members of Council to serve on the Committee;
- b) provide for the payment of expenses of the members of the Mackenzie County Municipal Emergency Response Committee;
- c) ensure that emergency plans and programs are prepared to address emergencies or disasters in Mackenzie County;
- d) approve the Municipal Emergency Plan and related programs;
- e) review the status of the Municipal Emergency Plan and related programs at least once annually.

4.2 Mackenzie County Emergency Response Committee shall:

- a) review the Municipal Emergency Plan and related programs on a regular basis; and
- b) advise Council on the development and status of the Municipal Emergency Plan and related programs at least once annually.
- c) Quorum for this committee is two (2).

SECTION 5 DECLARATION, CANCELLATION OR TERMINATION OF A STATE OF LOCAL EMERGENCY

- 5.1 Council hereby delegates to the Mackenzie County Emergency Response Committee the authority to declare a State of Local Emergency pursuant to the *Act*.
- 5.2 Council hereby authorizes the Mackenzie County emergency management committee to, in the absence of a quorum of Council upon the declaration of a State of Local Emergency and for the duration of such State of Local Emergency, do all acts and take all necessary proceedings to address the emergency pursuant to the *Act*.
- 5.3 A declaration of a state of local emergency under section 5.1 must identify the nature of the emergency and the area of the municipality in which it exists.
- 5.4 Immediately after the making of a resolution for a declaration of a state of local emergency, the local authority shall cause the details of the declaration to be published by any means of communication that it considers is most likely to make known to the population of the area of the municipality affected the contents of the declaration.
- 5.5 The local authority may delegate any of its powers and duties under the *Emergency Management Act* to the municipal emergency response committee.
- 5.6 On the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings, including the following:
 - a) cause any emergency plan or program to be put into operation;
 - b) exercise any power given to the Minister under section 19(1) of the *Act* in relation to the part of the municipality affected by the declaration;
 - c) authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section

19(1) of the *Act* in relation to the part of the municipality affected by the declaration.

- 5.7 Mackenzie County may, during or within sixty (60) days after the state of local emergency, by by-law that is not advertised but is approved by the Minister responsible for the *Municipal Government Act*, borrow any money necessary to pay expenses caused by the emergency, including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of Mackenzie County
- 5.8 The local authority shall forthwith on making a declaration of a state of local emergency forward a copy of the declaration to the Minister.
- 5.9 The Minister may cancel the declaration of a state of local emergency at any time the Minister considers appropriate in the circumstances.
- 5.10 A declaration of a state of local emergency lapses seven (7) days after its making by the local authority unless it is earlier cancelled by the Minister, or terminated by the local authority, or unless it is renewed by the local authority.
- 5.11 When, in the opinion of the local authority, an emergency no longer exists in an area of the municipality in relation to which a declaration of a state of local emergency was made, it shall by resolution, or in the case of the Minister responsible for the *Municipal Government Act*, by order, terminate the declaration of a state of local emergency in respect of that area.
- 5.12 Immediately after:
 - a) that passage of a resolution or order terminating a declaration under section 5.11;
 - b) the cancellation by the Minister of a declaration of a state of local emergency; or
 - c) the termination by lapse of time of a declaration of a state of local emergency,
 - d) Mackenzie County shall cause the details of the declaration or cancellation or the fact of the termination by lapse of time to be published by any means of communication that it considers is most likely to make known to the majority of the population of the area affected, the contents of the declaration or cancellation or the fact of the termination.
- 5.13 If a state of local emergency is declared to exist by the local authority:
 - a) neither Mackenzie County nor any member of the local authority; and
 - b) no person appointed by a local authority to carry out measures relating to emergencies or disasters, is liable in respect of damage caused through

any action taken under the *Emergency Management Act* or the regulations, nor are they subject to any proceedings by way of prohibition, certiorari, mandamus or injunction.

5.14 Notwithstanding section 5.13:

- a) any member of a local authority; and
- b) any person acting under the direction or authorization of the local authority, is liable for gross negligence in carrying out duties under the *Emergency Management Act* or regulations.

SECTION 6 MUNICIPAL EMERGENCY MANAGEMENT AGENCY

6.1 Council shall:

Establish an agency of Council, to be known as the “Mackenzie County Emergency Management Agency” and shall be comprised of:

- a) the Reeve
- b) the Chief Administrative Officer
- c) the Director of Emergency Services
- d) shall, by resolution, establish and maintain the Mackenzie County Emergency Management Agency to act as the agent of Council to carry out its statutory powers and obligations under the *Emergency Management Act*;
- e) shall appoint a Director of the Mackenzie County Emergency Management Agency.

6.2 Director of the Mackenzie County Emergency Management Agency shall:

- a) be responsible to Council via the Emergency Management Committee;
- b) prepare and coordinate emergency plans and programs for Mackenzie County;
- c) act as director of emergency operations on behalf of the Mackenzie County Emergency Management Agency.
- d) co-ordinate all emergency services and other resources used in an emergency and,
- e) be responsible for the submission of an annual report describing the status of emergency preparedness in the municipality.
- f) perform other duties as prescribed by Council.

6.3 The following public and private organizations operating in Mackenzie County shall be invited to nominate representatives to serve as members of the Mackenzie County Emergency Management Agency:

- a) the NCO i/c High Level Detachment RCMP or designate;
- b) the NCO i/c Fort Vermilion Detachment RCMP or designate;
- c) the NCO i/c Assumption Detachment RCMP or designate
- d) the Community Peace Officer(s) for Mackenzie County;
- e) the Fire Chiefs for Fort Vermilion, La Crete & Zama or their designate(s);
- f) the Director of Operational Services North & South or designate(s);
- g) the Director of Protective Services for the Town of High Level;
- h) Alberta Health Services (AHS) representatives for Hospital & Community clinics or designate(s);
- i) the Zone Coordinator for AHS, Ambulance Services or designate;
- j) the Directors of Family and Community Support Services for Fort Vermilion, La Crete & Zama or their designate(s);
- k) the Superintendent of the Fort Vermilion School Division or designate;
- l) the School Board Trustee(s) of the Fort Vermilion School Division;
- m) the Manager of Social Services or designate;
- n) representative(s) from Alberta Sustainable Resource Development;
- o) representative(s) from Alberta Transportation;
- p) representative(s) from Northern Lights Gas Co-op;
- q) representative(s) from ATCO Electric;
- r) representative(s) from Telus;
- s) representative(s) from local business/industry;
- t) local volunteer support groups.

SECTION 7 SEVERANCE

- 7.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

SECTION 8 COMING INTO EFFECT

- 8.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 8.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

First Reading given on the 27th day of May, 2009.

Second Reading given on the 9th day of June, 2009.

Third Reading and Assent given the 9th day of June, 2009.

(original signed)

Greg Newman
Reeve

(original signed)

William Kostiw
Chief Administrative Officer