

**BY-LAW NO. 305/02**

**A BY-LAW OF THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23  
IN THE PROVINCE OF ALBERTA  
TO ESTABLISH A  
MUNICIPAL DISASTER SERVICES AGENCY**

**WHEREAS**, the Council of the Municipal District of Mackenzie No.23 is responsible for the direction and control of its emergency response and is required, under the Disaster Services Act, Chapter D-36, Revised Statutes of Alberta 1980, 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 Services Act;

**NOW THEREFORE**, THE COUNCIL OF THE MUNICIPAL DISTRICT OF MACKENZIE NO.23, DULY ASSEMBLED, 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-36, Revised Statutes of Alberta 1980;
  - (b) "Council" means the Council of the Municipal District of Mackenzie No.23.
  - (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 By-law;
  - (e) "emergency" means a present or imminent event that requires 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;
  - (f) "Minister" means the Minister charged with administration of the Act;
  - (g) "Municipal Disaster Services Agency" means the agency established under this By-law; and
  - (h) "Municipal Emergency Plan" means the emergency plan prepared by the Director of Disaster Services to co-ordinate response to an emergency or disaster.
3. There is hereby established a Disaster Services Committee to advise Council on the development of emergency plans and programs.

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4. There is hereby established a 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) as a Whole, serve as the Disaster Services Committee;
  - (b) provide for the payment of expenses of the members of the Disaster Services Committee;
  - (c) by resolution, appoint a Director of Disaster Services and a Deputy Director of Disaster Services who shall do those things required of the Director of Disaster Services in that person's absence;
  - (d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Municipal District of Mackenzie No.23.
  - (e) approve the Municipal District of Mackenzie No.23's emergency plans and programs; and
  - (f) 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 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 Disaster Services Committee shall
  - (a) review the Municipal Emergency Plan and related plans and programs on an annual basis.
8. The Municipal Disaster Services Agency shall be comprised of one or more persons or agencies directly or indirectly involved as a service provider for disaster services or anybody else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.

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9. The Director of Disaster Services shall
  - (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Municipal District of Mackenzie No.23;
  - (b) act as director of emergency operations, or ensure that someone is designated under the Municipal Emergency Plan to so act, on behalf of the Municipal Disaster Services Agency; and
  - (c) co-ordinate all emergency services and other resources used in an emergency; or
  - (d) ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), and (c).
  
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 15 of this By-law, is hereby delegated to a committee comprised of the Reeve or any two members of Council. They may, at any time when an emergency exists or may exist, by resolution, make a declaration of a state of local emergency.
  
11. When site of local emergency is declared, the person or persons making the declaration shall
  - (a) ensure that the declaration identifies the nature of the emergency and the area of the Municipal District of Mackenzie No.23 in which it exists;
  - (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 15, when a state of local emergency is declared, the person or persons making the declaration may
  - (a) cause the Municipal Emergency 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 any area of the Municipal District of Mackenzie No.23;
  - (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 services in any part of the Municipal District of Mackenzie No.23.

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- (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Municipal District of Mackenzie No.23 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 Municipal District of Mackenzie No.23 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 a 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. Notwithstanding Section 13,

- (a) Council and any member of Council, and
- (b) Any person acting under the direction or authorization of Council, is liable for gross negligence in carrying out their duties under this By-law.

15. 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.

16. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when

- (a) a resolution is passed under Section 15;
- (b) a period of seven days has lapsed since it was declared, unless it is renewed by resolution;

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- (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.

17. 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.

First Reading given on the 3<sup>rd</sup> day of April, 2002.

"B. Neufeld" (Signed)  
Bill Neufeld, Reeve

"E. Schmidt" (Signed)  
Eva Schmidt, Executive Assistant

Second Reading given on the 2<sup>nd</sup> day of July, 2002.

"B. Neufeld" (Signed)  
Bill Neufeld, Reeve

"E. Schmidt" (Signed)  
Eva Schmidt, Executive Assistant

Third Reading and Assent given on the 23<sup>rd</sup> day of July, 2002.

"B. Neufeld" (Signed)  
Bill Neufeld, Reeve

"H. Prockiw" (Signed)  
Harvey Prockiw, CAO