

**BYLAW 2021-08  
TOWN OF BLACK DIAMOND**

**A BYLAW TO ESTABLISH AN EMERGENCY ADVISORY COMMITTEE, AN EMERGENCY MANAGEMENT AGENCY AND EMERGENCY MANAGEMENT PROTOCOL WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, the Town of Black Diamond is responsible for the direction and control of its Emergency response and is required, under the *Emergency Management Act, R.S.A. 2000, Chapter E-6.8*, to appoint an Emergency Advisory Committee and to establish and maintain an Emergency Management 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 *Emergency Management Act*;

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

**1.1.** This Bylaw may be cited as the “Emergency Management Bylaw”.

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**3. DEFINITIONS**

- 3.1.** “Act” means the *Emergency Management Act, R.S.A. 2000, c. E-6.8*, as amended from time to time;
- 3.2.** “Bylaw” means a Bylaw of the Town of Black Diamond;
- 3.3.** “Chief Administrative Officer” or “CAO” means the person appointed to the position of Chief Administrative Officer by Council, or their designate;
- 3.4.** “Council” means the duly elected Council of the Town of Black Diamond;

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“*Deputy Director of Emergency Management*” or “*DDEM*” means an individual appointed to the position of Deputy Director of Emergency Management by Council, who shall assist the DEM or assume the duties of the DEM in their absence.

- 3.5. “*Director of Emergency Management*” or “*DEM*” means an individual appointed to the position of Director of Emergency Management by Council.
- 3.6. “*Disaster*” means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property or the environment.
- 3.7. “*Emergency*” means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment.
- 3.8. “*Emergency Advisory Committee*” (“*Committee*”) means the Committee established by this Bylaw.
- 3.9. “*Emergency Coordination Centre*” or “*Emergency Operations Centre*” means the physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place.
- 3.10. “*Emergency Management Agency*” (“*Agency*”) means the Agency established by this Bylaw, as required to coordinate the activities in response to an Emergency or Disaster.
- 3.11. “*Emergency Management Program*” means the development, coordination and execution of plans, measures and programs pertaining to the mitigation preparedness, response and recovery before, during and after an Emergency event.
- 3.12. “*Minister*” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.
- 3.13. “*Municipal Emergency Plan*” means the plan prepared by the Director of Emergency Management which coordinates response to an Emergency or Disaster.
- 3.14. “*Town*” means the Corporation of the Town of Black Diamond.

**4. EMERGENCY ADVISORY COMMITTEE**

- 4.1. The Emergency Advisory Committee (“*Committee*”) is hereby established to review and advise the Director of Emergency Management regarding the Municipal Emergency Plan and related plans and programs.
- 4.2. The Committee shall consist of:
  - a) two (2) members of Council, appointed by Council for a full electoral term of office;
  - b) one alternate member of Council, appointed by Council for a full electoral term of office;
  - c) the CAO;
  - d) the Deputy DEM(s); and
  - e) the DEM.

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- 4.3. Quorum for a meeting of this Committee shall be four (4) members, which must include at least one of the DEM or DDEM(s) and at least 1 appointed member of Council.
- 4.4. The Chair shall be the DEM, or in the absence of the DEM, the Committee shall select a Chair for the meeting.
- 4.5. The DEM may, from time to time, invite individuals, including Town employees, to discuss matters of relevance at Committee meetings.
- 4.6. The Committee shall meet at least annually, or more frequently as required.
- 4.7. The Committee shall advise Council annually on matters pertaining to the Town's Emergency Management Program and the Municipal Emergency Plan.
- 4.8. The Emergency Advisory Committee shall:
  - a) provide guidance and direction to the Emergency Management Agency;
  - b) review the Municipal Emergency Plan and any related plans and programs annually, and;
  - c) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once per year.
- 4.9. During an emergency, the Emergency Advisory Committee shall:
  - a) be briefed on the emergency and authorize the activation of the Municipal Emergency Plan;
  - b) delegate an individual as an Interim Director of Emergency Management if the duly appointed Director of Emergency Management or Deputy Director of Emergency Management are unable to fulfill their duties and obligations; and
  - c) receive periodic briefings regarding the incident.

**5. EMERGENCY MANAGEMENT AGENCY**

- 5.1. The Emergency Management Agency ("Agency") is hereby established to act as the agent of Council to carry out all statutory powers and obligations of Council under the Act.
- 5.2. The Agency will recommend to Council to declare, renew or terminate a state of local emergency, in accordance with Section 8 or 9 of this Bylaw.
- 5.3. Council hereby authorizes the Agency, for the duration of such state of local emergency, to do all acts and take necessary proceedings to address the Emergency pursuant to the Act.
- 5.4. The Agency shall use the command, control and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency.
- 5.5. The Agency shall consist of the following members:
  - a) the DEM;
  - b) the CAO;
  - c) the DDEM(s);
  - d) the Fire Chief; and

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- e) any Town staff as appointed to the Agency by the CAO; and
  - f) the RCMP Detachment Commander, or their designate.
- 5.6.** In addition to the members appointed to the Agency under section 5.5, the DEM may invite other organizations to nominate representatives to serve as members of the Agency, including:
- a) Alberta Emergency Management Agency (AEMA) representative(s);
  - b) utility companies;
  - c) health agencies;
  - d) service organizations; and
  - e) any other person, agency or organization that, in the opinion of the DEM, may assist in the implementation of the Municipal Emergency Plan.

**6. DIRECTOR OF EMERGENCY MANAGEMENT**

- 6.1.** The DEM will:
- a) schedule meetings of the Agency as necessary;
  - b) prepare and coordinate the Municipal Emergency Plan and related plans and programs for the Town;
  - c) establish and act as Director of the Emergency Coordination Centre, or ensure that someone is designated under the Municipal Emergency Plan to act on behalf of the Agency in their absence;
  - d) coordinate all Emergency services and other resources used in an Emergency;
  - e) ensure that the Municipal Emergency Plan is reviewed at least annually and any time that conditions arise or there is an opportunity for improvement of the plan;
  - f) ensure that the Municipal Emergency Plan is implemented; and conduct an Emergency training event no less than once annually; and
  - g) ensure staff of the Town and members of the Committee and Agency, as required, complete training to maintain effectiveness in the event of an Emergency.
- 6.2.** From time to time, the DEM may invite individuals, including Town employees and Committee members, to discuss matters of relevance with the Agency. The Director may require such individuals to assist with the development and implementation of the Municipal Emergency Plan and related programs.

**7. COUNCIL**

- 7.1.** Council shall:
- a) by resolution, appoint the required number of Council members to serve on the Committee;
  - b) by resolution, appoint a Director of Emergency Management;

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- c) by resolution, appoint one or more Deputy Director(s) of Emergency Management;
  - d) provide for the payment of expenses of the members of the Committee;
  - e) ensure that Emergency plans and programs are prepared to address potential emergencies or Disasters in the Town of Black Diamond; and
  - f) approve the Municipal Emergency Plan.
- 7.2. Council may:
- a) by Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Emergency Management 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.

**8. DECLARATION OF A STATE OF LOCAL EMERGENCY**

- 8.1. If Council is satisfied that an Emergency exists or may exist, Council may, by resolution, declare a state of local emergency relating to all or a part of the Town.
- 8.2. In declaring a state of local emergency, Council must:
- a) identify the nature of the Emergency;
  - b) identify the area of the Town where the Emergency exists;
  - c) immediately cause the details of the declaration to be written and published by such means of communication as Council considers most likely to make it known to the population that is affected by the declaration, and;
  - d) immediately forward a copy of the written declaration to the Minister.
- 8.3. When a state of local emergency is declared, the Agency may at any time, in accordance with the Act and related plans or programs:
- a) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an Emergency or Disaster;
  - b) authorize or require any qualified person to render aid of a type he or she is qualified to provide;
  - c) control or prohibit travel to or from any area of the Town;
  - 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 any part of the Town;
  - e) cause the evacuation of persons and the removal of animals and personal property from any area of the Town of Black Diamond that is or may be affected by a Disaster;
  - f) authorize the entry into any building or on any land, without warrant,

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by an person in the course of implementing an Emergency plan or program;

- g)** 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;
  - h)** procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property within the Town for the duration of the state of local emergency; and
  - i)** authorize the conscription of persons needed to meet an Emergency.
- 8.4.** Subject to the Act, the declaration of a state of local emergency must be renewed every seven (7) days until the Emergency has passed.

**9. TERMINATION OF A STATE OF LOCAL EMERGENCY**

- 9.1.** When, in the opinion of Council, an Emergency no longer exists in relation to which the declaration was made, Council shall by resolution, terminate the declaration.
- 9.2.** 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 9.1;
  - b)** a period of seven (7) 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.
- 9.3.** When a declaration of a state of local emergency has been terminated, Council 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.

**10. PROTECTION FROM LIABILITY**

- 10.1.** No action lies against the Committee, the Agency, and any member of the Committee or Agency or any person acting under the Committee's or Agency's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Bylaw during a state of local emergency.

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**11. SEVERABILITY**

**11.1.** It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

Bylaw 19-07 and any amendments thereto are repealed in their entirety.

This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this 2<sup>nd</sup> day of June A.D. 2021.

**READ A SECOND TIME** this 2<sup>nd</sup> day of June A.D. 2021.

**READ A THIRD AND FINAL TIME** this 16<sup>th</sup> day of June A.D. 2021.

*Original Signed*  
MAYOR

*Original Signed*  
LEGISLATIVE SERVICES MANAGER

*June 18, 2021*  
Date signed