

CONSOLIDATION OF BYLAW 7304 AS OF OCTOBER 7, 2002

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7304

A Bylaw to establish and operate a plan or scheme for preparedness, response and recovery in the case of emergencies pursuant to the provisions of the *Emergency Program Act* R.S.B.C. 1996, c.111.

The Council for The Corporation of the District of North Vancouver enacts the following:

Title

1. This Bylaw may be cited as “**EMERGENCY PLAN BYLAW**”.

Definitions

2. In this Bylaw:

“**Director of Emergency Operations**” means the person appointed by the Council of the District of North Vancouver to co-ordinate municipal emergency operations within the municipality for an Emergency or Disaster, or acting as the Director of Emergency Operations for the Regional Emergency Operations Centre;

“**Disaster**” means any present calamity, occurrence, sudden or violent disturbance, or the imminent threat thereof, which extends beyond the boundaries of the municipality, requiring 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 or the environment;

“**Disaster Plan**” means a plan formulated by the North Shore Municipalities, setting out procedures to be followed in the case of a disaster;

“**Emergency**” means any present calamity, occurrence, sudden or violent disturbance, or the imminent threat thereof, and which is confined within the boundaries of one municipality, and requiring 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 or the environment;

“**Emergency Operations Centre (EOC)**” means the centralized facility or location of the coordinated activities of the Municipal Emergency Operations Group and/or the North Shore Emergency Planning and Operations Group;

“**Emergency Plan**” means a plan formulated by a municipality, setting out procedures to be followed in the case of an emergency;

“**Emergency Program Act**” means the Emergency Program Act R.S.B.C. 1996, Chapter 111, and the Regulations thereunder;

“**Minister**” means the Minister responsible for the Provincial Emergency Program (PEP);

“**Municipal Emergency Operations Group**” means and is comprised of the Municipal Emergency Operations Group, all municipal departments, and those voluntary organizations within the District of North Vancouver which are prepared to provide assistance in an emergency or a disaster;

“**North Shore**” means the area collectively containing the District of North, the District of West Vancouver and the City of North Vancouver;

“**North Shore Emergency Management Office**” (**NSEMO**) is the intermunicipal agency of the District of North, and West Vancouver and the City of North Vancouver responsible for emergency planning and emergency management on the North Shore;

“North Shore Emergency Planning and Operations Group” (NSEPOG) means and is comprised of the Emergency Operations Groups of the three North Shore municipalities and those voluntary organizations within the North Shore which are prepared to provide assistance in an emergency or disaster;

“Primary Municipality” means the municipality most impacted by a Disaster impacting more than one municipal area on the North Shore;

“Provincial Emergency Program” (PEP) means the Provincial agency responsible for carrying out the powers and duties vested in it by the Emergency Program Act R.S.B.C. 1996, Chapter 111, the Regulations and the Minister responsible for the Provincial Emergency Program;

“Secondary Municipality” means the municipality(ies) less affected than the primary municipality by a Disaster impacting more than one municipal area on the North Shore; and

“State of Local Emergency” means an Emergency or Disaster situation where the need for response exceeds the capabilities of the local government and a Declaration of a State of Local Emergency is necessary to access specified extraordinary powers considered necessary to prevent, respond to or alleviate the effects of the Emergency or Disaster.

3. ADMINISTRATION, DUTIES AND RESPONSIBILITIES

3.1 NORTH SHORE EMERGENCY PLANNING AND OPERATIONS GROUP

- (a) A North Shore Emergency Planning and Operations Group shall consist of the following or their lawful deputies or designates:
- Director, North Shore Emergency Management Office (NSEMO) (Chair)
 - Municipal Manager, each of City of North Vancouver, District of North Vancouver and District of West Vancouver
 - Fire Chief, each of City of North Vancouver, District of North Vancouver and District of West Vancouver
 - Superintendent, RCMP, City of North Vancouver and District of North Vancouver
 - Chief Constable, District of West Vancouver
 - Engineer, each of City of North Vancouver, District of North Vancouver and District of West Vancouver
 - Director, Emergency Social Services, one from each of City of North Vancouver, District of North Vancouver and District of West Vancouver
 - Health Liaison Officer to NSEMO, Vancouver Coastal Health Authority
 - Regional Superintendent and/or Unit Chief(s), B.C. Ambulance Service, North Shore
 - Superintendent of Schools, each of School District #44 (North Vancouver) and School District #45 (West Vancouver)
 - Liaison staff of the Ministry of Transportation and Highways (MOTH)
 - Public Information Officer, each of City of North Vancouver, District of North Vancouver and District of West Vancouver.
- (b) The North Shore Emergency Planning and Operations Group (NSEPOG) shall:
- (i) oversee and participate in all ongoing programs of disaster training and exercises on a region-wide basis, and recommend that provisions are made in appropriate budgets;
 - (ii) oversee the periodic review and revision of the North Shore Disaster Plan as required;
 - (iii) act as an advisory group to the North Shore Emergency Management Office Executive Committee; and
 - (iv) participate in disaster response and recovery activities as per roles and responsibilities described in the North Shore Disaster Plan, and within the prescribed structure of the British Columbia Emergency Response Management System (BCERMS).

- (v) direct and coordinate all related municipal departments and volunteer organizations in controlling an emergency or disaster, through the Municipal and/or North Shore Emergency Operations Centre;
 - (vi) provide administrative and/or logistic support to any volunteer organization involved;
 - (vii) take such action as is necessary to minimize the effect of an emergency or disaster on the impacted municipalities and their inhabitants or property.
- (c) The following persons shall perform the functions of the Director of Emergency Operations for the North Shore Emergency Planning and Operations Group:
- (i) the Municipal Manager of the primary municipality, or in his absence;
 - (ii) the Municipal Manager of the secondary municipality, or in his absence;
 - (iii) the Fire Chief of the primary municipality, or in his absence;
 - (iv) the Fire Chief of the secondary municipality, or in his absence;
 - (v) the Superintendent, North Vancouver RCMP Detachment, or Chief Constable, West Vancouver Police, of the primary municipality, or in their absence; and
 - (v) the Engineer of the primary or secondary municipalities.
- (d) Upon declaration that the Disaster Plan is in effect, the Director of Emergency Operations shall:
- (i) appoint the Emergency Site Manager(s);
 - (ii) coordinate, in conjunction with the Municipal and/or North Shore Emergency Operations Groups, the response of the municipality/ies to the emergency;
 - (iii) activate the North Shore Emergency Operations Centre;
 - (iv) consult with the Mayor (s) during the emergency;
 - (v) determine if outside assistance is required and if so, requesting same pursuant to existing Mutual Aid Agreements;
 - (vi) advise the Mayor (s) if municipal resources and resources available under existing Mutual Aid Agreements are insufficient to deal with the Emergency;
 - (vii) liaise and co-operate with the Emergency Operations Organization of any neighboring municipalities sharing Mutual Aid Agreements on all matters pertaining to planning and operation.

3.2 **MUNICIPAL EMERGENCY OPERATIONS GROUP**

- (a) A Municipal Emergency Operations Group is established and shall consist of the following or their lawful deputies or designates:
- Director of Emergency Operations (Municipal Manager or alternate, see 3.2c)
 - Fire Chief
 - Superintendent RCMP (or Chief Constable of Police)
 - Director, North Shore Emergency Management Office
 - Municipal Engineer
 - Public Information Officer
 - Communications Manager
 - Regional Superintendent and/or Unit Chief(s), B.C. Ambulance Service, North Shore
 - Medical Health Officer, Vancouver Coastal Health Authority (North Shore)
 - Director, Emergency Social Services
 - Superintendent, School District #44 (North Vancouver)
- (b) The Municipal Emergency Operations Group shall:
- (i) direct and coordinate all municipal departments and volunteer organizations in controlling an emergency or disaster;
 - (ii) provide administrative and/or logistic support to any volunteer organization involved; and
 - (iii) take such action as is necessary to minimize the effect of an emergency or disaster on the District of North Vancouver and its inhabitants and their property.

- (c) The following persons shall perform the functions of the Director of Emergency Operations:
 - (i) the Municipal Manager of The Corporation of the District of North Vancouver or in his absence;
 - (ii) the Acting Municipal Manager, or in his absence;
 - (iii) the Director of Fire Services of The Corporation of the District of North Vancouver, or in his absence;
 - (iv) the Superintendent, North Vancouver RCMP Detachment, or in his absence; and
 - (v) the Director of Planning, Engineering, Parks & Regulatory Services of The Corporation of the District of North Vancouver.

- (d) Upon declaration that the Emergency Plan is in effect, the Director of Emergency Operations shall:
 - (i) appoint the Emergency Site Manager(s);
 - (ii) coordinate, in conjunction with the Emergency Operations Group, the response of The Corporation of the District of North Vancouver to the emergency;
 - (iii) consult with the Mayor during the emergency;
 - (iv) determine if outside assistance is required and if so, requesting same pursuant to existing Mutual Aid Agreements;
 - (v) advise the Mayor if the resources of The Corporation of the District of North Vancouver and resources available under existing Mutual Aid Agreements are insufficient to deal with the Emergency; and
 - (vi) liaise and cooperate with the Emergency Operations Organization of any neighbouring municipalities sharing Mutual Aid Agreements with The Corporation of the District of North Vancouver on all matters pertaining to planning and operation.

4. **POWERS**

- 4.1 The Council or the Mayor or the Director of Emergency Operations [or lawful deputy or designate] may, whether or not a state of local emergency has been declared, cause the Emergency or Disaster Plan to be implemented.

- 4.2 The Council by bylaw or resolution, or the Mayor by order when time is of the essence, may declare a state of local emergency to effectively deal with an Emergency or Disaster in any part of the municipality.

- 4.3 Upon a "Declaration of a State of Local Emergency" being made, Council or the Mayor 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 Mayor considers most likely to make the contents of the Declaration known to the majority of the population of the affected area.

- 4.4 After a Declaration of a State of Emergency is made under section 4.2 in respect of all or any part of the municipality, and for the duration of the State of Emergency, the Council or Mayor may do any or all of the following acts and procedures that the Council or Mayor considers necessary to prevent, respond to or alleviate the effects or an Emergency or a Disaster:
 - (a) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or 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 part of the municipality;
 - (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 the municipality;

- (e) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the municipality that is or may be affected by an emergency or a disaster 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 Council or Mayor 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 Director of Emergency Operations or Mayor 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 Council or Mayor 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 municipality for the duration of the Local State of Emergency; and
 - (j) authorize the Director of Emergency Operations [or lawful deputy or designate] to exercise, in any part of the municipality affected by a declaration of a Local State of Emergency, those specific powers assumed by the Council or Mayor.
- 4.5 The Council or Mayor must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of local state of emergency was made:
- (a) cancel the Declaration of a State Local of Emergency in relation to that part
 - (i) by bylaw or resolution, if cancellation is effected by the Council, or
 - (ii) by order, if the cancellation is effected by the Mayor, and
 - (b) promptly notify the Minister responsible for the Provincial Emergency Program of the cancellation of the Declaration of a State of Local Emergency.

5. LIABILITY

Section 5.1 below is derived from Section 18 of the *Emergency Program Act* and deemed to be amended with subsequent amendments of Section 18 of the *Emergency Program Act*.

- 5.1 As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of The Corporation of the District of North Vancouver Emergency Operations Group, employees of The Corporation of the District of North Vancouver, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, 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 persons who were, under 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.

6. COMPENSATION FOR LOSS

Sections 6.1, 6.2 & 6.3 below are derived from Section 19 of the *Emergency Program Act* and are deemed to be amended with subsequent amendments of the *Emergency Program Act*.

- 6.1 Notwithstanding Section 5, if, as a result of the acquisition or use of a person's real property by, or under the direction or authority of the Council or Mayor under Section 4.4 (a), the person suffers a loss of or to that property, the Council or Mayor shall compensate that person for such loss in accordance with the Regulations made under the *Emergency Program Act*.
- 6.2 Notwithstanding Section 5, if a person suffers a loss of or to any real or personal property as a result of the actions of the District of North Vancouver Emergency Management Organization or any other action taken by, or under the direction or authority of the Council or Mayor under Section 4.4, the Council or Mayor may compensate that person for such loss in accordance with the Regulations made under the *Emergency Program Act*.
- 6.3 If any dispute arises concerning the amount of compensation payable under sections 6.1 or 6.2, the matter shall be submitted for determination by one or three arbitrators appointed under the *Commercial Arbitration Act*. The person to be compensated shall deliver a notice setting out his or her choice as to whether there shall be one or three arbitrators to the Minister responsible for the *Emergency Program Act*. The *Commercial Arbitration Act* shall apply to such dispute.

7. AUTHORIZATION OF EXPENDITURES

The Director of Emergency Operations in consultation with the relevant Emergency Operations Group(s) is authorized to expend such municipal funds which are required for the preservation of life and health during an Emergency or Disaster.

8. EMERGENCY PLAN

In accordance with *Emergency Program Act*, R.S.B.C. 1996 Chap 111 Section 6(4) "Local Authority Emergency Organization" the Council of The Corporation of the District of North Vancouver authorizes the establishment of the Emergency Plan and may delegate, in writing, its powers and duties under the *Emergency Program Act* to the North Shore Emergency Measures Organization to amend the Emergency Plan from time to time.

9. REPEAL

Bylaw 7055, "Emergency Plan Bylaw", and any amendments thereto are hereby repealed.

Amended by: