

**CORPORATION OF THE CITY OF  
NEW WESTMINSTER**



**MAJOR EMERGENCY PROGRAM BYLAW  
NO. 6417, 1997**

**Adopted September 29, 1997**

**MAJOR EMERGENCY PROGRAM BYLAW**

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# CORPORATION OF THE CITY OF NEW WESTMINSTER

## BYLAW NO. 6417, 1997

### A Bylaw to Respond to and Recover from Emergencies and Disasters

**A.** The City Council is required by section 6(2) of the Emergency Program Act, R.S.B.C. 1996 c. 111 to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disaster.

**B.** The City is required by section 6(3) to establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters;

**C.** The City is required to provide a comprehensive program of emergency management which will address natural and man made hazards including the preservation of life, property local economy, and the environment, in a four program approach addressing prevention, preparedness, response and recovery and, to provide for continuity of Government and the preservation of life and property through a coordinated response by elected officials, municipal departments, volunteer services, and outside agencies, in the event of an emergency or disaster.

THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

#### Title

1. This Bylaw may be cited for all purposes as "Major Emergency Program Bylaw No. 6417, 1997".

#### Interpretation and Definitions

a) This Bylaw shall be construed in accordance with the principals contained in, and shall be subject to, the Emergency Program Act, R.S.B.C. 1996 c. 111, and all Regulations made thereunder.

2. For the purpose of this Bylaw:

- a) "**Building**" means any structure used or intended for supporting or sheltering any use or occupancy.
- b) "**City**" means the Corporation of the City of New Westminster.

- c) **“City Emergency Planning Coordinator”** means that person so appointed by the local authority pursuant to section 6(3)(b) of the Emergency Program Act to be a coordinator for the emergency management organization.
- d) **“Declaration of a State of Local Emergency”** means a Bylaw or Resolution of the local authority or an order of its Mayor that an emergency or disaster exists or is imminent, pursuant to section 12(1) of the Emergency Program Act.
- e) **“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.
- f) **“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 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.
- g) **“Emergency Advisory Committee”** means the committee appointed by the local authority pursuant to section 6(3) of the Emergency Program Act to advise and assist the local authority as part of the overall emergency management organization.
- h) **“Emergency Management”** means the development and implementation of emergency plans and other prevention, preparedness, response, and recovery measures for emergencies and disasters.
- i) **“Emergency Management Organization”** means the overall organization of groups and individuals established and maintained by the local authority, pursuant to section 6(3) of the Emergency Program Act, to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters, in the Municipality.
- j) **“Emergency Operations Centre”** means a facility from which the Emergency Operations Centre Control Group operates.

- k) **“Emergency Operations Centre Control Group”** means a group the members of which are designated by this Bylaw, and which is responsible for the administration of the New Westminster Major Emergency Program during an emergency or disaster.
- l) **“Emergency Operations Centre Director”** means the person appointed by the Emergency Advisory Committee as director of the Emergency Operations Centre.
- m) **“Emergency Social Services Director”** means that person so appointed by the Emergency Advisory Committee to direct the provision of social services in an emergency or disaster.
- n) **“Emergency Program Office”** means the department within the City that coordinates the planning and development of the New Westminster Major Emergency Program.
- o) **“Local Authority”** means the Council of the City.
- p) **“Mayor”** means the person elected as Mayor of the City, and includes the person designated as Acting Mayor at the relevant time if the Mayor is absent, ill or otherwise unable to carry out or exercise her or his duties and powers.
- q) **“Media Relations Officer”** means that person so appointed by the Emergency Advisory Committee to act as liaison between the City and the media in the event of an emergency or disaster.
- r) **“Municipality”** means all of the lands within the boundaries of the City.
- s) **“New Westminster Major Emergency Plan”** means written plans that provide the City with a general direction and framework covering prevention, preparedness, response and recovery programs and which outline roles and responsibilities to deal with major emergencies and disasters.
- t) **“New Westminster Major Emergency Program”** means the organization, plans, and procedures established by the City for addressing major emergencies and disasters.
- u) **“Order”** means a written statement or direction, bearing the signature and printed name and title of the issuer authorized to make the order by this Bylaw, and the date of issuance.

**Administration**

4. The local authority shall appoint a City Emergency Planning Coordinator, and designate the reporting structure for the Coordinator.
5. (1) The local authority shall establish an Emergency Advisory Committee which shall:
  - a) meet not less than once every six months;
  - b) have as a chairperson a member of City Council who has been appointed by the local authority;
  - c) consist of the following members or their designates:
    - i) Two members of the City Council
    - ii) Two representatives from the community
    - iii) Representative from the Chamber of Commerce
    - iv) Representative from the Royal Westminster Regiment
    - v) Representative from St. John Ambulance
    - vi) Representative from the Red Cross
    - vii) Representative from the Royal Columbian Hospital
    - viii) Representative from the Salvation Army
    - ix) Representative from the School Board
    - x) Such other members that may be appointed by the local authority which may include the following:
      - City Administrator
      - City Engineer
      - City Electrical Engineer
      - Chief Constable
      - Fire Chief
      - Director of Human Resources
      - Director of Health Services
      - City Clerk
      - City Treasurer
      - Parks & Recreation Administrator
      - Director of Planning
      - Emergency Social Services Director
      - City Emergency Planning Coordinator
- (2) Subject to the approval of the local authority, the Emergency Advisory Committee may:
  - a) negotiate agreements with other municipalities or governments for the purpose of mutual aid or for the formation of joint organizations;

- b) negotiate with individuals, bodies, corporations, or agencies other than government for the employment of their members within the emergency program according to their qualifications;
  - c) make and amend rules for regulating its own practices and procedures.
6. (1) The Emergency Advisory Committee shall designate an Emergency Operations Centre Control Group which will be responsible for the administration of the New Westminster Major Emergency Program during an emergency or disaster and shall consist of the following members or their designates:
- a) Mayor
  - b) Councillors from the Emergency Advisory Committee
  - c) City Administrator
  - d) City Engineer
  - e) City Electrical Engineer
  - f) Chief Constable
  - g) Fire Chief
  - h) City Treasurer
  - i) Director of Planning
  - j) Emergency Social Services Director
  - k) City Emergency Planning Coordinator
  - l) Medical Health Services Coordinator
  - m) Media Relations Officer
  - n) Such other members that may be appointed by the Emergency Operations Centre Control Group
- (2) The Emergency Advisory Committee shall appoint an Emergency Operations Centre Director to implement the directions of the Emergency Operations Centre Control Group.
7. The City shall have a New Westminster Major Emergency Plan which shall provide a general direction and framework covering prevention, preparedness, response and recovery programs and shall outline roles and responsibilities to deal with major emergencies and disasters.

**Duties and Responsibilities**

8. (1) The Emergency Advisory Committee shall be responsible for the overall management of the New Westminster Major Emergency Program and shall submit estimates of expenditures to the local authority for the cost of maintenance and operation of the Program for each year.

- (2) The Emergency Advisory Committee shall be responsible for the preparation, annual review and updating of the New Westminster Major Emergency Plan.
9. Heads of departments and services detailed in the New Westminster Major Emergency Plan shall prepare, and update semi annually, detailed departmental roles, responsibilities, check lists and procedures containing information and direction specific to their departments and services, according to the format contained in the appendices to the New Westminster Major Emergency Plan.
10. The City Emergency Planning Coordinator shall, under the general direction of the Director of Human Resources:
- a) Coordinate all operations within the Emergency Operations Centre as defined in the New Westminster Major Emergency Plan at times other than during an emergency or disaster;
  - b) Under the direction of the Emergency Advisory Committee, prepare and update semi-annually the New Westminster Major Emergency Plan (basic plan, including authorities and activation), and without Committee direction, make minor amendments, such as names, addresses, and telephone numbers, to the Plan;
  - c) Be responsible for day to day emergency management and maintenance of the New Westminster Major Emergency Program which includes coordination of staff emergency management, encouragement of public emergency management, and coordination with external organizations in emergency management;
  - d) Select and process City candidates for Federal and Provincial Emergency Training Courses;
  - e) Maintain information on potential man made or natural hazards and the impact on the municipality;
  - f) Coordinate the registering, equipping and training of the Municipal volunteers in preparation for an emergency or disaster;
  - g) Conduct studies and exercises to ensure the New Westminster Major Emergency Program is effective and in a state of readiness; and
  - h) Act as the point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations.



11. In the event of an emergency or disaster or a declaration of a state of local emergency, the local authority may authorize the expenditure of special funds to meet the exigencies of the situation.
12. The Emergency Operations Centre Control Group, during an emergency or disaster, shall be responsible for the coordination and direction of the overall operations undertaken by the City respecting preparation for, response to, and recovery from, emergencies and disasters.
13. The Emergency Operations Centre Director shall, be responsible for the implementation of the directions the Emergency Operations Centre Control Group, and under the Group's direction shall:
  - (a) direct the ongoing operations of the Emergency Operations Centre during an emergency or disaster; and
  - (b) during a declared state of emergency, act as the liaison between the Director of the Provincial Emergency Program or such other person as the Minister may appoint under section 10(2) of the Emergency Program Act, and the local authority for the coordination and implementation of the New Westminster Major Emergency Program.

## Powers

14. Notwithstanding anything in this Bylaw or the Municipal Act, the local authority and the Emergency Operations Centre Director as designated by the New Westminster Major Emergency Plan, have the authority, whether or not there has been a declaration of a state of local emergency, to cause the New Westminster Major Emergency Program to be implemented if, in the opinion of the local authority or the Emergency Operations Centre Director, an emergency exists or appears imminent or a disaster has occurred or threatens in:
  - a) all or any part of the Municipality; or
  - b) any other municipality or electoral area, if the local authority having responsibility for that other jurisdictional area has requested assistance.
15. Notwithstanding any other provisions of this Bylaw, or the Municipal Act, the local authority or the Mayor may, when satisfied that an emergency or

- disaster exists or is imminent in the Municipality, declare that a state of local emergency exists.
- 16.** A declaration of a state of local emergency must identify the nature of the emergency or disaster and the part of the Municipality in which it exists or is imminent, and the declaration shall be:
- a) by Bylaw, or Resolution, if made by the local authority; or
  - b) by Order, if made by the Mayor; and
  - c) in the form attached as Schedule “A” to this Bylaw.
- 17.** Upon a declaration of a state of local emergency being made, the local authority shall:
- a) forward a copy to the Attorney General; and
  - b) cause the details of the declaration to be published to the population of the affected area of the Municipality.
- 18.** Once there has been a declaration of a state of local emergency in respect of all or any part of the Municipality, the local authority, or upon written authorization from the local authority, the Emergency Operations Centre Control Group, the Emergency Operations Centre Director, or the City Emergency Planning Coordinator, may order in relation to any part or parts of the Municipality affected by the declaration of state of local emergency:
- a) the implementation of the New Westminster Major Emergency Plan or any part or parts of the emergency plan;
  - b) acquire or use any real or personal property considered necessary to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - c) 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;
  - d) control, enforce or prohibit travel to or from any area of the Municipality, including Disaster Response Routes which have been designated in the Plan;
  - e) 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;

- f) cause the evacuation of persons and the removal of livestock, animals, and personal property from any area of the Municipality that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals, and personal property;
  - g) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the Plan or New Westminster Major Emergency Program or if otherwise considered by the local authority to be necessary to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - h) cause the demolition or removal of any trees, structures, or crops if the demolition or removal is considered by the local authority to be necessary or appropriate in order to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - i) construct works considered by the local authority to be necessary or appropriate to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - j) 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 or parts of the Municipality for the duration of the state of local emergency.
- 19.** The local authority or the Mayor must, when of the opinion that an emergency no longer exists in the part of the Municipality in relation to which a declaration of a state of local emergency was made:
- a) cancel the declaration of state of local emergency in relation to that part:
    - i) by bylaw or resolution, if the cancellation is effected by the local authority; or
    - ii) by order, if the cancellation is effected by the Mayor of the local authority; and
  - b) promptly notify the Attorney General of the cancellation of the declaration of a state of local emergency.

**Liability**

20. No person, including without limitation the Mayor, other members of the local authority, the Emergency Operations Centre Control Group, the Emergency Advisory Committee, the Emergency Operations Centre Director, employees of the City, the City's Police Service or Fire Department, or a volunteer or other person appointed or authorized or required to carry out measures relating to an emergency or disaster, is liable for any loss, cost, expense, damage or injury to persons or property that results 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, the New Westminster Major Emergency Plan or the Emergency Program Act unless, in doing or omitted 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, the New Westminster Major Emergency Plan or the Emergency Program Act appointed, authorized or required by the persons to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

### Compensation for Loss

21. (1) Despite section 20 above, if as a result of the acquisition or use of a person's real property by, or under the direction or authority of the local authority under section 18(b) above, the person suffers a loss of or to that property, the local authority shall compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.
- (2) Despite section 20 above, if a person suffers a loss of or to any real or personal property as a result of the implementation of the New Westminster Major Emergency Program, or any other action taken by, or under the direction or authority of the local authority under section 18 above, the local authority may compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.
- (3) If any dispute arises concerning the amount of compensation payable under subsections (1) and (2) above, the Commercial Arbitration Act shall apply to such dispute, and the matter shall be submitted for determination by arbitrators appointed under the Commercial Arbitration Act R.S.B.C. 1996, Chapter 55, as amended, and the person to be

compensated shall deliver a notice to the Minister responsible for the Emergency Program Act setting out that person's choice as to whether there shall be one or three arbitrators.

**Adopted September 29, 1997**