

**A BY-LAW OF THE TOWN OF ONOWAY  
IN THE PROVINCE OF ALBERTA  
TO ESTABLISH A MUNICIPAL EMERGENCY MANAGEMENT AGENCY**

**WHEREAS** the Council of the Town of Onoway 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 2000, to appoint an Emergency Management Committee and to establish and maintain a Municipal 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 said Disaster Services Act;

**WHEREAS** it is desirable and in the public interest, and the interests of public safety, that the Town of Onoway join forces with the Lac Ste. Anne County in the establishment of a joint Emergency Management Committee, a joint Emergency Management Agency to carry out Council's statutory powers and obligations under the Disaster services Act;

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF ONOWAY, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

1. This By-law may be cited as the Municipal Emergency Management By-law.
2. In this By-law,
  - (a) "Act" means the Disaster Services Act, Chapter D-36, Revised Statutes of Alberta 2000;
  - (b) "Council" means the Council of the Town of Onoway;
  - (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 Management Committee" means a committee established under this By-law in compliance with section 11 (b) of the "Act";
  - (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 Emergency Management Agency" means the agency established under this By-law in compliance with section 11(d) of the "Act"; and
  - (h) "Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster.
  - (i) "Director of Emergency Management" means a director as described in section 11 (f) of the "Act" who has been appointed to carry out the functions described I section 11 (f), (ii), (iii) and (iv);

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- (j) “Community Emergency Management Officer” means a person appointed by the Council of the Town of Onoway to assist the County Director of Emergency Management in carrying out the functions identified in Section 11 (i), (ii), (iii) and (iv) of the “Act”.
3. There is hereby established a collaborative arrangement to participate jointly with the Lac Ste. Anne County Emergency Management Committee and Agency to advise local Council on the development of emergency plans and programs for the Town of Onoway.
4. There is hereby established an agreement that the Municipal Emergency Management Agency for the Lac Ste. Anne County to act as the agent of Council for the Town of Onoway and to assist in carrying 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) by resolution, appoint one of its members to serve on the County Emergency Management Committee;
  - (b) provide for the payment of expenses of the member of the Emergency Management Committee designate;
  - (c) by resolution, on the recommendation of the County Emergency Management Committee, appoint a Community Emergency Management Officer to develop local plans and procedures as defined in section 11 (f); (i); (ii); (iii); and (iv) of the Disaster Services Act;
  - (d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Onoway;
  - (e) approve the Town of Onoway'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 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.
7. The Council of the Town of Onoway shall
- (a) review the Municipal Emergency Plan and related plans and programs on a regular basis; and
  - (b) ensure that as members of Council, duly assembled, that they are familiar with the status of the Municipal Emergency Plan and related plans and programs at least once each year.

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8. The Municipal Emergency Management Agency representing the Town of Onoway shall be comprised of one or more of the following:
  - (a) the County Director of Emergency Management;
  - (b) the Community Emergency Management Officer;
  - (c) the Manager, Administrator, or other administrative staff member of the Town;
  - (d) the Public Works Foreman or designate;
  - (e) representative(s) from adjacent communities which have entered into mutual aid agreements;
  - (f) representative(s) from local business or business associations (e.g. Chamber of Commerce, Board of Trade);
  - (g) representative(s) from local industry or industrial associations; and
  - (h) anybody else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.
  
9. The Community Emergency Management Officer shall
  - (a) assist the County Director of Emergency Management in the preparation and co-ordination of the Municipal Emergency Plan and related plans and programs for the Town of Onoway;
  - (b) assist the director of emergency management on behalf of the Municipal Emergency Management Agency ; and
  - (c) assist the director of emergency management in the co-ordination of emergency services and other resources used in an emergency;
  - (d) ensure that someone is designated as an alternate 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, are hereby delegated to the Mayor alone, or in the Mayor's absence, any two other members of Council of the Town of Onoway. The committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a state of local emergency.
  
11. When a state 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 municipality 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.

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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 municipality;
  - (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 municipality
  - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the municipality 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 municipality 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.

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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;
  - (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.

**This Bylaw comes into force on the day it is finally passed.**

**Read a first time this 12<sup>th</sup> day of June , A.D., 2006 .**

**Read a second time this 12<sup>th</sup> day of June,A.D., 2006.**

**Unanimously Consented to and read a third time and finally passed this 12<sup>th</sup> day of June, A.D., 2006.**

Signed by Pat Yuill  
MAYOR

Signed by Ryan Bard  
MUNICIPAL MANAGER

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**“Appendix A”**

<i>The Emergency Management Agency is made up of:</i>	<i>Description:</i>
a) Director of Emergency Management	Lac Ste. Anne County Manager of Protective Services
b) Deputy Director of Emergency Management	Lac Ste. Anne County Special Constable
c) The Community Emergency Management Officer	Town of Onoway Chief Administrative Officer
d) The Manager, Administrator, Clerk or other Administrative Support Staff	Town of Onoway Chief Administrative Officer or designate.
e) The Public Works Manager or other Public Works staff member(s)	Town of Onoway Public Works Manager or designate.
f) Mutual Aid Agreements	Municipality or agency and their representatives.
f) Local Business or Local Business Associations	Business or Association name and representatives
g) Any other person who may serve a useful purpose in the preparation, or implementation of the Emergency Plan	