

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA**

BYLAW 7/2010

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE AND A MUNICIPAL EMERGENCY MANAGEMENT AGENCY WITHIN THE CORPORATE LIMITS OF THE TOWN OF MORINVILLE.

WHEREAS, the Municipal Government Act gives the Municipalities' the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26 provides that one of the purposes of a municipality is to develop and maintain safe and viable communities;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, C. M-26 authorizes a municipality to take whatever actions or measures are necessary to eliminate an emergency;

AND WHEREAS the Emergency Management Act, R.S.A. 2000, C. E-6.8 requires the Town of Morinville shall, at all times, be responsible for the direction and control of the Town of Morinville's emergency response;

AND WHEREAS the Emergency Management Act, R.S.A. 2000, C. E-6.8 requires that the Town of Morinville appoint a Municipal Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency herein known as to advise on the development of emergency plans and programs;

AND WHEREAS the Emergency Management Act, R.S.A 2000, C. E 6-8 requires that the Town of Morinville 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 an obligations under the said Emergency Management Act.

AND WHEREAS the Council of the Town of Morinville considers it necessary and desirable to regulate the assessment of risk, the development of emergency plans or programs, and the implementation of physical precautions by industries and businesses as an effective way to provide for the safety, health and welfare of people and the protection of people and property in the Town of Morinville;

NOW THEREFORE, the Municipal Council of the Town of Morinville, Alberta, duly assembled, hereby enacts as follows.

1.0 DEFINITIONS

This Bylaw may be cited as the, "Town of Morinville Municipal Emergency Management Committee and Municipal Emergency Management Agency Bylaw".

In this Bylaw, except where otherwise defined;

"ACT" means the Disaster Services Act, Chapter D-36, and Revised Statutes of Alberta 2001;

“**CAO**” means the Chief Administrative Officer of the Town of Morinville, Alberta or the Director(s) or Department(s) designated by the Chief Administrative Officer to implement this Bylaw.

“**COUNCIL**” means the duly elected municipal council of Morinville, Alberta.

“**DISASTER**” means a 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;

“**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;

“**EMERGENCY MEETING**” means the Chief Administrative Officer may call an emergency meeting within a 1 hour notice if there is concern a major emergency exists or may exist within the Town;

“**MINISTER**” means the Minister charged with administration of the Act;

“**MORINVILLE**” means the Town of Morinville

“**MUNICIPAL EMERGENCY MANAGEMENT AGENCY**” means the agency established under this By-law, and;

“**MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE**” means that committee established under this Bylaw;

“**MUNICIPAL EMERGENCY PLAN**” means the emergency plan prepared by the Director of Municipal Emergency Management and the Agency to co-ordinate response to an emergency or disaster.

2.0 APPLICATION

2.1 There is hereby established a Municipal Emergency Management Committee to advise Council on the development of emergency plans and programs.

2.2 There is hereby established a Municipal Emergency Management 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 the declaration section of this Bylaw.

2.3 Council shall:

2.3.1 By resolution appoint 3 of its members to serve on the Municipal Emergency Management Committee;

2.3.2 Provide for the payment of expenses of the members of the municipal Emergency Management Committee;

- 2.3.3 By resolution, on the recommendation of the Municipal Emergency Management Committee, appoint a Director of Municipal Emergency Management, a Deputy Director of Municipal Emergency Management and a Director of Municipal Disaster Social Services who shall do those things required of the Director of Municipal Emergency Management in that person's absence;
- 2.3.4 Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Morinville; and
- 2.3.5 Approve Morinville's emergency plans and programs.

3.0 THE MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE SHALL

Review the Municipal Emergency Plan and related plans and programs on a regular basis advise Council, duly assembled on the status of the Municipal Emergency Plan and related plans and programs at least once each year.

4.0 THE MUNICIPAL EMERGENCY MANAGEMENT AGENCY SHALL

Be comprised of one or more of the following based on the discretion of the Director of Emergency Management for Morinville:

- 4.1 The Director of Municipal Emergency Management;
- 4.2 The Deputy Director of Municipal Emergency Management;
- 4.3 The CAO or designate;
- 4.4 The Public Information Officer, or designate;
- 4.5 The Director of Public Works or designate;
- 4.6 The Director of Corporate Services or designate;
- 4.7 The Director of Community Services herein known for the purposes of this Bylaw as the Director of Disaster Social Services or designate;
- 4.8 Those individuals appointed by any organization that the Director of Municipal Emergency Management invites to provide a representative to serve as a member of the Municipal Emergency Management Agency. Such organizations may have a recurring seat at the agency and others may be invited in as subject matter experts as the Director of Municipal Emergency Management requires. Such organizations may include but is not limited to the Health authority, school boards, RCMP, other municipalities and counties, pipelines, utilities, Chamber of Commerce et al.

5.0 COUNCIL MAY

- 5.1 By Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the municipal Emergency Management Agency;

- 5.2 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; and
- 5.3 Review the status of the Municipal Emergency Plan and related plans and programs at least once per year.

6.0 THE DIRECTOR OF MUNICIPAL EMERGENCY MANAGEMENT SHALL

- 6.1 Act as Chair of the "AGENCY";
- 6.2 Prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Town of Morinville and for the submission of an Annual Report on the status of Emergency preparedness in Morinville;
- 6.3 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 Emergency Management Disaster Services Agency;
- 6.4 Co-ordinate all emergency services and other resources used in an emergency; or
- 6.5 Ensure that someone is designated to discharge the responsibilities specified in paragraphs 6.1, 6.2, 6.3; and, 6.4;
- 6.6 The Fire Chief for the Town of Morinville is hereby appointed as Director of Municipal Emergency Management;
- 6.7 A Deputy Fire Chief of the Town of Morinville is hereby appointed as a Deputy Director of Municipal Emergency Management ex officio;
- 6.8 The Director of Community Services is hereby appointed as Director of Disaster Social Services;
- 6.9 The Director of Disaster Services Municipal Emergency Management once appointed by Council Resolution shall be in charge of the "Agency". The Director of Municipal Emergency Management Disaster Services will report to the CAO during operations during day to day operations and report directly to Council should the Municipal Emergency Plan be activated.
- 6.10 The Director of Municipal Emergency Management or designate shall act as Manager of Emergency Operations with the power to delegate authority;
- 6.11 Upon implementation of the Municipal Emergency Plan and he/she will be responsible for the preparation and co-ordination of emergency plans, and programs and for the submission of an Annual Report on the status of emergency preparedness in the Town of Morinville.

7.0 DECLARATION OF STATE OF EMERGENCY

- 7.1 The power to pass a resolution to declare or renew a state of local emergency under Section 18 of the Act, the powers specified in this section of the Bylaw, and the requirement specified in the termination of a declaration of a state of emergency are hereby delegated to the Mayor, Deputy Mayor or, in their absence any two councilors;
- 7.2 Council will:
 - 7.2.1 Ensure that the declaration identifies the nature of the emergency and the area of the Town in which it exists;
 - 7.2.2 Cause the details of the declaration to be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected the contents of the declaration and forthwith forward a copy of the declaration to the minister;
 - 7.2.3 Notify Emergency Management Alberta when practicable;
 - 7.2.4 Forward a copy of the declaration to the Minister forthwith.

8.0 WAR EMERGENCY

- 8.1 For the special purpose of preparedness for a war emergency, the Council may cooperate with Councils of other municipalities with the objective of jointly establishing and operating an Emergency Government Area.
- 8.2 Council may appropriate and expend such sums as may be agreed upon to provide for the organization and operation of the Emergency Government Area.
- 8.3 Upon the making of a state of local emergency and for the duration of the state of local emergency, the Mayor or designate making the declaration in Morinville is authorized to do all acts and take all necessary proceedings to deal with the emergency including but not limited to the following:
 - 8.3.1 Cause the Municipal Emergency Plan or any related plans or programs to be put into operation;
 - 8.3.2 Acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - 8.3.3 Authorize or require any qualified person to render aid of a type he or she is qualified to provide;
 - 8.3.4 Control or prohibit travel to or from any area of the Town;
 - 8.3.5 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 Town;

- 8.3.6 Cause the evacuation of persons and the removal of livestock and personal property from any area of the Town 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;
- 8.3.7 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;
- 8.3.8 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;
- 8.3.9 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 Town for the duration of the state of emergency;
- 8.3.10 Authorize the conscription of persons needed to meet an emergency; and
- 8.3.11 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 8.3.1 through 8.3.10 in relation to any part of the municipality affected by a declaration of a state of local emergency.

9.0 WHEN A STATE OF LOCAL EMERGENCY IS DECLARED

- 9.1 Neither Council nor any member of Council, and
- 9.2 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.

10.0 NOTWITHSTANDING AN EMERGENCY OR WAR EMERGENCY

- 10.1 Council and any member of Council, and
- 10.2 Any person acting under the direction or authorization of Council is liable for gross negligence in carrying out their duties under this Bylaw.
- 10.3 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.

11.0 TERMINATION OF A LOCAL STATE OF EMERGENCY

- 11.1 A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:

- 11.1.1.1 A resolution is passed under the provisions of this Bylaw;
- 11.1.1.2 A period of seven days has lapsed since it was declared, unless it is renewed by resolution;
- 11.1.1.3 The Lieutenant Governor in Council makes an order for a state of emergency under the Act, relating to the same area; or
- 11.1.1.4 The Minister cancels the state of local emergency.
- 11.2 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.
- 11.3 Declaration and Termination of an Emergency is derived from the Emergency Management Act, R.S.A. 2000, C. E-6.8 current as of October 01, 2009 and is deemed to be amended with subsequent amendments of the said Act.

12.0 REGIONAL COOPERATION

- 12.1 Morinville will collaborate with other communities within Sturgeon County in participating in mutual aid and support in building any joint regional Emergency response plans;
- 12.2 Morinville will participate and operate a joint municipal Emergency Management Agency with the other communities as required for the purpose of managing any Regional Emergency Response Plans should they be required;

13.0 SEVERABILITY

- 13.1 If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

TOWN OF MORINVILLE
PROVINCE OF ALBERTA

BYLAW 7/2010

Page - 8 -

That Bylaw 11/84, 22/2005 and 19/2008 are hereby rescinded.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time the 13th day of April, 2010

READ a second time the 11th day of May, 2010

READ a third time and finally passed the 11th day of May, 2010



R. Lloyd Bertschi
Mayor



Edie Doepker
CAO