

BYLAW NO.95-2

A BYLAW OF THE MUNICIPALITY OF CYMRI NO. 36 TO ESTABLISH A MUNICIPAL DISASTER SERVICES AGENCY.

WHEREAS the council of the Rural Municipality of Cymri No. 36, is responsible for the direction and control of its emergency response and is required, under the Emergency Planning Act 1989, to appoint an Emergency Planning Committee and to establish and maintain an Emergency Measures Organization; and

WHEREAS it is desirable in the public interest, and in the interest 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 Emergency Planning Act:

NOW, THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF CYMRI #36, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This By-law may be cited as the Emergency Measures Organization By-law.
2. In this By-law,
 - a) "Act" means the Emergency Planning Act;
 - b) "Council" means the Council of the Rural Municipality of Cymri #36;
 - 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 Planning Committee" means the committee established under this By-law;
 - 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 of Municipal Government;
 - g) "Emergency Measures Organization" (EMO) means the agency established under this By-law; and
 - h) "Municipal Emergency Plan" means the emergency plan prepared by the EMO coordinator to co-ordinate response to an emergency or disaster.
3. There is hereby established an Emergency Planning Committee to advise council on the development of emergency plans and programs.
4. There is hereby established an Emergency Measures Organization 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 Section 12 of this By-law.

5. Council shall

- a) by resolution, appoint two of its members to serve on the Emergency Planning Committee;
- b) provide for the payment of expenses of the members of the Emergency Planning Committee;
- c) by resolution, on the recommendation of the Committee, appoint a Chairperson and Deputy Chairperson (who shall do those things required of the Chairperson in that person's absence);
- d) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Rural Municipality of Cymri #36;
- e) approve the Rural Municipality of Cymri #36'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 Emergency Measures Organization; 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 of implementation of emergency plans or programs, including mutual aid plans and programs.

7. The Emergency Planning Committee shall

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

8. The Municipal EMO shall comprise of one or more of the following:

- a) the EMO Coordinator;
- b) the Deputy Coordinator;
- c) the Administrator and other staff members of the Municipality;
- d) the N.C.O. in charge, R.C.M. Police or designate;
- e) the Fire Chief or designate;
- f) the Public Information Officer or designate;
- g) the Foreman or designate;
- h) the Ambulance Services Manager or designate;
- i) the Health Services Community Coordinator or designate;

- j) the Recreation Chairman or designate;
- k) the School Board Chairman or designate;
- l) representatives from adjacent communities which have entered into mutual aid agreement;
- m) representatives from local business or business associations;
- n) representatives from the railway;
- o) anyone else who might serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan.

9. The EMO Coordinator shall

- a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Rural Municipality of Cymri #36;
- b) act as director of emergency operations, or ensure that someone is designated under the Municipal Emergency Plan to so act, on behalf of the local EMO; and
- c) co-ordinate all emergency services and other resources used in an emergency; or
- d) ensure that someone is designated 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 requirements specified in Section 15 of this By-law, are hereby delegated to a committee comprised of the Reeve or any one member of council. This 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;
- c) notify Saskatchewan Emergency Planning (SEP), as soon as is reasonably practicable, and
- d) forward a copy of the declaration to the Minister forthwith, through SEP.

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 coordinate 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 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, structure 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 to 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, in the operation of the Municipal Emergency Plan and related plans and 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 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 disaster,

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.

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 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 and shall notify Saskatchewan Emergency Planning as soon as is reasonably practicable.

Read a first time this 5th day of May, 1995

Read a second time this 5th day of May, 1995

Read a third time and finally passed this 5th day of May, 1995

REEVE

ADMINISTRATOR



Certified a true copy of bylaw	
No. <u>95-2</u> adopted by	
resolution of the Council on	
the <u>5</u> day of <u>May</u> , 19 <u>95</u> .	
Reeve	_____
Administrator	_____