

## REGIONAL DISTRICT OF KITIMAT-STIKINE

### BYLAW NO. 531

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A bylaw to establish an Emergency Measures Program  
within Electoral Area A, B, C, D and E

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**WHEREAS** under the provisions of Section 796 of the Local Government Act a regional district may operate any service the Board considers necessary or desirable for all or part of the regional district;

**AND WHEREAS** the Board of the Regional District of Kitimat Stikine wishes to establish a emergency measures program within the electoral areas of the regional district;

**AND WHEREAS** the service can be established without borrowing;

**AND WHEREAS** written consent to the adoption of this bylaw has been given on behalf of the electors in Electoral Area "A", "B", "C", "D" and "E" by the respective Electoral Areas Directors;

**NOW THEREFORE** the Board of the Regional District of Kitimat-Stikine, in open meeting assembled, enacts as follows;

#### Interpretation

1. In this bylaw

- a) "Regional District" shall mean the Regional District of Kitimat-Stikine as described in letters patent.
- b) "Board" shall mean the municipal directors and electoral area directors of the Regional District of Kitimat Stikine.
- c) "Chair" means that person elected by the Board as Chair.
- d) "Declaration of a state of local emergency" means a declaration of the regional district board or the Chair that an emergency exists and is imminent in the regional district.
- 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 and safety or welfare of people or widespread damage of property.
- f) "Electoral Participating Areas" means electoral areas "A", "B", "C", "D" and "E" of the Regional District of Kitimat Stikine.
- g) "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 property, to protect the health, safety and welfare of people or to limit damage to property;


- h) "Regional District of Kitimat-Stikine Emergency Coordinator" means the person appointed by the Regional District as the Emergency Coordinator.
  - i) "Regional District of Kitimat-Stikine Emergency Management Organization" means the Emergency Executive Committee, Emergency Coordinator and such other persons appointed and functional groups established, and which are charged with emergency preparedness, response and recovery measures.
- 2 This bylaw shall be construed in accordance with the Emergency Program Act (1996), RSBC Chapter III and all regulations made thereunder. In this bylaw, "Act" means the Emergency Program Act.

**Cost Recovery and Apportionment of Costs:**

3. As provided in Section 803 of the Local Government Act, the annual cost of providing the service shall be recovered by one of the following:
- a) Property value taxes imposed in accordance with Division 4.3 of the Local Government Act;
  - b) fees and charges imposed under Section 363 of the Local Government Act as another Act;
  - c) revenues raised by other means authorized by the Local Government Act as another Act;
  - d) revenues received by way of agreement, enterprise, gift, grant or other.
4. The annual cost of providing this service shall be apportioned between the participating electoral areas on the basis of the net taxable value of land and improvement.

**5. Administration**

- a) An Emergency Executive Committee may be composed of:
  - (i) Board Member (Committee Chair),
  - (ii) Board Member (Committee Vice Chair),
  - (iii) the Administrator,
  - (iv) Emergency Coordinator,
  - (v) Deputy Emergency Coordinator,
  - (vi) Treasurer, Manager of Works and Services, and Manager of Development Services,
  - (vii) such other members that the Board may determine, and may strike such sub-committees and work groups as deemed necessary.
- b) The Board shall appoint a Regional District of Kitimat-Stikine Emergency Coordinator to facilitate emergency preparedness, response and recovery measures.
- c) Subject to the approval of the Board, the Executive Emergency Management Committee may:
  - (i) make and amend its terms of reference, policies and procedures,
  - (ii) enter into agreements with other regional districts, municipalities, individual, bodies, corporations, First Nations, government agencies and non government agencies for the purpose of emergency assistance of the formulation of coordinated emergency preparedness, response or recovery, and

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- (iii) enter into agreements with other regional districts, municipalities, individuals, bodies, corporations, First Nations, government agencies and non government agencies for the provision of goods or services.

## **6. Duties and Responsibilities of the Board**

- (a) The Regional District of Kitimat-Stikine Executive Emergency Management Committee shall prepare and present to the Board for annual review and approval a list of hazards to which the Regional District is subject and which also indicates the relative risk of occurrence.
- (b) The Board shall establish and maintain for all emergency staff to whom responsibilities are assigned in the plan, those duties in Section 2(3)(b) of the Local Authority Emergency Management Regulation under the Act.

## **7. Powers of the Board**

- (a) The Board, or the Chair, or the Emergency Coordinator [or other person designated in the plan] may, whether or not a state of local emergency has been declared, cause the Regional District of Kitimat-Stikine emergency plan to be implemented.
- (b) The Board by bylaw or resolution, or the Chair by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the Act is required to effectively deal with an emergency or disaster in any part of the electoral participating area.
- (c) Upon a "declaration of a state of local emergency" being made, the Board or Chair shall:
  - (i) forward a copy of the declaration to the Minister, and
  - (ii) cause the details of the declaration to be published by a means of communication that the Board or Chair considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- (d) After a declaration of a state of emergency is made under Section 5(b) in respect of all or any part of the electoral participating area[s], and for the duration of the state of emergency, the Board or Chairperson may do any or all acts considered necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the powers given to a local authority under Section 13(I) of the Act.
- (e) The Board or Chair must, when of the opinion that an emergency no longer exists in the electoral participating area to which a declaration of local state of emergency was made,
  - (i) cancel the declaration of a state of local emergency in relation to that part:
  - (i) by bylaw or resolution, if cancellation is effected by the Board, or
  - (ii) by order, if the cancellation is effected by the Chair, and
  - (ii) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

## 8. Liability

- (a) As enabled by the Act, no person, including, without limitation, the Board, the Chair, members of the Regional District of Kitimat-Stikine Emergency Management Organization; employees of the Regional District of Kitimat-Stikine, a volunteer or 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:
- (i) 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
  - (ii) 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.

This bylaw may be cited as the "Emergency Measures Bylaw No. 531, 2006."

READ a first time this 20<sup>th</sup> day of October, 2006

READ a second time this 20<sup>th</sup> day of October, 2006.

READ a third time this 20<sup>th</sup> day of October, 2006.

APPROVED by the Inspector of Municipalities on the 17<sup>th</sup> day of November, 2006.

ADOPTED this 25<sup>th</sup> day of November, 2006.

DULY APPROVED:

  
Chair

CERTIFIED CORRECT:

  
Administrator

Certified a true copy of Bylaw  
No. 531, 2006, as adopted

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Administrator