

**DISTRICT OF LANTZVILLE  
BYLAW NO. 19 – 2004**

**A BYLAW TO ESTABLISH THE EMERGENCY MEASURES  
FOR THE DISTRICT OF LANTZVILLE**

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**WHEREAS** the Council must establish and maintain an emergency management organization to develop and implement emergency plans.

**AND WHEREAS** the District of Lantzville Municipal Council wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

**NOW THEREFORE** the Municipal Council of the District of Lantzville in an open meeting assembled enacts as follows:

**Part 1 – Citation**

- 1.1 This bylaw may be cited for all purposes as “District of Lantzville Emergency Measures Bylaw No. 19 – 2004”

**Part 2 - Interpretation**

- 2.1 In this bylaw:

“**Council**” means the Council of the District of Lantzville.

“**Declaration of a State of Local Emergency**” means a declaration of the Mayor and or Council that an emergency exists or is imminent in the District;

“**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;

“**District**” means all of the area within the boundaries of the District of Lantzville.

“**District of Lantzville 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.

“**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;

**“Emergency Coordinator”** means the person designated by Council of the District of Lantzville.

**“Fire Chief”** means the individual holding the office of ‘Fire Chief’ within the District of Lantzville Volunteer Fire Department.

**“Mayor”** means the Mayor of the District of Lantzville and during the absence, illness or other disability of the Mayor includes a Councillor appointed as Acting Mayor.

- 2.2 This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996 Chapter 111 and all Regulations made thereunder. In this bylaw, “Act” means the *Emergency Program Act*.

### **Part 3 – Administration**

- 3.1 An Emergency Executive Committee shall be composed of:

- (i) a member or member(s) of Council (Committee Chairperson)
- (ii) the Chief Administrative Officer of the District
- (iii) Emergency Coordinator
- (iv) Fire Chief
- (v) such other members that the Council may determine

- 3.2 The Council shall appoint a District of Lantzville Emergency Coordinator to facilitate emergency preparedness, response and recover measures.

- 3.3 Subject to the approval of the Council, the Emergency Executive Committee may:

- (i) make and amend its terms of reference, policies and procedures,
- (ii) enter into agreements with regional district or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery, and
- (iii) enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services.

### **Section 4 – Duties and Responsibilities of the Council**

- 4.1 The District of Lantzville Emergency Executive Committee shall prepare and present to the Council for annual review and approval:

- (i) a list of hazards to which the District is subject and which also indicates the relative risk of occurrence,
- (ii) plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:
  - (a) a periodic review and updating of plans and procedures for that review,
  - (b) a program of emergency response exercises

- (c) a training program
- (d) procedures by which physical and financial emergency resources or assistance may be obtained,
- (e) procedures by which emergency plans are to be implemented,
- (f) warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster,
- (g) procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether that provision is made from within or outside of the District; and
- (h) procedures to establish the priorities for restoring essential services provided by the District; or recommend priorities to other service providers, that are interrupted during an emergency or disaster.

### **Section 5 – Powers of the Council**

- 5.1 The Mayor and or Council, the Emergency Coordinator, or the Chief Administrative Officer may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.
- 5.2 The Mayor by order, or the Council by bylaw or resolution, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of this Act is required to effectively deal with an emergency or disaster in any part of the District.
- 5.3 Upon a “declaration of a state of local emergency” being made, the Mayor or Council 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 Mayor or Council considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- 5.4 After a declaration of a state of emergency is made under section 5.2 in respect of all or any part of the District, and for the duration of the state of emergency, the Mayor or Council may do any or all acts considered necessary and implement procedures that the Mayor or Council considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:
- (i) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (ii) 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;
  - (iii) control or prohibit travel to or from any part of the District;
  - (iv) provide for the restoration of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the District;
  - (v) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the District that is or may be affected by an emergency or a disaster and make arrangements for the

- adequate care and protection of those persons, livestock, animals and personal property;
- (vi) 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 or if otherwise considered by the Mayor or Council to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (vii) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Mayor or Council to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (viii) construct works considered by the Council or Mayor to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (ix) 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 of the District for the duration of the local state of emergency; and
  - (x) authorize the Emergency Coordinator to exercise, in any part of the District affected by a declaration of a local state of emergency, those specific powers enabled in Section 5.4 and assumed by the Mayor or Council.

5.5 The Mayor or Council must, when of the opinion that an emergency no longer exists in the District 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
  - (a) by bylaw or resolution, if cancellation is effected by the Council, or
  - (b) by order, if the cancellation is effected by the Mayor, and
- (ii) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

## **Section 6 – Liability**

6.1 As enabled by the Act, no person, including, without limitation, the Mayor, the Council, members of the District Emergency Management Organization, employees of the District of Lantzville, a volunteer and 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:

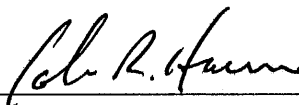
- (i) the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or
- (ii) any acts done or omitted to be done by one or more of the persons who were, 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.

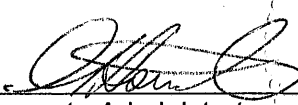
**READ A FIRST TIME** this 25<sup>th</sup> day of May, 2004

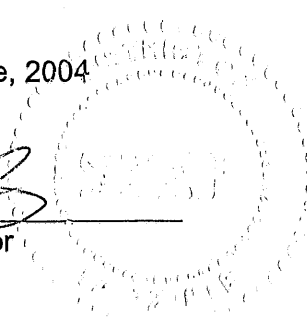
**READ A SECOND TIME** this 25<sup>th</sup> day of May, 2004

**READ A THIRD TIME** this 14<sup>th</sup> day of June, 2004

**RECONSIDERED AND FINALLY ADOPTED THIS** 28<sup>th</sup> day of June, 2004

  
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Mayor

  
\_\_\_\_\_  
Corporate Administrator



I hereby certify that the above is a true and correct copy of "District of Lantzville Emergency Measures Bylaw No. 19 – 2004", as adopted by Council of the District of Lantzville on the 28<sup>th</sup> day of June, 2004.

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Corporate Administrator