

BYLAW NO. 005-07

**BEING A BY-LAW OF THE
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

TO ESTABLISH A REGIONAL DISASTER SERVICES AGENCY

Whereas the Council of the Town of Smoky Lake is responsible for the direction and control of emergency response and is required under the Disaster Services Act, Chapter D-13, Revised Statutes of Alberta 2000, to appoint a to establish and maintain a Municipal Disaster Services Agency; and

Whereas it is desirable in the regional public interest, and in the interest of regional public safety, that such a committee be appointed and such an agency be established and maintained to carry out Councils' statutory powers and obligations under the said Disaster Services Act; and

Whereas the Town of Smoky Lake, Smoky Lake County, Village of Vilna and the Village of Waskatenau have agreed to work together through a Regional Disaster Services Agency to carry out emergency preparedness activities;

NOW, THEREFORE THE COUNCIL OF THE TOWN OF SMOKY LAKE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This By-Law may be cited as the Regional Disaster Services Agency By-Law.
2. In this By-Law:
 - a. "Act" means the Disaster Services Act, Chapter D-13, Revised Statutes of Alberta 2000;
 - b. "Council" means the each Council of the partner municipalities;
 - c. "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or widespread damage to property;

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- d. "Regional Disaster Services Committee" means the committee of appointed elected officials from the partner municipalities;
 - e. "Emergency" means a present or imminent event that 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;
 - f. "Minister" means the Minister charged with administration of the Act;
 - g. "Regional Disaster Services Agency" means the agency established under this By-Law; and
 - h. "Regional Emergency Response Plan" means the emergency plan prepared by the Regional Disaster Services Agency to co-ordinate response to an emergency or disaster.
3. There is hereby established a Regional Disaster Services Agency to act as the agent of Councils to carry out their 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.
4. Each participating municipal Council shall:
- a. By resolution appoint the Mayor/Reeve or Deputy to serve on the Regional Disaster Services Committee;
 - b. By resolution appoint a Director of Disaster Services
 - c. Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the [municipality];
 - d. Approve the [municipality] emergency plans and programs; and
 - e. Review the status of the Regional Emergency Plan and related plans and programs at least once each year.
5. Each participating municipal Council may:
- a. By law, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Regional Municipal Disaster Services 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

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development or implementation of emergency plans or programs, including mutual aid plans and programs.

6. The Regional Disaster Services Committee shall:
 - a. Review the Regional Emergency Response Plan and related plans and programs on a regular basis with assistance from any person or agency who/which might serve a useful purpose in the preparation or implementation of the Regional Emergency Response Plan; and
7. The Mayor or Reeve (or Deputy Mayor/Reeve) from each partner municipality shall serve as the Regional Disaster Services Committee; and be advisory in function.
 - a. The Regional Disaster Services Committee will review the Regional Emergency Response Plan annually.
8. The Director of Disaster Services shall be the DDS from the lead municipality involved in an emergency or disaster and act as director of emergency operations, or ensure that someone is designated under the Regional Emergency Response Plan to so act, on behalf of the Town of Smoky Lake; and
 - a. co-ordinate all emergency services and other resources used in an emergency.
9. 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 14 of this By-Law, are hereby delegated to the local authority from the municipality suffering the emergency or disaster, comprised of the mayor or Deputy Mayor alone, or in their absence, any two members of Council. The local authority from the lead municipality experiencing a disaster 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.
10. 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 geographic area in which it exists;

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- b. Cause the details of the declaration to be published immediately by such means of communications considered most likely to notify the population of the area affected; and
 - c. Forward a copy of the declaration to the Minister forthwith.
11. Subject to Section 14, when a state of local emergency is declared, the person or persons making the declaration may:
- a. cause the Regional 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 the 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,

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services, resources or equipment within the municipality for the duration of the state of local 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 Regional 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 the declaration of a state of local emergency.
12. 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, certiorari, mandamus or injunction.
13. When, in the opinion of the 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.
14. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:
- a. resolution is passed under Section 14;
 - 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.
15. 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 communications considered most likely to notify the population of the area affected.

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16. By-Law 690-96 passed on May 7, 1996, dealing with the establishment of a Municipal Services Agency is hereby rescinded.

17. This By-Law comes into force on the day it is finally passed.

READ A FIRST TIME this 12 day of JUNE, A.D., 2007.

READ A SECOND TIME this 12 day of JUNE, A.D., 2007.

READ A THIRD TIME and finally passed this 12 day of JUNE, A.D., 2007.

C. Carpenter
C. Carpenter, Mayor

B. Spurgeon
B. Spurgeon, CAO