



# **THE CORPORATION OF THE CITY OF PORT COQUITLAM**

## **BYLAW NO. 3701**

### ***A Bylaw to Respond and Recover from Emergencies and Disasters***

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***The Municipal Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:***

***Whereas the City Council is required to prepare a local emergency plan respecting preparation for response to and recovery from emergencies and disasters;***

***And whereas the City is required to provide a comprehensive program of emergency management which will address natural and manmade hazards including the preservation of life, property, local economy, and the environment, in a four program approach addressing prevention, preparedness, response and recovery and, to provide for continuity of Government and the preservation of life and property through a coordinated response by elected officials, municipal departments, volunteer services, and outside agencies, in the event of an emergency or disaster.***

***Now therefore, the Council of the City of Port Coquitlam in open meeting assembled enacts as follows:***

**1. Citation**

This Bylaw may be cited as "Emergency Program Bylaw, No. 3701".

**2. Interpretation**

This Bylaw shall be construed in accordance with the principals contained in, and shall be subject to, the *Emergency Program Act* R.S.B.C. 1996 Chapter 111, the *Act*, and all Regulations made there under.

**3. Definitions**

For the purpose of this Bylaw:

**“BC Emergency Response Management System (BCERMS)”** means framework for a standardized provincial government response to all emergencies and disasters;

**“Building”** means any structure used or intended for supporting or sheltering any use or occupancy;

**“City”** means The Corporation of the City of Port Coquitlam or the territorial area within its boundaries as context requires;

**“City Emergency Coordinator”** means the Fire Chief or a person so appointed by the City of Port Coquitlam;

**“Declaration of a State of Local Emergency”** means a declaration of the City of Port Coquitlam by the Mayor or designate under Section 12(1) of the *Emergency Program Act*;

**“Port Coquitlam Emergency Program”** means the organization, plans, and procedures established within the City for combating emergencies and disasters;

**“Disaster”** means a calamity that:

- a. is caused by accident, fire, explosion, or technical failure or by the forces of nature; and
- b. has resulted in serious harm to the health, safety, or welfare of people, or in widespread damage to property.

**“Electoral Area”** means an electoral area as defined in the *Local Government Act*;

**“Emergency”** means a present or imminent event that:

- a. is caused by accident, fire, explosion, or technical failure or by the forces of nature; and
- b. 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 Management”** means an organized strategy and program consisting of prevention, preparedness, response, and recovery;

**“Emergency Social Services Director”** means the Deputy Director of Parks and Recreation or person so appointed by the City;

**“Emergency Program Office”** means the Port Coquitlam Fire Department or other division appointed by the City that coordinates the planning and development of the Municipal Emergency Program;

**“Emergency Program Officer”** means that person appointed by the City;

**“EOC Command”** means the overall person in charge of the incident(s) as identified in the Incident Command System as part of BC Emergency Response Management System (BCERMS);

**“Incident Command”** means an effective system for managing emergencies;

**“Mayor”** means the person elected as Mayor of the Corporation of the City of Port Coquitlam, and includes the person designated as Acting Mayor at the relevant time if the Mayor is absent, ill or otherwise unable to carry out or exercise her/his duties and powers;

**“Order”** means a written statement or instruction, bearing the printed name and title of the issuer and the date of the issuance;

**“Municipal Public Information Officer”** means Director of Administrative and Legislative Services or the person so appointed by the City;

**“Volunteer”** means a volunteer registered by the City of Port Coquitlam or the Provincial Emergency Program.

#### **4. Administration**

- 4.1 The City shall appoint a City Emergency Coordinator, and designate the reporting structure.
- 4.2 The City of Port Coquitlam will follow the BCERMS model as directed by the provincial government.
- 4.3 There shall be an Emergency Program Executive Committee which will meet not less than once a year with a Councillor who has been appointed by the City as Chairperson. The Committee will consist of the following members or their designate:
  - a. a member of Council; a member of the Community Safety Committee
  - b. Chief Administrative Officer
  - c. Emergency Social Services Director (Deputy Director of Parks and Recreation)
  - d. City Emergency Coordinator (Fire Chief)
  - e. Emergency Program Officer
  - f. such other members that may be appointed by the City.
- 4.4 Subject to the approval of the City, the Emergency Program Executive Committee may:
  - a. negotiate agreements with other municipalities or governments for the purpose of mutual aid or for the formation of joint organizations;
  - b. negotiate with individuals, bodies, corporations, or agencies other than government for the employment of their members within the emergency program according to their qualifications;
  - c. make and amend rules for regulating its own practices and procedures.
- 4.5 There shall be an Emergency Program Management Committee which will be responsible for the administration of the Port Coquitlam Emergency Program during an emergency or disaster and as required consist of the following members or their designate:
  - a. Chief Administrative Officer
  - b. Emergency Coordinator/Fire Chief
  - c. Manager, Human Resources
  - d. Director of Engineering and Operations
  - e. Director of Parks and Recreation
  - f. Director of Development Services
  - g. Director of Corporate Services
  - h. Director of Legislative and Administrative Services
  - i. or any other person/agency required by the Emergency Management Committee such as:

- Emergency Program Officer
- Council Member
- RCMP Officer in Charge
- BC Ambulance Service Unit Chief
- Emergency Social Services Director
- Search and Rescue
- Fraser Health Authority
- School District 43 Representative

4.6 The City Emergency Coordinator (Fire Chief) or designate shall be responsible for the submission of estimates of expenditures to the City for the cost of maintenance and operation of the Port Coquitlam Emergency Program for each year.

4.7 An emergency plan shall be prepared. This Emergency Plan shall provide a general direction and framework covering prevention, preparedness, response and recovery programs within which City officials can formulate roles and responsibilities to deal with major emergencies and disasters. Minor amendments, such as names, addresses, and telephone numbers, may be approved by the City Emergency Coordinator (Fire Chief).

## **5. Duties and Responsibilities**

5.1 In the event of an emergency or disaster or a declaration of a state of local emergency, the Mayor and/or the City's Chief Administrative Officer may authorize the expenditure of special funds to meet the urgency of the situation.

5.2 The Emergency Program Executive Committee shall be responsible for the preparation, annual review and updating of the Port Coquitlam Emergency Program.

5.3 The Emergency Program Management Committee, during an emergency or disaster shall be responsible to coordinate and direct the overall operations undertaken by the City respecting preparation for, response to, and recovery from, emergencies and disasters.

5.4 Directors outlined in the Port Coquitlam Emergency Program shall prepare detailed departmental roles, responsibilities and procedures containing information and direction specific to their departments/services. These will be supplementary to that contained in the Port Coquitlam Emergency Program.

5.5 The City Emergency Coordinator (Fire Chief) and/or Emergency Program Officer may, under the direction of the EOC Command or Chief Administrative Officer shall:

- a. coordinate all operations with the Emergency Operating Centre (as defined in the Port Coquitlam Emergency Program) during an emergency or disaster, including scheduling of regular briefings to the members of the Emergency Program Management Committee, respecting, response to and recovery from emergencies and disasters.
- b. under a declared state of emergency, may act as the liaison between a provincial representative and the City for the coordination and implementation of necessary plans for the Port Coquitlam Emergency Program.

- c. have the authority, whether or not there has been a declaration of a state of local emergency, to cause the Port Coquitlam Emergency Program to be implemented if, in the opinion of the City Emergency Coordinator and/or Emergency Program Officer, an emergency exists or appears imminent or a disaster has occurred or threatens in:
  - i) all or any part of the City; or
  - ii) any other City or electoral area, if the City having responsibility for that other jurisdictional area has requested assistance.
- d. prepare an annual report for the Emergency Program Executive Committee on the state of the City's Emergency Program;
- e. be responsible for day to day emergency management and the Port Coquitlam Emergency Program which includes coordination of staff emergency management, encouragement of public emergency management, and coordination with external organizations in emergency management;
- f. select and process candidates for federal and provincial emergency planning courses;
- g. maintain information on potential manmade or natural hazards and the impact on the City;
- h. coordinate the equipping and training of the City volunteer services;
- i. conduct studies and exercises to ensure the Port Coquitlam Emergency Program is effective and in a state of readiness;
- j. act as the point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations.

## **6. Powers**

- 6.1 Notwithstanding any other provisions of this Bylaw, or the *Community Charter* and the *Local Government Act*, the Mayor may, when satisfied that an emergency or disaster exists or is imminent in the City, declare that a state of local emergency exists.
- 6.2 The Mayor must, before making a declaration under Subsection 5.1, use best efforts to obtain consent of the other members of City Council to the declaration and must, as soon as practicable after making a declaration under subsection 5.1 convene a meeting of the Emergency Program Management Committee to assist in directing the response to the emergency.
- 6.3 A declaration of a state of local emergency must identify the nature of the emergency or disaster and the part of the City in which it exists or is imminent, and the declaration shall be made in the form attached as Schedule A to this Bylaw:
  - a. by Bylaw, or Resolution, if made by the City; or
  - b. by Order, if made by the Mayor (if the Mayor is unable for any reason to attend meetings of the City the Acting Mayor shall be on the rotational basis which is designated each month by resolution of Council).
- 6.4 Upon a declaration of a state of local emergency being made, the City shall:

- a. forward a copy to the Attorney General; and
  - b. cause the details of the declaration to be published by a means of communication that the City considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- 6.5 Once there has been a declaration of a state of local emergency in respect of all or any part of the City, the Emergency Program Management Committee, or the City Emergency Coordinator, may by order in relation to any part or parts of the City affected by the declaration of state of local emergency:
- a. implement the Port Coquitlam Emergency Program or any part or parts of the emergency plan;
  - b. acquire or use any real or personal property considered necessary to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - c. 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;
  - d. control or prohibit travel to or from any area of the City;
  - 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 the City;
  - f. cause the evacuation of persons and the removal of livestock, animals, and personal property from any area of the City that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals, and personal property;
  - g. authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the emergency plan or program or if otherwise considered by the City to be necessary to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - h. cause the demolition or removal of any trees, structures, or crops if the demolition or removal is considered by the City to be necessary or appropriate in order to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - i. construct works considered by the City to be necessary or appropriate to prevent, respond to, or alleviate the effects of an emergency or disaster;
  - j. 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 or parts of the City for the duration of the state of local emergency.

6.6 Cancellation of Declaration of State of Local Emergency.

The Mayor must, when of the opinion that an emergency no longer exists in the part of the City in relation to which a declaration of a state of local emergency was made:

- a. cancel the declaration of a state of local emergency in relation to that part:

- i. by bylaw or resolution, if the cancellation is effected by the City; or
  - ii. by order, if the cancellation is effected by the Mayor of the City; and
- b. promptly notify the Ministry of the Attorney General of the cancellation of the declaration of a state of local emergency.

#### 6.6.1 Notification of Termination of Declaration of State of Local Emergency

Immediately after the termination of a declaration of state of local emergency, the City having responsibility for the area in respect of which the declaration was made must cause the details of the termination to be published by a means of a communication that the City considers most likely to make the contents of the termination or the fact of the termination known to the majority of the population of the affected area.

- a. a declaration of a state of local emergency is terminated when:
- i) it expires under the following:
    - a) Subject to Section 14(3) of the *Emergency Program Act*, a declaration of a state of local emergency expires seven days from the date it is made unless it is earlier cancelled by the Minister, the Lieutenant Governor in Council, the City or the Mayor.
    - b) Despite subsection (5), of the *Emergency Program Act*, the City may, with the approval of the Minister or the Lieutenant Governor in Council, extend the duration of the declaration of a state of local emergency for periods of not more than seven days each.
  - ii) it is cancelled by the minister or the Lieutenant Governor in Council;
  - iii) it is cancelled by bylaw, resolution or order under section 5.5; or
  - iv) it ceases to have any force or effect under section 14(3) of the *Emergency Program Act* as a result of the making of a declaration of a state of emergency under section 9(1) of the *Emergency Program Act*.

### 7. **Continuity of Government**

7.1 If the Mayor is unable for any reason to attend meetings of the City the Acting Mayor shall be on the rotational basis which is designated each month by resolution of Council

### 8. **Exception from Civil Liability**

8.1 No person, including, without limitation, the Mayor, other members of the City, the Emergency Program Management Committee, or the Emergency Program Executive Committee, employees of the Corporation of the City of Port Coquitlam, its police or fire departments, a volunteer or other person appointed or authorized or required to carry out measures relating to an emergency or disaster, is liable for any loss, cost, expense, damage, or injury to persons or property that results from:

- a. 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, the Port Coquitlam

Emergency Program or the *Act* unless, in doing or omitting to do the *Act*, the person was grossly negligent; or

- b. any acts done or omitted to be done by one or more of the persons who were, under this Bylaw, the Port Coquitlam Emergency Program or the *Act* appointed, authorized or required by the person to do the *Act*, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

**9. Compensation For Loss**

- 9.1 Despite Section 8 above, if as a result of the acquisition or use of a person's real property by, or under the direction or authority of the City under Section 5.5(b) above, the person suffers a loss of or to that property, the City shall compensate that person for such loss in accordance with the regulations made under the *Emergency Program Act*.
- 9.2 Despite Section 8 above, if a person suffers a loss of or to any real or personal property as a result of the implementation of the Port Coquitlam Emergency Program, or any other action taken by, or under the direction or authority of the City under Section 5.5 above, the City may compensate that person for such loss in accordance with the regulations made under the *Emergency Program Act*.
- 9.3 If any dispute arises concerning the amount of compensation payable under Sections 9.1 or 9.2 above, the matter shall be submitted for determination by one or three arbitrators appointed under the *Commercial Arbitration Act* R.S.B.C. 1996, Chapter 55, as amended. The person to be compensated shall deliver a notice setting out his or her choice as to whether there shall be one or three arbitrators to the Minister responsible for the *Emergency Program Act*. The *Commercial Arbitration Act* shall apply to such dispute.

**10. Repeal**

The Emergency Program Bylaw, 1995, No. 3410, and all amendments thereto, is hereby repealed.

*Read a first time by the Municipal Council this 25<sup>th</sup> day of May, 2009.*

*Read a second time by the Municipal Council this 25<sup>th</sup> day of May, 2009.*

*Read a third time by the Municipal Council this 25<sup>th</sup> day of May, 2009.*

*Rescind Third Reading by the Municipal Council this 8<sup>th</sup> day of June, 2009.*

*Re-read Third Reading by the Municipal Council this 8<sup>th</sup> day of June, 2009.*

*Reconsidered, finally passed and adopted by the Municipal Council of The Corporation of the City of Port Coquitlam, this 22<sup>nd</sup> day of June, 2009.*

**G. MOORE**  
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Mayor

**C. DEAKIN**  
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Assistant Corporate Officer

**THE CORPORATION OF THE CITY OF PORT COQUITLAM**

**Emergency Program Bylaw No. 3701**

**SCHEDULE "A"**

WHEREAS [*description of hazard and emergency*] in [*description of area*];

AND WHEREAS (*explanation of ongoing imminent threat to life or property*);

AND WHEREAS the [*description*] emergency 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;

NOW THEREFORE:

IT IS HEREBY ORDERED pursuant to Section 12(1) of the *Emergency Program Act* (R.S., 1996, Chap. 111) that a State of Local Emergency exists due to [*short hazard description*] and [*short consequence statement*] in [*area description*];

IT IS FURTHER ORDERED THAT the City of Port Coquitlam, its employees, servants and agents are empowered pursuant to Section 13(1) of the *Emergency Program Act* to do all acts and implement all procedures that are considered necessary to prevent or to alleviate the effects of the emergency.

ORDERED by the Mayor this      day of                      , 20\_\_\_\_

Signed: \_\_\_\_\_  
Mayor or Acting Mayor/Members of Council

Time: \_\_\_\_\_

Date: \_\_\_\_\_