

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,
IN THE PROVINCE OF ALBERTA, TO ESTABLISH A DISASTER SERVICES COMMITTEE**

WHEREAS: The Council of the Town of High Prairie, in the Province of Alberta, is responsible for the direction and control of its emergency response and is required under the Disaster Services Act, Chapter D-13 of the Revised Statutes of Alberta 2000 and the amendments thereto, to appoint a Disaster Services Committee and to establish and maintain a Municipal Disaster Services Agency; and

AND WHEREAS: It is desirable, in the public interest and in the interests 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 Disaster Services Act;

NOW THEREFORE: THE COUNCIL OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, IN REGULAR SESSION AND DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This By-law may be cited as the Municipal Disaster Services Agency By-Law.
2. There is hereby established a Disaster Services Committee to provide for the development of emergency plans and programs. The Committee shall be the Mayor and Council of the Town of High Prairie.
3. There is hereby established a Municipal Disaster Services Agency 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, to terminate a state of local emergency, nor the powers contained in Section 9 of this By-law. The Disaster Services Agency for the Town of High Prairie shall be comprised of the following persons:
 - (a) The appointed Director of Disaster Services for the Town of High Prairie,
 - (b) The Manager of the Town of High Prairie,
 - (c) The Mayor of the Town of High Prairie,
 - (d) Council representatives on the Disaster Services Committee,
 - (e) The Deputy Director of Disaster Services for the Town of High Prairie
 - (f) Representatives and members of those local agencies and industries that have been listed in the Municipal Emergency Plan, Section 2.3.2., and those persons and agency representatives that are identified or requested by the Director of Disaster Services at any time when the municipal emergency procedures have been activated.
4. In This By-law:
 - (a) "Act" shall mean the Disaster Services Act, Chapter d-13 of the Revised Statutes of Alberta 2000 and the amendments thereto;
 - (b) "Council" shall mean the Council of the Town of High Prairie;
 - (c) "Disaster Services Committee" shall mean the committee established under the authority and provisions of this By-law;
 - (d) "local emergency" shall mean 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 in the jurisdictional boundary of the Town of High Prairie.
 - (e) "Minister" shall mean the Minister charged with administration of the Act.

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- (f) “Municipal Disaster Services Agency” means the agency established under this By-law;
 - (g) “Municipal Emergency Plan” means the emergency plan formally adopted by the Council of the Town of High Prairie.
5. The Council shall:
- (a) provide for the payment of expenses of the Committee members;
 - (b) appoint, a Director of Disaster Services and a Deputy Director of Disaster Services;
 - (c) ensure that emergency plans and programs are prepared to address potential local emergencies or disasters in the Town of High Prairie;
 - (d) adopt a Municipal Emergency Plan; and
 - (e) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.
6. The Council may:
- (a) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs; and
 - (b) by by-law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Disaster Services Agency.
7. The Disaster Services Committee shall:
- (a) review the Municipal Emergency Plan and related plans and programs on a regular basis.
8. The Director of Disaster Services shall:
- (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Town of High Prairie;
 - (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 Municipal Disaster Services Agency;
 - (c) co-ordinate all emergency services and other resources used in a local emergency; or
 - (d) ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), and (c) of this Section.
9. Pursuant to the authority of Section 21(4) of the Act, the power to declare a state of local emergency, in accordance to Section 21 (1) of the Act is hereby delegated to a quorum of the Disaster Services Committee, or subsequent to a quorum not being available, two members of the Disaster Services Committee. In the absence of a quorum of the Disaster Services Committee, or two members of the Committee, the power to declare a state of emergency is delegated to the Mayor or in the absence of the Mayor, the Deputy Mayor.
10. Upon a state of local emergency being declared, and for the duration of the state of local emergency, the person or persons making the declaration shall:
- (a) ensure that the declaration identifies the nature of the local emergency and the area of the Town of High Prairie in which it exists;
 - (b) cause the details of the declaration to be published immediately by such means of communications considered most likely to notify the

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- population of the area affected; and
- (c) forward a copy of the declaration to the Minister forthwith.

11. 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 a local 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 Town of High Prairie;
- (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 Town of High Prairie;
- (f) cause the evacuation of persons and personal property from any area of the Town of High Prairie that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and 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, vehicles, equipment or structures 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, services, resources or equipment within the Town of High Prairie for the duration of the state of local emergency;
- (j) authorize the conscription of persons needed to facilitate the responses required to address the local emergency; and
- (k) authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan and related plans or programs, any power specified in clauses (a) to (j) in relation to any part of the municipality affected by a 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 carryout 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 by prohibition, certiorari, mandamus or injunction.

13. Notwithstanding Section 12:

- (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.

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14. 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, the Disaster Services Committee shall, by resolution, terminate the declaration.
15. 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 14;
 - (b) a period of seven days has lapsed since it was declared, unless it is earlier cancelled by the Minister or 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.
16. When a declaration of a state of local emergency has been terminated, the Disaster Services Committee 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.
17. By-law 2-91, passed on the 9th day of January, 1991, and respective to the establishment of a Disaster Services Agency is hereby rescinded.

This By-law comes into force and effect upon final passing.

READ a first time this 8th day of October, 2003.

READ a second time this 8th day of October, 2003.

READ a third time and finally passed this 22nd day of October, 2003.

Mayor

Town Manager