

TOWN OF LAKE COWICHAN
BYLAW NO. 1039-2020
A BYLAW TO ESTABLISH AN EMERGENCY PLAN
FOR THE TOWN OF LAKE COWICHAN

WHEREAS the Cowichan Valley Regional District is authorized by the *Emergency Act, R.S.B.C, 1996* to provide local emergency plans and has adopted the CVRD Bylaw No. 1831-Emergency Program Management ,1997 to apply to the entire Cowichan Valley under the *Emergency Program Act*;

AND WHEREAS the Town of Lake Cowichan Council is required to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disaster;

AND WHEREAS the Town of Lake Cowichan wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

NOW THEREFORE, the Council of the Town of Lake Cowichan in open meeting assembled enacts as follows:

1. TITLE

- 1.1. This bylaw may be cited as the "Town of Lake Cowichan Emergency Plan Bylaw No. 1039-2020".

2. INTERPRETATION

2.1. In this bylaw, "Act" means the Emergency Program Act.

2.2 Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the Act.

a) *Council* means the municipal council of the Town of Lake Cowichan.

b) *Declaration of a State of Local Emergency* means a declaration of the Council or the Mayor that an emergency exists or is imminent and made in accordance with section 12 of the Act;

c) *Director of the EOC* means the Chief Administrative Officer who provides overall direction in and is responsible for the operations in the Emergency Operations Centre;

d) *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;

e) *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;

f) *Emergency Program* means the provisions of this bylaw, the Emergency Plan any other plans associated with organizing or planning, or any activity associated with preventing, responding to or alleviating the effects of an emergency or disaster;

g) *EOC* means the Emergency Operations Centre as defined in the Emergency Program or such facility as may be defined from time to time as the EOC by the Council; and

h) *Mayor* means that person elected by the Town of Lake Cowichan, and includes the person designated as acting mayor at the relevant time when the "Mayor" is absent, or otherwise unable to act or when the office of the Mayor is vacant.

2.3 This bylaw shall be construed in accordance with the *Emergency Program Act* and all regulations made thereunder.

3. EMERGENCY PROGRAM MANAGEMENT COMMITTEE

3.1. A Town of Lake Cowichan Emergency Program Management Committee is hereby created which will meet not less than every 6 months. The following may constitute the Committee: comprising:

- a) the Mayor, who may act as Chair;
- b) the Chief Administrative Officer;
- c) the Superintendent, Public Works and Engineering Services;
- d) the Director of Finance;
- e) the Fire Chief and/or their designate;
- f) the Detachment Commander of the Lake Cowichan RCMP or their designate;
- g) the BC Ambulance Services Unit Chief from the Lake Cowichan detachment or their designate;

and such other individuals as may be appointed to the Committee by the Chair from time to time.

3.2. Subject to the approval of the Council, the Emergency Committee may:

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

3.3. The responsibilities of the Management Committee include:

- a) Developing and implementing the emergency program and plans as directed by the Executive Committee,
- b) On-going assessment of hazards, risks and vulnerability,
- c) Evaluating progress of the emergency program annually,
- d) Developing the annual strategic plan including recommending emergency program priorities, specifying procedures for implementation, budget and resource requirements,
- e) Maintaining a staffing and support plan for the Emergency Operations Centre (EOC)
- f) Maintaining a training and exercise program.

3.4. The Management Committee may strike such sub-committees and work groups as deemed necessary.

4. MUNICIPAL COUNCIL POWERS

4.1. The Council is always responsible for the general direction and control of the response of the Town to an emergency or disaster, and to:

- a) declare a State of Local Emergency;
- b) delegate powers available under the Emergency Program Act, as required, and to monitor the use of such powers;
- c) establish any emergency policy and legislation necessary to facilitate the response to an emergency or disaster; and
- d) prepare an emergency plan respecting preparation for, response to, and recovery from an emergency or disaster.

4.2. Notwithstanding the provisions of subsection 4.1, the Mayor may carry out the responsibilities specified in clauses (a) and (b) where, because of the circumstances of an emergency or disaster, it is not possible to assemble a quorum of the Council, and provided the Mayor has made every effort to obtain the consent of the other members of the Council.

4.4. The Mayor by order or by Council resolution must, when of the opinion that an emergency or disaster no longer exists for which a state of local emergency was declared, cancel the declaration

4.5. The Council will report the annual status of the emergency program to the Provincial Emergency Program.

5. EMERGENCY RESPONSE

5.1. The Emergency Management Program will conform to the "B.C. Emergency Response Management System" (BCERMS).

5.2. The Chief Administrative Officer is designated as the Emergency Operations Centre (EOC) Director.

- a) The EOC Director is authorized to expend Municipal funds which are not included in the financial plan of the Municipality, required for the preservation of life, health and the protection of property during an emergency or disaster.

b) Any expenditures made in accordance with subsection 8.2.a) must be presented to the Council in a report under the signature of the Mayor.

6. LIABILITY

6.1. As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the Town of Lake Cowichan Emergency Management Committee, employees of the Town of Lake Cowichan, 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:

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, 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, 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 on the 16th day of June 2020.

READ A SECOND TIME on the 16th day of June 2020.

READ A THIRD TIME on the 30th, day of June 2020.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the ____ day of ____, 2020.

Rod Peters

Mayor

Joseph A. Fernandez

Corporate Officer