

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW NO. 033-20**

**A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN EMERGENCY ADVISORY COMMITTEE AND AN EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF CHESTERMERE.**

- WHEREAS** the Municipal Government Act gives Municipalities the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;
- AND WHEREAS** the Municipal Government Act, RSA 2000, c M-26 provides that one of the purposes of a municipality is to develop and maintain safe and viable communities;
- AND WHEREAS** the Municipal Government Act, RSA 2000 c M-26 authorizes a municipality to take whatever actions or measures are necessary to eliminate an emergency;
- AND WHEREAS** the Emergency Management Act, RSA 2000, c E-6.8 requires the City of Chestermere shall, at all times, be responsible for the direction and control of the City of Chestermere's emergency response;
- AND WHEREAS** the Emergency Management Act, RSA 2000, c E-6.8 requires the City of Chestermere to appoint an Emergency Advisory Committee and to establish and maintain an Emergency Management Agency;
- 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 Emergency Management Act;

**NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

1. **Short Title:**

1.1 This Bylaw may be cited as the Chestermere Emergency Management Bylaw.

**2. Definitions:**

2.1 In this Bylaw,

- (a) "Act" means the Emergency Management Act, RSA 2000, c E-6.8;
- (b) "CAO" means the Chief Administrative Officer for the City;
- (c) "City" means the municipal corporation of the City of Chestermere;
- (d) "Chestermere Emergency Management Agency" or "CHEMA" refers to the emergency management agency, established and maintained by the City by this Bylaw;
- (e) "Council" means the Council of the City of Chestermere;
- (f) "Director of Emergency Management" means the person appointed as the Director of the Chestermere Emergency Management Agency;
- (g) "Disaster" means an event that results in serious harm to the safety, health or welfare of people, or widespread damage to property or the environment;
- (h) "Emergency Advisory Committee" means the committee appointed under this Bylaw;
- (i) "Emergency" means an 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 or the environment, and for greater certainty, may include a Health Event;
- (j) "Enforcement Officer" means a community peace officer, a bylaw enforcement officer, a sworn member of a police service or other person appointed to enforce the Bylaws of the City of Chestermere by the Chestermere Emergency Management Agency or the CAO;
- (k) "Health Event" means an event that constitutes a public health risk that exists or may exist within the City's boundaries, including the

spread of an infectious disease, or any other health event requiring a coordinated response to prevent and control its spread or to protect against it;

- (l) "Imminent Emergency" means a situation in which there is imminent danger to public safety or of a serious harm to property, and for greater certainty, may include an Emergency, Disaster or Health Event;
- (m) "MGA" means the Municipal Government Act, RSA 2000, c M-26;
- (n) "Minister" means the Minister charged with administration of the Act;
- (o) "Municipal Emergency Management Agency" means the agency established under this Bylaw;
- (p) "Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate mitigation, response, and recovery activities to an Emergency, Disaster, Health Event, and State of Local Emergency;
- (q) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (r) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (s) "State of Local Emergency" occurs when the City at any time is satisfied that an Emergency exists or may exist within its boundaries, and by resolution makes a declaration of a State of Local Emergency relating to all or any part of the City pursuant to Section 21 of the Act;
- (t) "Violation Ticket" means a ticket issued pursuant to Part 2 or Part 3 of the Provincial Offences Procedures Act, RSA 200, c-P-34, as amended, and regulations thereunder.

### **3. Emergency Advisory Committee**

- 3.1 There is hereby established and appointed an Emergency Advisory Committee to advise Council on the development of emergency plans and programs, and to exercise any other powers delegated to

the Committee by the City, from time to time.

3.2 The Emergency Advisory Committee shall:

- (a) Consist of the Mayor and all Members of Council;

The Mayor is the Chair of the Committee. If the Mayor is absent, the Deputy Mayor will chair the Committee, or in the absence of the Deputy Mayor, any other Member of the Committee.

- (b) meet a minimum of once per year, or such greater frequency as determined by the Committee;
- (c) have a quorum of a majority (50% plus 1) of Committee Members for a valid and effective meeting;
- (d) have the following procedural requirements for decision making:
  - i. written resolution signed by two-thirds (2/3) of the Committee Members;
  - ii. a majority vote (50% plus 1) of the Committee Members in attendance at a valid and effective meeting; or
  - iii. such further and other procedural requirements as established by committee.

3.3 The purposes of the Emergency Advisory Committee shall be as follows:

- (a) review the Municipal Emergency Plan and related plans and programs on a regular basis;
- (b) provide guidance and direction to the Chestermere Emergency Management Agency, including with respect to mitigating, planning and preparing for, responding to, monitoring and recovering from events of Emergency, Disaster, Health Event, Imminent Emergency, and State of Local Emergency;
- (c) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once each year;
- (d) if the Emergency Advisory Committee is satisfied that an Emergency exists or may exist in the City, it shall advise

Council, so that Council can decide whether to make, by resolution, a declaration of a State of Local Emergency in accordance with the provisions of this Bylaw;

- (e) if an Emergency or Disaster is reasonably anticipated or exists or is ongoing, provide guidance and direction to the Chestermere Emergency Management Agency and Council with respect to response, monitoring and recovery; and
- (f) if a Health Event is reasonably anticipated or exists or is ongoing, provide guidance and direction to the Chestermere Emergency Management Agency and Council with respect to coordinated actions to be taken, including mitigating action to ensure that the City's Municipal Emergency Plan and other emergency preparedness and continuity plans are adequate for the City's needs.

#### **4. Emergency Management Agency**

- 4.1 There is hereby established an Emergency Management Agency, known as the Chestermere Emergency Management Agency, or CHEMA, to act as the agent of Council to carry out its statutory powers and obligations under the Act, the MGA, and other enactments as may be necessary for mitigating, planning and preparing for, responding to, monitoring and recovering from events of Emergency, Disaster, Health Event, Imminent Emergency, and State of Local Emergency, as well as matters effecting the safety, health and welfare of people more generally. This does not include the power to declare, renew, or terminate a State of Local Emergency.
- 4.2 The Chestermere Emergency Management Agency shall be comprised of three (3) or more of the following:
  - (a) The Director of Emergency Management;
  - (b) The Deputy Director(s) of Emergency Management;
  - (c) The CAO or designate;
  - (d) The Public Information Officer or designate;
  - (e) The Emergency Social Services Lead or designate;

- (f) The Fire Chief or designate;
  - (g) The Police Detachment Commander or designate;
  - (h) Any other individual, or representative of a local organization, that Those individuals appointed from any organization that the Director of Emergency Management so appoints.
- 4.3 Where a person has not been appointed as the Director of Emergency Management, the CAO is appointed as the Director of Emergency Management by virtue of holding that title or position.
- 4.4 The Chestermere Emergency Management Agency shall meet a minimum of 3 times per year.
- 4.5 Quorum shall consist of the majority (50% plus 1) of Agency Members for a valid and effective meeting.
- 4.6 The Chestermere Emergency Management Agency shall report to the Chestermere Emergency Advisory Committee at least once per year to provide updates on Agency activities and an update on the Agency's review of the Municipal Emergency Plan.
- 4.7 The Chestermere Emergency Management Agency shall review the Municipal Emergency Plan at least once per year, as well as make the Municipal Emergency Plan available to the Alberta Emergency Management Agency for review and comment annually.
- 4.8 The Chestermere Emergency Management Agency shall review and supplement the Municipal Emergency Plan with plans and programs appropriate for a Health Event, including as necessary to mitigate, plan and prepare for, respond to, monitor and recover from an existing, ongoing, or anticipated Health Event.
- 4.9 Unless an exercise under Section 4.10 is carried out in that year, the Chestermere Emergency Management Agency must engage in at least one exercise per year in which participants identify a significant possible Emergency or Disaster scenario and discuss how the City would respond to and resolve emergency management issues that may arise from the scenario.
- 4.10 The Chestermere Emergency Management Agency must engage in at least one exercise every 4 years in which participants identify a significant possible Emergency or Disaster scenario and carry out actions as if the significant Emergency or Disaster was actually

occurring, but without deploying personnel or other resources.

- 4.11 Section 4.10 does not apply, if the Chestermere Emergency Management Agency has responded to an Emergency or Disaster within the previous 4 years that resulted in the implementation of the Municipal Emergency Plan and a written post-incident assessment that included observations and recommendations to improvement and corrective action being conducted.
- 4.12 The Chestermere Emergency Management Agency may fulfill the obligations set out in Sections 4.9 and 4.10 by participating in regional emergency exercises that required the City to utilize relevant portions of the Municipal Emergency Plan.
- 4.13 The Chestermere Emergency Management Agency shall submit an exercise notification to the Alberta Emergency Management Agency 90 days before engaging in the exercise required by Section 4.10. The exercise notification must outline the exercise scenario, state the exercise objectives, identify the participants and state the date the exercise will be conducted.
- 4.14 The Chestermere Emergency Management Agency will use a command, control and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency.

## **5. Council's Powers and Responsibilities**

### 5.1 Council shall:

- (a) provide for the payment of expenses of the Members of the Emergency Management Committee;
- (b) by resolution, on the recommendation of the Emergency Advisory Committee, appoint a Director of Emergency Management and two (2) Deputy Directors of Emergency Management who shall do those things required of the Director of Emergency Management in that person's absence;
- (c) ensure that emergency plans and programs are prepared to address potential Emergencies or Disasters or Health Events in the City of Chestermere;
- (d) approve the City's emergency plans and programs; and
- (e) review the status of the Municipal Emergency Plan and related plans and programs at least once each year.

5.2 Council may:

- (a) by bylaw that is not advertised, borrow, levy, appropriate and expend all sums required for the operation of the Chestermere Emergency Management Agency;
- (b) 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;
- (c) by resolution, delegate any of the powers or duties set out under the Local Authority Emergency Management Regulation to a committee composed of a member or Members of Council;
- (d) pursuant to Section 551 of the MGA, in an Imminent Emergency, take whatever actions or measures are necessary to eliminate the Imminent Emergency, including but not limited to ordering the provision of labor, services, equipment or materials.

**6. Director of Emergency Management Powers and Responsibilities**

6.1 The Director of Emergency Management shall:

- (a) act as Chair of the Chestermere Emergency Management Agency;
- (b) report day to day operations to the CAO and shall report directly to Council should the Municipal Emergency Plan be activated, or be recommended to be activated;
- (c) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs of the City of Chestermere for mitigating, planning and preparing for, responding to, monitoring, and recovering from events of Emergency, Disaster, Health Event, Imminent Emergency, and State of Local Emergency;
- (d) oversee the review and supplementation of the Municipal Emergency Plan with plans and programs appropriate for a Health Event, including as necessary to mitigate, plan and prepare for, respond to, monitor and recover from an existing,



- ongoing, or anticipated Health Event;
- (e) submit an Annual Report on the status of Emergency Preparedness in Chestermere;
  - (f) co-ordinate all emergency services and other resources used in an Emergency, Disaster, Health Event, Imminent Emergency, or State of Local Emergency;
  - (g) perform other duties or administer other matters related to the City's emergency management program, as prescribed by the City from time to time; and
  - (h) ensure that someone is designated to discharge the responsibilities specified in paragraphs 6.1(a), 6.1(b), and 6.1(c).

## **7. Declaring a State of Local Emergency**

- 7.1 The power to declare or renew a State of Local Emergency under the Act, the powers specified in Section 7.2 of this Bylaw, and the requirement specified in Section 11.3 of this Bylaw, are hereby delegated to the Mayor, or in his or her absence, any two Members of Council. A State of Local Emergency may, by resolution, be declared at any time when Council or its delegate is satisfied that an Emergency exists or may exist.
- 7.2 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 area of the municipality in which it exists;
  - (b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected;
  - (c) forward a copy of the declaration to the Minister forthwith;
  - (d) notify the Alberta Emergency Management Agency when practicable; and
  - (e) notify the Chestermere Emergency Management Agency.

## **8. A State of Local Emergency**

- 8.1 When a State of Local Emergency is declared, the Chestermere Emergency Management Agency (CHEMA), led by the Director of Emergency Management, is authorized to:
- (a) cause the Municipal Emergency Plan or any related plans or programs to be put into operation;
  - (b) lead the emergency response during and after the event of which prompted the State of Local Emergency declaration;
  - (c) enact and enforce any orders or exercise any power provided to a local authority under the Act or the MGA;
  - (d) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an Emergency or Disaster;
  - (e) authorize or require any qualified person to render aid of a type he or she is qualified to provide;
  - (f) control or prohibit travel to or from any area of the municipality;
  - (g) 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 any part of the municipality;
  - (h) 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 a Disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
  - (i) 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;
  - (j) 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;
  - (k) 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 municipality for the duration of the State of Emergency;

- (l) authorize the conscription of persons needed to meet an Emergency; and
- (m) 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 Paragraphs (b) through (j) in relation to any part of the municipality affected by a declaration of a State of Local Emergency; and
- (n) exercise any other power or right granted to a local authority under the Act or a municipality under the MGA;

**9. Limitation of Liability**

- 9.1 Council, councillors, committee members, agency members, municipal officers and employees, volunteer workers, or any person appointed by Council or acting under the authority of the City to carry out measures relating to any Emergency, Disaster, Health Event, Imminent Emergency and State of Local Emergency are not liable for any loss or damage caused through anything said or done, or omitted to be said or done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw, the Act or any other enactment and shall not be subject to any proceedings by prohibition, certiorari, mandamus or injunction.

**10. Authorization and Contravention of Emergency Orders**

- 10.1 The Chestermere Emergency Management Agency is authorized to enact emergency orders or conditions pursuant to the Act, the MGA, the Local Authority Emergency Management Regulation, and this Bylaw, to ensure

the safety, health and welfare of people and the protection of people and property.

10.2 It shall be an offence under this Bylaw for any Person to contravene any emergency order or condition issued by the Chestermere Emergency Management Agency, while that order or condition remains in effect.

## **11. Terminating a State of Local Emergency**

11.1 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, they shall, by resolution, terminate the declaration.

11.2 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 11.1;
- (b) a period of 7 days, or 90 days if the declaration is in respect of a pandemic, 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.

11.3 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 communication considered most likely to notify the population of the area affected.

11.4 Declaration and termination of an Emergency is derived from the Act current as of April 19, 2020 and is deemed to be amended with subsequent amendments of the said Act.

## **12. Enforcement**

- 12.1 Pursuant to Chestermere's Bylaw Enforcement Officer Bylaw, where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against such Person by:
- (a) issuing the Person a Violation Ticket pursuant to the provisions of the Provincial Offences Procedure Act;
  - (b) swearing out an information and complaint against the Person; or
  - (c) in lieu of prosecution, issuing the Person a Bylaw violation tag in a form as approved by the CAO.
- 12.2 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 12.1(a) or 12.1(b) of this Bylaw, the Officer may either:
- (a) allow the Person the option of paying the specified penalty as provided for in Schedule "A", which is hereunto attached and forms part of this Bylaw, by indicating such specified penalty on the Violation Ticket; or
  - (b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of the Provincial Offences Procedure Act.
- 12.3 Where a Bylaw violation tag is issued to a Person and is not paid within 14 days of the date of issue, the Enforcement Officer may proceed by way of prosecution in accordance with Section 11 of this Bylaw.
- 12.4 In the case of an offence under this Bylaw that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.
- 12.5 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude an Enforcement Officer or the City from pursuing any other action or remedy in relation to a Person, premises, or nuisance as provided by the provisions of the Act, the MGA, any other law of the Province of Alberta, or any other bylaw of the City.

### **13. General Penalty Provision**

- 13.1 Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

**14. Minimum and Specified Penalties**

- 14.1 The specified and minimum penalties, and penalties in lieu of prosecution payable for a violation of any of the provisions of this Bylaw are as set out in Schedule "A", which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time by a resolution of Council.
- 14.2 Where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of such contravention shall be double the specified penalty amount provided for in Schedule "A" of this Bylaw.
- 14.3 Where any person contravenes the same provision of this Bylaw three times within one twelve (12) month period, the specified penalty payable in respect of the third such contravention shall be triple the specified penalty amount provided for in Schedule "A" of this Bylaw.
- 14.4 Where any person contravenes the same provision of this Bylaw four or more times within an eighteen (18) month period, the penalty payable in respect of the fourth or subsequent such contravention shall be determined by a Provincial Court Justice and shall not be less than three times the specified penalty amount provided for in Schedule "A" of this Bylaw but not greater than the penalties specified in Section 12 of this Bylaw.

**15. Severability**

- 15.1 Each provision of this Bylaw shall be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to be invalid, or otherwise of no force or effect, then such section or provision shall be regarded as being severable from the remainder of this Bylaw, and that the Bylaw remaining after such severance shall remain of full force and effect.

**16. Strict Liability Offence**

- 16.1 All offences created by this Bylaw shall be strict liability offences.

**17. Effective Date**

- 17.1 This bylaw shall come into force and effect upon it receiving third reading by Council.

**18. General Provision**

- 18.1 Words in the singular include the plural and words in the plural include the singular.
- 18.2 This bylaw is gender-neutral and, accordingly, any reference to one gender includes the others.
- 18.3 Upon passing of this bylaw, Bylaw 015-11 being the Emergency Management Bylaw and amendments thereto are hereby repealed.

Read a first time this 29<sup>th</sup> day of September, 2020.

Read a second time this 29<sup>th</sup> day of September, 2020.

Read a third time and finally passed this 29<sup>th</sup> day of September, 2020.

Resolution #



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

Schedule "A"

\*The Minimum Penalty for an offence is also the Penalty in Lieu of Prosecution for that offence.

Section	OFFENCE	Minimum Penalty	Specified Penalty
9.2	Contravene a Municipal Emergency Order/Condition	\$350.00	\$1000.00