REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2822

A bylaw to provide for the comprehensive local emergency program for the Electoral Areas within the Regional District of North Okanagan

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WHEREAS the provincial *Emergency Program Act* [RSBC 1996], Chapter 111, requires that a Regional District must have a Local Emergency Plan that applies to all of the Electoral Areas within the Regional District, to prepare for, respond to, and recover from emergencies and disasters;

AND WHEREAS First Nations Reserve lands are subject to the exclusive jurisdiction of the Federal Government under section 91(24) of the Constitution Act, 1867 and are therefore excluded from provisions of the provincial Emergency Program Act;

AND WHEREAS the Regional Board of the Regional District of North Okanagan wishes to provide a comprehensive emergency program to prepare for, respond to and recover from emergencies and disasters for all lands within electoral areas of the Regional District of North Okanagan over which it has jurisdiction;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

Title

1. This bylaw may be cited as the "***Electoral Area Emergency Program Bylaw No. 2822 2019****".*

Interpretation

2. Words or phrases defined in the British Columbia Interpretation Act, Community Charter, or Local Government Act or any successor legislation shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

3. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.

4. Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Board of the Regional District of North Okanagan, as amended, revised, consolidated or replaced from time to time.

5. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

Definitions and Application

6. (1) In this bylaw:

"**Act**" means the Emergency Program Act;

"**board**" means the municipal directors and electoral area directors of the Regional District of North Okanagan;

"CAO" means in a local authority or a regional district the chief administrative officer

"chair" means the Chair of the Regional District, or, in the chair's absence, the vice chair; or designate.
In the circumstances of an *emergency* event "**chair"** also includes CAO or designate.
(Reference LGA s. 229(1)(b), and S. 230, with adoption of this bylaw (by 2/3 of votes cast), *delegation of powe*r to an officer or employee can be enacted.)

"declaration of a state of local emergency" means a bylaw or resolution of the Board, or an order of the Chair, that an emergency exists or is imminent in the electoral areas of the regional district;

"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 of the Regional District, and being one or more of electoral areas 'B', 'C','D', 'E' and 'F' excluding First Nations Reserve lands*;*

"emergency" means a present or imminent serious, unexpected, and often dangerous event or circumstance that

(a) is caused by accident, negligence, design, fire, explosion, 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 a person or to limit damage to property and the environment,

"emergency coordinator" means the person appointed under Section 7(1);

"emergency management organization" (Organization), means the Regional District North Okanagan Staff, the Emergency Coordinator and such other persons appointed and functional groups established, and which are charged with the development and implementation of emergency plans and other preparedness, response and recovery measures for emergencies and disasters;

"emergency powers" means If the powers conferred on a board are inadequate to deal with an emergency that is not an emergency within the meaning of the Emergency Program Act, the board may, by enacting this bylaw (adopted by at least 2/3 of the votes cast), declare that an emergency exists and exercise powers necessary to deal effectively with the emergency. (Reference LGA s.295)

"**EPA**" means emergency program act (1996)

"head of a local authority" means for an electoral area in a regional district, the chair of the board of the regional district, or, in the chair's absence, a vice chair

"local authority" means for an electoral area in a regional district, the board of the

regional district

"**local emergency plan**" means the Regional District's Emergency Plan as adopted or implemented from time to time and any amendments thereto;

"**minister**" means the Minister of Public Safety and Solicitor General;

"**order**" means a written statement or instruction giving effect to a declaration of a state of local emergency by the Board, its Chair or Designate, which Order must include the date of issuance and bear the name of the Chair;

"**regional district**" means the Regional District of North Okanagan;

"volunteer" means a volunteer registered by the Regional District or the Provincial Emergency Program for the purpose of responding to a disaster or an emergency.

(2) This bylaw shall be construed in accordance with the Emergency Program Act [RSBC 1996] Chapter 111, as amended, and all Regulations made thereunder.

Duties and Responsibilities of the Board

7. (1) The Board:

(a) shall create an Emergency Management Organization which will be charged with the development and implementation of an emergency program for emergencies and disasters within the Electoral Areas;

(b) hereby delegates its powers and duties under the Act to the Emergency Management Organization or Emergency Coordinator referred to in sections 5, 6 and 7, except the power to make a declaration of a state of local emergency, and including such duties and responsibilities as:

(i) ~~appointment of an Emergency Coordinator~~;

(ii) make and amend the terms of reference, policies, and procedures of the Emergency Management Organization;

(iii) enter into agreements with other regional districts or municipalities for the formulation of coordinated emergency preparedness, response or recovery;

(iv) enter into mutual aid agreements with one or more regional districts or municipalities for emergency resources or assistance of any kind, and subsequent cost recovery; and

(v) enter into agreements with Emergency Management BC for the cooperation and understanding to collaborate with First Nations, non-government agencies, corporations, organizations or individuals for emergency resources or assistance of any kind, and subsequent cost recovery.

(2) The Board remains committed to providing policy guidance and direction to the Emergency Management Organization, and the procedures by which the guidance and direction is to be provided.

Emergency Management Organization

8. An Emergency Management Organization is hereby established, and shall consist of RDNO Staff and resources, an Emergency Coordinator and such other committees and functional groups established.

Emergency Management Organization – Structure, Duties and Responsibilities

9. (1) The Organization is hereby created which is responsible for the ongoing operation of the emergency program in the Electoral Areas of the RDNO, and shall be composed of the following members:

a) Chief Administrative Officer

b) RDNO Staff

c) Emergency Program Coordinator

d) General Manager responsible for Protective Services of the Regional District

e) such other persons or agencies appointed or invited to participate by the Chair, as required.

(2) The Organization shall, in addition to any of the duties and responsibilities delegated by the Board:

a) develop, maintain and implement the emergency program and the Local Emergency Plan,

b) recommend annual budgets for the development and implementation of the Local Emergency Plan;

c) annually review and approve the emergency program, Local Emergency Plan and other preparedness, response and recovery measures for emergencies and disasters;

d) establish the procedures by which the Local Emergency Plan is to be implemented.

e) report to the Board and advise on the development and implementation of the emergency program, the Local Emergency Plan and other preparedness, response and recovery measures for emergencies and disasters;

f) establish a procedure for review and revision of the emergency program and Local Emergency Plan;

g) meet annually or more frequently as required to meet program demands.

(3) The Emergency Management Organization may call upon other regional districts or municipalities, non-government agencies, corporations, organizations or individuals for advice on any matter related to the emergency program or the Local Emergency Plan;

Emergency Coordinator – Duties and Responsibilities

10. (1) An Emergency Coordinator shall:

(a) advise and support the Board, the Emergency Management Organization on all matters pertaining to the Regional District's obligations under the Act;

(b) co-ordinate with provincial and regional counterparts on emergency planning.

(2) be the lead authority in exercising the Local Emergency Plan:

Implementation of local emergency plans (EPA- s.8)

11. (1) A local authority or a person designated in the local authority's local emergency plan may, whether or not a state of local emergency has been declared under section 12 (1), (EPA) cause the plan to be implemented if, in the opinion of the local authority or the designated person, an emergency exists or appears imminent or a disaster has occurred or threatens in

(a) the jurisdictional area for which the local authority has responsibility, or

(b) any other municipality or electoral area if the local authority having responsibility for that other jurisdictional area has requested assistance.

Declaration of state of local emergency (EPA- s.12)

12. (1) A local authority or, if a local authority consists of more than one person, the head of the local authority, may, at any time that the local authority or the head of the local authority, as the case may be, is satisfied that an emergency exists or is imminent in the jurisdictional area for which the local authority has responsibility, declare a state of local emergency relating to all or any part of the jurisdictional area.

(2) A declaration of a state of local emergency under subsection (1) must identify the nature of the emergency and the part of the jurisdictional area in which it exists or is imminent, and the declaration must be made

(a) by bylaw or resolution if made by a local authority, or

(b) by order, if made by the head of a local authority.

(3) The head of a local authority must, before making a declaration under subsection (1), use best efforts to obtain the consent of the other members of the local authority to the declaration and must, as soon as practicable after making a declaration under subsection (1), convene a meeting of the local authority to assist in directing the response to the emergency.

Exemption from Civil Liability

13. No person, including without limitation, the Board, the Chair, members of the Emergency Management Organization, employees of the Regional District of North Okanagan, 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.

Repeal

14. Bylaw 2488, cited as Electoral Areas Emergency Program Bylaw No. 2488, 2011 is hereby repealed.

Read a First, Second and THIRD Time this 22 day of MAY , 2019

ADOPTED this 22 day of MAY. , 2019

Chair
Kevin Acton

Corporate Officer
Paddy Juniper