

BYLAW NO. 2020-08
A BYLAW OF THE TOWN OF MILLET
IN THE PROVINCE OF ALBERTA
“MUNICIPAL EMERGENCY MANAGEMENT BYLAW”

WHEREAS in accordance with the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000, the Council of the TOWN OF MILLET is responsible for directing and controlling its response to an emergency, for preparing and approving emergency plans and programs, for appointing an Emergency Advisory Committee, for establishing and maintaining an Emergency Management Agency, and for appointing a Director of Emergency Management.

AND WHEREAS in accordance with the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

NOW, THEREFORE, the Council of the Town of Millet, duly assembled, enacts as follows:

1. This Bylaw may be cited as the Municipal Emergency Management Bylaw.
2. **DEFINITIONS**
 - (a) “AEMA” means the *Alberta Emergency Management Agency* established under the EM Act;
 - (b) “Agency” means the Emergency Management Agency established under this Bylaw;
 - (c) “Committee” means the Emergency Advisory Committee established under this Bylaw;
 - (d) “Council” means the Council of the Town of Millet;
 - (e) “DDEM” means a Deputy Director of Emergency Management appointed by Council.
 - (f) “Declaration of a state of local emergency” means a resolution or order prescribed in the EM Act;
 - (g) “DEM” means the Town of Millet employee appointed by Council as the Director of Emergency Management.
 - (h) “Disaster” means an event that results or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property or the environment;
 - (i) “Emergency” means an 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 or the environment;

- (j) "Enforcement Officer" means any Peace Officer, Bylaw Enforcement Officer, Police Officer, a member of the Royal Canadian Mounted Police, or any other person appointed by the Town to enforce the provisions of this By-Law
- (k) "EM Act" means the *Emergency Management Act*, RSA 2000, Chapter E 6-8;
- (l) "EOC" means the Emergency Operations Centre or a site where Town of Millet Emergency response and recovery activities can be coordinated and monitored, or a location used for command and control of planned, non-emergent events;
- (m) "Evacuation order" means an evacuation order made under the EM Act;
- (n) "LAEMR" means the *Local Authority Emergency Management Regulation 203/2018*, in force on January 1, 2020.
- (o) "Local Authority" means a municipality which has a Council, pursuant to the MGA.
- (p) "Managing Director" means the Managing Director of Alberta Emergency Management Agency (AEMA);
- (q) "MEP" means the Municipal Emergency Plan prepared and maintained by the Emergency Management Agency to coordinate the response to an Emergency event;
- (r) MGA" means the Municipal Government Act, RSA 2000, c M-26
- (s) "Minister" means the Minister charged with administration of the EM Act; and
- (t) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (u) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (v) "SOLE" means a declaration of a State of Local Emergency by a Local Authority relating to all or any part of the Local Authority at any time when it is satisfied an Emergency exists or may exist.

3. **Council's Responsibilities**

- (a) Council is responsible for the direction and control of the Town of Millet emergency management response unless the Province of Alberta assumes direction and control under provisions of the EM Act;
- (b) Council is responsible to oversee the preparation of emergency plans and programs;
- (c) Council must approve emergency plans and programs;

- (d) Council is responsible to appoint the members of the Committee;
- (e) Council may remove any member of the Committee at any time for any reason;
- (f) Council may by Bylaw, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Agency;
- (g) Council may 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;
- (h) Council shall by resolution, appoint the Health and Safety Coordinator as the DEM, and a DDEM(s); and
- (i) Council may, at any time when it is satisfied that an emergency exists or may exist in the Town of Millet, by resolution make a declaration of a state of local emergency relating to all or any part of the Town of Millet.

4. A Committee to be known as the Emergency Advisory Committee is hereby established in and for the Town of Millet.

5. Emergency Advisory Committee

- (a) The Committee's purpose is to advise Council on the development of the Town of Millet's emergency plans and programs;
- (b) The Committee shall consist of three (3) Council members, the Mayor and the Director of Emergency Management; and
- (c) The Town of Millet shall establish an annual budget to provide for the payment of expenses, if any, of the members of the Committee.

5.1 Proceedings of the Committee

- (a) Meetings of the Committee shall be held on a regular basis at a time to be set by resolution of the Committee, at least annually, and at such times as deemed necessary;
- (b) The Mayor is the Chair of the Emergency Advisory Committee;
- (c) Where the Emergency Advisory Committee is not able to meet in a timely manner, the powers of the Emergency Advisory Committee may be exercised by the Mayor acting alone, or in the Mayor's absence the Deputy Mayor, or in absence of the Mayor and Deputy Mayor, by any two (2) members of Council.
- (d) Committee meetings may be called by any member of the Committee at any time deemed necessary; and

5.2 Duties of the Committee when no Disaster or Emergency exists:

- (a) The Committee is responsible for reviewing and advising Council on the status of the MEP and related plans and programs at least once each year;
- (b) Within the budget approved by Council, the Committee shall carry out a program for the promotion of the goals and objectives of the MEP; and
- (c) The Committee will assess the hazards, risks and mitigation strategies affecting the Local Authority.

5.3 Duties of the Committee during an Emergency or Disaster:

- (a) The Committee shall maintain regular Council member duties, to the extent possible;
- (b) The Committee will provide political, financial and resourcing support to the Emergency Management Agency; and
- (c) The Committee may be required to declare a SOLE.
- (d) The Committee shall have the power to pledge the credit of the Town of Millet in connection with performance of their duties as outlined in this Bylaw and have the power to authorize expenditures charged against the Town of Millet.

6. Emergency Management Agency

An Agency to be known as the Emergency Management Agency is hereby established in and for the Town of Millet.

Duties of the Agency

- (a) The Agency is responsible for the administration of the Town of Millet's Emergency Management Program and in exercising the powers and duties under the EM Act;
- (b) The Agency assists in the development of the MEP and executes the programs prepared by the Emergency Advisory Committee to address potential emergencies or disasters within the Town of Millet;
- (c) The Agency reviews the status of the MEP and related plans and programs at least once each year;
- (d) The Agency coordinates and conducts all appropriate training to ensure the effective operation of the EOC;
- (e) The Emergency Management Agency shall be comprised of one or more of the following as stated in the MEP and with an AEMA Field Officer as an advisor:
 - i. the Director of Emergency Management,

- ii. the Deputy Director(s) of Emergency Management,
 - iii. the Manager of Enforcement Services,
 - iv. Public Information Officer or designate,
 - v. the Fire Chief or designate,
 - vi. all departments within the Town of Millet,
 - vii. any other person the DEM considers would be of assistance.
- (f) In addition to the members appointed pursuant to Section 6 (e) above, the DEM may invite members of the following organizations to nominate representatives to serve as members of the agency:
- i. Alberta Health Services,
 - ii. Alberta Health Services – Emergency Medical Services,
 - iii. Canadian Pacific Railway,
 - iv. Fortis Alberta,
 - v. Alta Gas,
 - vi. Representative(s) from adjacent communities which have entered into mutual aid agreements,
 - vii. Representative(s) from local industry or industrial associations,
 - viii. Representative(s) from Alberta Environment and Water,
 - ix. Representative(s) from the RCMP,
 - x. Representative(s) from Victim Services,
 - xi. Any other individual(s) who might serve a role in being a useful resource in the preparation or implementation of the MEP.

7. Director of Emergency Management (DEM)

- (a) The DEM shall prepare and coordinate the Town of Millet MEP and related plans and programs as required by the EM Act, LAEMR, and this Bylaw.
- (b) The DEM will cause the MEP or any related plans or programs to be put into operation.
- (c) The DEM plans and leads the responses to natural disasters and other emergencies and is to ensure Town Council members and staff become familiar with emergency procedures.
- (d) The DEM will conduct or direct appropriate training to ensure effective operation of the EOC, such as:
 - i. The Incident Command System and all position-specific training required by the Alberta Government under the EM Act or LAEMR; and
 - ii. Optional position-specific training or training intended to ensure the readiness or mental well-being of personnel assigned to

Emergency Management for the Town of Millet (eg. Standard or emergency first aid, and mental health resiliency training).

- (e) If the DEM is absent, the Deputy DEM or designate is responsible to undertake the duties of the DEM.

8. Training and Qualifications

The members of Council and the Emergency Management Agency must have the minimum training qualifications as described in the LAEMR.

Staff who have been assigned responsibilities respecting the implementation of the MEP must complete the posted courses within six (6) months of being identified for this role.

Any courses prescribed for the DEM under the LAEMR shall be completed within 18 months of the person being appointed, or within 6 months of the LAEMR coming into force, whichever is later.

A DDEM shall meet the minimum training requirements required for a DEM as defined in the LAEMR.

9. Command, Control and Coordination System

The command, control and coordination system employed by the Town of Millet is the Incident Command System (ICS) as set out in the ICS Canada Operational Description as prescribed by the Managing Director.

10. Declaration of a State of Local Emergency

- (a) The power to declare or renew a state of local emergency is hereby delegated to members of Council comprising either the Mayor, or in the absence of the mayor, any two Councillors. The individual(s) so delegated may, at any time when they are satisfied that an emergency exists or may exist, by resolution, make a declaration of a state of local emergency;
- (b) When a state of local emergency is declared, Council must identify the nature of the emergency and the area of the Town of Millet in which it exists.
- (c) Council shall 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.
- (d) Council shall forward a copy of the declaration to the Minister forthwith.
- (e) When a state of local emergency is declared, the Director of Emergency Management, is authorized to;

- i. lead the emergency response during and after the event of which prompted the state of local emergency declaration.
 - ii. enact and enforce any orders or exercise any power provided to a local authority under the Act or the MGA;
 - iii. exercise any other power or right granted to a local authority under the Act or the MGA;
- (f) If an evacuation order is made, every person within the area that is to be evacuated must leave the area by the deadline specified.
- (g) Section 17 of the EM Act states that when a Local Authority declares a SOLE, any person who:
 - i. contravenes the EM Act or the LAEMR,
 - ii. fails to comply with an Evacuation Order, or
 - iii. interferes with or obstructs any person in the carrying out of a power or duty under the EM Act or the LAEMR,is guilty of an offence and liable to imprisonment for a term of not more than 1 year or to a fine of not more than \$10,000, or to both imprisonment and a fine.
- (h) No action lies against a local authority or a person acting under the local authority's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under the EM Act or the regulations during a state of local emergency.
- (i) When, in the opinion of Council an emergency no longer exists in relation to which the declaration was made, they shall, by resolution, terminate the declaration.
- (j) A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when;
 - i. A resolution is passed;
 - ii. A period of seven days, or longer based upon any amendment of the Emergency Management Act, has lapsed since it was declared, unless it is renewed by resolution;
 - iii. The Lieutenant Governor in Council makes an order for a state of emergency under the Act, relating to the same; or
 - iv. The Minister cancels the state of local emergency.
- (k) 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. Authorization and Contravention of Emergency Orders:

- (a) The Director of Emergency Management is authorized to enact emergency orders or conditions pursuant to the Act, The MGA, LAMR,

and the Town of Millet Emergency Management Bylaw, as amended to ensure the safety, health and welfare of people and the protection of people and property

- (b) It shall be an offence under this bylaw for any Person to contravene any emergency order or condition issued by the Director of Emergency Management, while that order or condition remains in effect.
- (c) The Director of Emergency Management shall cause the details of any emergency order or condition to be published immediately by such means of communication considered most likely to notify the population of the area affected.

12. Enforcement

- 12.1 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 12 of this Bylaw.
- 12.4 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 Town 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 Town.

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 Town 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 13 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. Bylaw No. 2019-12 is hereby rescinded.

This Bylaw comes into force on the day it is finally passed.

Read a first time this 13th day of May, A.D., 2020.


Read a second time this 13th day of May, A.D., 2020.

Read a third time and finally passed this 13th day of May, A.D., 2020.

TOWN OF MILLET



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
11(b)	Contravene a Municipal Emergency Order/Condition	\$350.00	\$1000.00