

**MUNICIPALITY OF JASPER
BYLAW #247**

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE DIRECTION AND CONTROL OF THE MUNICIPALITY'S EMERGENCY RESPONSES.

WHEREAS, pursuant to the *Emergency Management Agreement* between the Municipality of Jasper and Her Majesty the Queen in Right of Canada as represented by the Minister of the Environment for the purposes of the Parks Canada Agency, Council of the Municipality of Jasper has in the Town of Jasper all powers and authorities of a local authority under the *Emergency Management Act* (RSA 2000, cE-6.8) and the *Local Authority Emergency Management Regulation* (AR 203/2018).

AND WHEREAS, pursuant to the *Emergency Management Act* (RSA 2000, cE-6.8), Council is responsible for the direction and control of the local authority's emergency responses;

AND WHEREAS, pursuant to the *Emergency Management Act* (RSA 2000, cE-6.8), Council is responsible for approving emergency plans and program, and is required to appoint an Emergency Advisory Committee; appoint a Director of Emergency Management; and establish and maintain an Emergency Management Agency;

NOW THEREFORE the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as the "Emergency Management Bylaw".
- 1.2 The Municipality of Jasper Bylaw #162 "Emergency Management Bylaw" is hereby repealed.

2. Definitions

- 2.1 In this Bylaw:
 - 2.1.1 *AEMA* means the Alberta Emergency Management Agency, which is the Alberta Government agency responsible for the coordination, collaboration and cooperation of all organizations involved in the prevention, preparedness and response to Disasters and Emergencies;
 - 2.1.2 *CAO* means the Chief Administrative Officer or designate for the Municipality of Jasper;
 - 2.1.3 *Council* means the municipal Council for the Municipality, and may include the Mayor, individual Councillors, or Council as a whole;
 - 2.1.4 *DDEM* means a Deputy Director of Emergency Management appointed by the DEM;
 - 2.1.5 *DEM* means the Municipal employee appointed as Director of Emergency Management pursuant to this bylaw, or appointed by the CAO pursuant to this bylaw;
 - 2.1.6 *Disaster* means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;
 - 2.1.7 *DRP* means the Disaster Recovery Program managed by the Alberta Government to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), Local Authorities and government departments for uninsurable loss and damage caused by Emergencies and Disasters;
 - 2.1.8 *EMA* means the Emergency Management Agency established under this Bylaw exercising those powers and duties, which are granted by the *EM Act* and assigned to the EMA under this Bylaw;
 - 2.1.9 *EM Act* means the *Emergency Management Act* (RSA 2000, c.E-6.8);
 - 2.1.10 *Emergency* means an event that requires prompt coordination of action or special regulation of Persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;

- 2.1.11 *EAC* means the Emergency Advisory Committee, which is established under this Bylaw consisting of 1 or more Council members;
- 2.1.12 *Emergency Management* means the development, coordination and execution of plans, measures and programs pertaining to prevention, preparedness, response and recovery before, during and after an Emergency event;
- 2.1.13 *Emergency Procurement* means a procurement of goods or services, including sole source procurements, that bypasses normal procurement requirements, such as the need for an standing offer agreement, request for quote, request for proposal or an invitation to tender, when necessitated by Emergency or other unforeseen circumstances;
- 2.1.14 *ECC* means the Emergency Coordination Centre or a site from where Municipal officials can coordinate, monitor and direct Emergency response and recovery activities and disseminate information during an Emergency, or a location used for command and control of planned, non-emergent civic events;
- 2.1.15 *Evacuation Order* means an evacuation order made under s. 19(1)(g) or s. 24(1)(b) of the *EM Act*;
- 2.1.16 *Fire Chief* means the Person appointed as head of the Municipal Fire Department;
- 2.1.17 *IC* means the Incident Commander responsible for Emergency Management of an incident and may include the DEM, DDEM, or if a further sub-delegation has been made, the IMT IC assigned to manage an incident;
- 2.1.18 *ICP* means Incident Command Post;
- 2.1.19 *IMT* means incident management team;
- 2.1.20 *LEMR* means the *Local Authority Emergency Management Regulation 203/2018*, in force on January 1, 2020;
- 2.1.21 *Local Authority* means a municipality which has a council, pursuant to the MGA;
- 2.1.22 *MEP* means the Municipal Emergency Plan prepared and maintained by the EMA to coordinate the response to an Emergency event;
- 2.1.23 *MGA* means the *Municipal Government Act* (RSA 2000, cM-26);
- 2.1.24 *Minister* means the Minister responsible for the EM Act;
- 2.1.25 *Municipality* means the Municipality of Jasper;
- 2.1.26 *Peace Officer* means a police officer or peace officer having jurisdiction and authority to enforce the EM Act, LEMR, and this Bylaw;
- 2.1.27 *Person* means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, department, board, agency, association, society or any other legal entity;
- 2.1.28 *Risk* means a probability or Threat of damage, injury, liability, loss, or other negative occurrence that is caused by external or internal vulnerabilities, and that may be neutralized through preemptive action;
- 2.1.29 *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 that an Emergency exists or may exist; and
- 2.1.30 *Threat* means a negative event that can cause a Risk to become a loss, expressed as an aggregate of Risk, consequences of Risk and the likelihood of the occurrence of the event. A Threat may be a natural phenomenon such as an earthquake, flood, storm or a human caused incident such as fire, power failure, sabotage, etc.

3. Emergency Advisory Committee

- 3.1 The Emergency Advisory Committee (EAC) is hereby established.

- 3.2 Council hereby delegates its powers and duties under the EM Act to the EAC.
- 3.3 The Mayor and two councillors shall be appointed as members of the EAC. The Mayor is the Chair of the EAC. If the Mayor is absent, the Deputy Mayor shall chair the EAC.
- 3.4 Councillors shall be appointed to the EAC at Council's organizational meeting, or by Council resolution shall the need arise to appoint EAC members at a different time.
- 3.5 The EAC shall meet at minimum, twice each year and more frequently as required. Members of the EAC, including the Chair, shall be entitled to expenses in accordance with Council policy.
- 3.6 The EAC may meet on less than 24 hours' notice. Where meetings in person are not feasible, the EAC may convene by electronic means of communication.
- 3.7 Where the EAC is not able to meet in a timely manner; the powers of the EAC 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 2 members of Council. This includes the authority to declare a State of Local Emergency.
- 3.8 The command, control and coordination system to be used by the EAC shall be the same as the one prescribed by the Managing Director of AEMA.
- 3.9 Council members shall complete the courses prescribed by the Managing Director of AEMA. Any prescribed courses shall be completed within 90 days of the Council member taking an official oath as required by the MGA.
- 3.10 The DEM may call an emergency meeting of the EAC when the DEM considers that an Emergency exists or may exist in the Municipality.
- 3.11 The EAC shall apply appropriate provisions of the Municipality's Procedure Bylaw for matters relating to parliamentary procedure.

4. Emergency Advisory Committee Roles and Responsibilities

- 4.1 The EAC will guide and direct the Municipality's EMA in the development of a MEP and any related programs.
- 4.2 The Municipality shall appoint the DEM as per the LEMR, which stipulates that this Bylaw shall appoint a Person as the DEM, or state the Person who holds a specified title or position and is appointed the DEM by virtue of holding that title or position.
- 4.3 The Municipality's DEM:
 - 4.3.1 shall be appointed through this Bylaw, and the EAC shall appoint the Person who holds the office of Fire Chief as the DEM;
 - 4.3.2 in the absence of the DEM, the CAO may delegate another Municipal employee to serve as the DEM; and
 - 4.3.3 if another Municipal employee is appointed to serve as the DEM, the CAO shall cause that appointment to be recorded pursuant to the Municipality's Delegation of Authority.
- 4.4 When no Disaster or Emergency exists, the EAC shall:
 - 4.4.1 on an annual basis, review and advise the Municipality about the MEP and related programs;
 - 4.4.2 on an annual basis, approve the MEP;
 - 4.4.3 assess the hazards, Risks, and mitigation strategies affecting the Local Authority; and
 - 4.4.4 review and recommend to Council the level of Emergency Management resourcing for the Municipality.
- 4.5 During an Emergency or Disaster, the EAC:
 - 4.5.1 shall maintain regular Council member duties, to the extent possible;

- 4.5.2 shall advise Council with respect to political, financial and resourcing support to the EMA; and
- 4.5.3 may be required to declare a SOLE.
- 4.6 Following an Emergency or Disaster, the EAC may:
 - 4.6.1 within 90 days, make an application to the DRP to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), municipalities and government departments for uninsurable loss and damage caused by Emergencies and Disasters; and
 - 4.6.2 seek reasonable remuneration by the Person who caused the Emergency, for expenses and costs of the actions or measures for any Person who provides labour, services, equipment or materials to the municipality to eliminate the Emergency, pursuant to the MGA.

5. Emergency Management Agency

- 5.1 The Emergency Management Agency (EMA) is hereby established.
- 5.2 The CAO, Director of Protective and Legislative Services, Fire Chief, and other staff members as required and determined by the DEM, shall be members of the EMA.
- 5.3 The Municipality's EMA is responsible for:
 - 5.3.1 the administration of the Local Authority's Emergency Management program;
 - 5.3.2 the development, maintenance and implementation of the MEP. A Local Authority must review the MEP that applies to that Local Authority at least once per year;
 - 5.3.3 the maintenance, establishment and operation of the ECC or ICP;
 - 5.3.4 the provision of Emergency Management advice to the DEM and the EAC as required;
 - 5.3.5 the conduct of all coordination and liaison with AEMA; and
 - 5.3.6 coordinating and conducting all appropriate training to ensure the effective operation of the ECC or ICP.
- 5.4 The EMA shall provide updates to the EAC at least twice annually, or more frequently if directed to do so by the EAC. Updates may include:
 - 5.4.1. a summary of the EMA's prevention, preparation, response and recovery efforts;
 - 5.4.2. the status of the Local Authority's EMA MEP;
 - 5.4.3. status of training of ECC or ICP personnel;
 - 5.4.4. planned training events; and
 - 5.4.5. budget recommendations.
- 5.5 The EMA will utilize the command, control and coordination system prescribed by the Managing Director of AEMA (e.g., Incident Command System – Canada).

6. Emergency Management Agency Training Requirements

- 6.1 The EMA shall meet the minimum training requirements set out in the LEMR.
- 6.2 Members of the EMA shall complete the courses prescribed by the Managing Director of the AEMA.
- 6.3 Staff who have been assigned responsibilities respecting the implementation of the MEP must complete the prescribed courses within 6 months of being identified for their role.

7. Emergency Management Agency Training Exercises

- 7.1 Unless an exercise under subsection 7.2 is carried out that year, a Local Authority's EMA shall engage in at least one (1) exercise per year in which participants identify a significant possible Emergency or Disaster scenario, and discuss how the Local Authority would respond to and resolve Emergency Management issues which may arise from the scenario.
- 7.2 A Local Authority's EMA shall engage in at least one (1) exercise every four (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.
- 7.3 Section 7.2 does not apply to a Local Authority EMA that has responded to an Emergency or Disaster within the previous four (4) years, which resulted in the implementation of the Local Authority's MEP and where a written post-incident assessment was completed that included observations, recommendations for improvement, and corrective action to be conducted.
- 7.4 A Local Authority EMA may fulfill the obligations set out in Sections 7.1 and 7.2 by participating in regional Emergency exercises that require the Local Authority to utilize relevant portions of the Local Authority's MEP.
- 7.5 A Local Authority EMA shall submit an exercise notification to the AEMA 90 days before engaging in the exercise required under 7.1 or 7.2. The exercise notification must outline the exercise scenario, state the exercise objectives, identify the participants, and state the date the exercise will be conducted.

8. Director of Emergency Management

- 8.1 The DEM plans and leads the responses to natural Disasters and other Emergencies, and ensures Municipal Council members and staff become familiar with Emergency procedures.
- 8.2 The DEM shall:
 - 8.2.1. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;
 - 8.2.2. act as Director of the ECC or Incident Commander;
 - 8.2.3. coordinate all Emergency operations within the Municipality;
 - 8.2.4. conduct or direct appropriate training to ensure effective operation of the ECC or ICP, such as:
 - 8.2.4.1 the Incident Command System and all position-specific training required by the Alberta Government under the EM Act or LEMR; and
 - 8.2.4.2 optional position-specific training or training intended to ensure the readiness or mental well-being of personnel assigned to Emergency Management for the Municipality (e.g., standard or emergency first-aid, and mental health resiliency training);
 - 8.2.5. perform other duties as required by the Municipality during an Emergency;
 - 8.2.6. appoint one (1) or more Deputy DEM(s) as required; and
 - 8.2.7. appoint an Interim DEM as required.
- 8.3 The DEM is authorized to delegate any powers, duties, and functions delegated to the DEM under this Bylaw to the Deputy DEM(s).
- 8.4 The DEM may invite any Person or entity to work with or support the activation and management of the ECC or ICP, including:
 - 8.4.1. all departments within the Municipality;
 - 8.4.2. Alberta Health Services;
 - 8.4.3. public and separate school divisions;
 - 8.4.4. police or RCMP Services;

- 8.4.5. municipalities that have entered into mutual-aid agreement(s) with the Municipality;
- 8.4.6. an IMT or Persons forming part of an IMT;
- 8.4.7. local business or industry, or business or industry associations;
- 8.4.8. local utility companies;
- 8.4.9. Alberta or Canadian Government boards or agencies; and
- 8.4.10. any other Person or non-governmental organization who might serve a useful purpose in the preparation or implementation of the MEP.

9. Director of Emergency Management Training Requirements

- 9.1 The LEMR sets out minimum training requirements for the DEM.
- 9.2 The DEM shall complete the courses prescribed by the Managing Director of the AEMA (e.g., Basic Emergency Management, ICS 100, 200 & 300, and the Director of Emergency Management course).
- 9.3 The DEM shall complete such courses within 18 months of being appointed as the Director of a Local Authority's EMA.

10. Deputy Director of Emergency Management

- 10.1. The DDEM is to assist the DEM in planning and leading the responses to natural Disasters and other Emergencies, and to ensure Council members and staff become familiar with the Emergency procedures.
- 10.2. The DDEM shall assist the DEM to:
 - 10.2.1. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;
 - 10.2.2. act as Director of the ECC or Incident Commander when appointed to do so by the DEM, or in the absence of the DEM;
 - 10.2.3. coordinate all Emergency operations within the Municipality;
 - 10.2.4. conduct or direct appropriate training to ensure effective operation of the ECC or ICP; and
 - 10.2.5. perform other duties as required by the Municipality during an Emergency.

11. Deputy Director of Emergency Management Training Requirements

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

12. State of Local Emergency (SOLE)

- 12.1 By resolution, the EAC may at any time when it is satisfied that an Emergency exists or may exist, make a declaration of a SOLE relating to all or any part of the Municipality.
- 12.2 The EAC shall ensure that the declaration identifies the nature of the Emergency and the area of the Municipality in which it exists.
- 12.3 When a SOLE is declared, the EAC shall:
 - 12.3.1. cause the details of the declaration to be published by any means of communication that it considers most likely to make known to the population of the area affected the contents of the declaration; and
 - 12.3.2. forward a copy of the declaration to the Minister.
- 12.4 When a SOLE is declared, the DEM, IC or ECC Director may at any time, in accordance with the MEP or related plans or programs:

- 13.4.1. cause the MEP or any related plans or programs to be put into operation, if not already in operation;
- 13.4.2. acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an Emergency or Disaster;
- 13.4.3. authorize or require any qualified Person to render aid of any type they are qualified to provide;
- 13.4.4. control or prohibit travel to and from any area of the Municipality;
- 13.4.5. provide for the restoration of essential services and the distribution of essential supplies, and provide, maintain and coordinate Emergency medical, welfare and other essential services in any part of the Municipality;
- 13.4.6. 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 their personal property;
- 13.4.7. 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;
- 13.4.8. cause the demolition or removal of any trees or structures if the demolition or removal is necessary or appropriate in order to reach the scene of a Disaster, to attempt to forestall its occurrence, or to combat its progress;
- 13.4.9. procure or fix prices for food, clothing, fuel, equipment, medical supplies or other essential supplies, and the use of any services, resources or equipment within the Municipality for the duration of the SOLE. If impractical to procure equipment or services in accordance with the Municipality's procurement policy, the DEM may authorize an Emergency Procurement; and
- 13.4.10. authorize the conscription of Persons needed to meet an Emergency.

13. State of Local Emergency (SOLE) Cancellation or Termination

- 14.1 When, in the opinion of the EAC, an Emergency no longer exists in a Local Authority in relation to which a declaration of a SOLE was made, it shall by resolution, terminate the SOLE declaration.
- 14.2 Immediately after:
 - 14.2.1. the passage of a resolution terminating a declaration of a SOLE; or
 - 14.2.2. the termination by lapse of seven (7) days of a declaration of a SOLE,the EAC shall cause the details of the declaration, cancellation, or the termination lapse to be published by any means of communication that it considers most effective to the residents of the affected areas.
- 14.3 Upon cancellation or termination of a SOLE, a copy of the notice shall be forwarded to the Minister.

14. Evacuation Orders

- 15.1 Following a declaration of a SOLE made by the EAC, an Evacuation Order may be issued by the DEM, DDEM, IC or Director of the ECC leading the Emergency response.
- 15.2 When circumstances permit, the DEM, DDEM, IC or Director of the ECC should communicate notice of their intent to issue an Evacuation Order to the EAC, prior to issuing the Evacuation Order.
- 15.3 If the Emergency situation does not permit notice to be given to the EAC in advance, the DEM, DDEM, IC or Director of the ECC may issue an Evacuation Order without seeking or obtaining further direction or input from the EAC.
- 15.4 Subject to s. 15.3, an Evacuation Order issued by the DEM, DDEM, IC or Director of the ECC shall be communicated to the EAC as soon as reasonably practicable.

- 15.5 Pursuant to s. 19.1(1) of the EM Act, if an Evacuation Order is made, every Person within the area that is the subject of the Evacuation Order shall leave the area:
- 15.5.1. immediately; or
 - 15.5.2. if a deadline for evacuation is specified in the Evacuation Order, by that deadline.
- 15.6 Section 19.1(1) of the EM Act does not apply to a Person acting under the direction of a Person exercising powers under s. 19(1) or 24(1)(b) of the EM Act, as the case may be, so long as there is a plan for safely evacuating that Person in a timely manner and the means available to carry out the plan.
- 15.7 An Evacuation Order shall be enforced by a Peace Officer having authority to enforce the EM Act or LEMR, and holding jurisdiction for the Municipality.

15. Financial

- 16.1 In accordance with the EM Act, Council may, by a bylaw which does not require advertising, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the EMA.
- 16.2 Council may, during or within 60 days after the SOLE, by a bylaw which does not require advertising but that is approved by the Minister responsible for the MGA, borrow any money necessary to pay expenses caused by the Emergency. This may include payment for services provided by the Provincial or Federal Government, when the services were provided at the request of the Municipality.
- 16.3 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 MEP and related programs.
- 16.4 Council may, in accordance with the EM Act and this Bylaw, expend all sums required for the response to and recovery from an Emergency event.
- 16.5 In the event of a Disaster, the Alberta Government may provide financial assistance to individuals, small businesses, not-for-profit organizations (including not for-profit cooperatives), Local Authorities and government departments after a Local Authority applies for DRP relief on behalf of their residents, and if the program is approved.

16. Offence

- 17.1. Any Person who violates any provision of this Bylaw or interferes with or obstructs any Person in the exercise of any power or the performance of any duty conferred or imposed by 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 1 year, or to both fine and imprisonment in such amounts.
- 17.2. Section 17 of the EM Act states that when a Local Authority declares a SOLE, any Person who:
- 17.2.1. contravenes the EM Act or the or the LEMR;
 - 17.2.2. fails to comply with an Evacuation Order; or
 - 17.2.3. interferes with or obstructs any Person in the carrying out of a power or duty under the EM Act or the LEMR,
- 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.
- 17.3. No action lies against Council or a Person acting under the direction or authorization of Council for anything done or omitted to be done in good faith while carrying out a power or duty under the EM Act or this Bylaw.

18. Severability

- 10.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

11. Coming into Force

- 11.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 11.2 If any provision herein is adjudged to be repugnant to any federal or provincial legislation or regulation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal or provincial legislation or regulation.

READ for a first time this 17th day of May, 2022.

READ for a second time this 17th day of May, 2022.

READ for a third time and finally passed this 7th day of June, 2022.

Mayor

Chief Administrative Officer