

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY EMERGENCY PROGRAM BYLAW 2009 NO. 4748

EXPLANATORY NOTE

Bylaw No. 4748 updates the Township of Langley Emergency Program Bylaw 2003 No. 4093 to allow Council to prepare or cause to be prepared, local emergency plans respecting preparation for response to and recovery from emergencies and disaster, pursuant to the most recent Provincial legislation.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY EMERGENCY PROGRAM BYLAW 2009 NO. 4748

WHEREAS Municipal Council is required to prepare or cause to be prepared, local emergency plans respecting preparation for response to and recovery from Emergencies and Disasters pursuant to the Emergency Program Act, R.S.B.C. 1996 Chapter 111;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Emergency Program Bylaw 2009 No. 4748”.

PART I – LANGLEY EMERGENCY PROGRAM

SECTION 1 – INTERPRETATION

- 1.1 In this bylaw unless the context requires otherwise:
 - a) “Act” means the Emergency Program Act, R.S.B.C. 1996, chapter (c) 111 as amended from time to time.
 - b) “Administrator” means the Chief Administrative Officer of the City or the Municipal Administrator of the Township and his or her designate.
 - c) “Building” means any structure used or intended for supporting or sheltering any use or occupancy;
 - d) “Charter” means the Community Charter, S.B.C. 2003, c. 26 as amended from time to time.
 - e) “City” means the City of Langley;
 - f) “Council” means the Council for the Township;
 - g) “Declaration” refers to a Declaration of a State of Local Emergency and means a resolution of the Council or an Order by the Mayor that an Emergency or Disaster exists or is imminent, pursuant to Section 12(1) of the Emergency Program Act, R.S.B.C. 1996 Chapter 111;
 - h) “Director” means the person who is responsible for the implementation of the Emergency plan and for operation of the Emergency Operations Centre (EOC) in times of a Disaster or an Emergency, including but not limited to the Administrator.
 - i) “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 or the environment;
- j) “Emergency” means a present or imminent event or circumstance 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, and the environment;
- k) “Emergency Management” means an organized strategy and program based on the principles of preparedness, mitigation, response and recovery;
- l) “Emergency Operations Centre (EOC)” means a centralized facility or location where designated staff members from either Langley Municipality gather to facilitate coordinated activities to respond to or recover from a Disaster or an Emergency. Staffing may include subject matter experts from supporting agencies.
- m) “Emergency Plan” means the written guidelines for protocols, roles and responsibilities in response to an Emergency or Disaster;
- n) “Emergency Planning Coordinator” means that person so appointed by the Township and has the responsibility for developing and coordinating community plans for preparedness, mitigation, response and recovery in conjunction with emergency responders, other municipal departments, community agencies and his or her designate;
- o) “Emergency Social Services (ESS) Program” is a program supported by the Provincial Emergency Program allowing for the provision of emergency food, clothing and lodging for citizens up to the first 72 hours after an emergency or disaster. The Langley Emergency Program coordinates the administration for this program and submits to PEP for cost reimbursement of activation activities.
- p) “Emergency Social Services Director” means that person so appointed by the Emergency Planning Coordinator;
- q) “Fire Chief” means the person appointed by a Langley Municipality to be responsible for providing fire and rescue services and his or her designate.
- r) “Incident Command System” means a comprehensive and standardized management scheme that ensures a coordinated and organized local and provincial response and recovery to any and all Disasters and Emergencies, including but not limited to management, operations, planning, logistics, finance and administration.

- s) "Langley Emergency Program" means the organization, plans and procedures established for response and recovery to Emergencies and Disasters within Langley;
 - t) "Langley" means the area collectively containing the municipalities of the City and the Township.
 - u) "Langley Municipality" means either the City or the Township or both, if in the plural form;
 - v) "Mayor" means the person elected as Mayor of the Township of Langley and his or her designate;
 - w) "Order" means a written statement or instruction, bearing the printed name and title of the issuer and the date of the issuance.
 - x) "Provincial Emergency Program (PEP)" means the provincial agency responsible for carrying out the powers and duties vested in it by the Act and the Minister responsible for PEP.
 - y) "Township" means the Corporation of the Township of Langley
 - z) "Volunteer Services" means activities supported by emergency preparedness trained volunteers within the Emergency Social Services (ESS) Program.
- 1.2 The words defined in the Act will have the same meaning in this bylaw.
- 1.3 In case of conflict between this bylaw and the Act, the Act will take precedence.

SECTION 2 - ADMINISTRATION

- 2.1 There shall be an Emergency Planning Committee which will meet not less than every six months. The Emergency Planning Coordinator will be the chairperson of the committee. The committee will consist of, but not limited to, the following members or their designate:
- (a) Emergency Planning Coordinator
 - (b) City Fire Chief
 - (c) Township Fire Chief.
- 2.2 Subject to the approval of the Township, the Emergency Planning Committee may:
- (a) Negotiate agreements with other governments or agencies for the purpose of mutual aid or for the formation of joint organizations,
 - (b) Negotiate with individuals, bodies, or corporations other than governments for the employment of their members within the emergency program according to their qualifications,

- (c) Make, and amend, rules for regulating its own practices and procedures.
- 2.3 The Emergency Planning Committee shall be responsible for the submission of estimates of expenditures to the Township for the annual cost of maintenance and operation of the Langley Emergency Program.
- 2.4 The Emergency Planning Committee shall maintain the Langley Emergency Plan within which defines roles and responsibilities to deal with Emergencies and Disasters. The Emergency Plan, including minor amendments, such as names, addresses and telephone numbers shall be maintained under the direction of the Emergency Program Coordinator.

SECTION 3 - DUTIES AND RESPONSIBILITIES

- 3.1 In the event of an Emergency or Disaster or a Declaration of a State of Local Emergency, the Township may authorize the expenditure of general operating funds to meet the needs of the situation.
- 3.2 The Emergency Planning Committee shall be responsible for performing the annual review and coordinating the annual updating of the Emergency Plan, as prepared by the Emergency Planning Coordinator.
- 3.3 Heads of departments/services identified in the Emergency Plan shall prepare detailed departmental roles, responsibilities and procedures containing information and direction specific to their departments/services. These will be supplementary to those contained in the Emergency Plan.
- 3.4 The Emergency Planning Coordinator shall:
 - (a) Act in the capacity of EOC Liaison officer in the Emergency Operations Centre (as defined in the Emergency Plan) during an "Emergency" or "Disaster", including assisting and advising members of the Emergency Operations Centre;
 - (b) Under a Provincially Declared State of Emergency, act as the liaison between the Director of the Provincial Emergency Program or such other person as the Minister may appoint under Section 10(2) of the Emergency Program Act, R.S.B.C. 1996 c.111 and the Township for the coordination and implementation of necessary plans or response;
 - (c) Have the authority to implement the Emergency Plan if, in his or her opinion, an emergency exists or appears imminent or a Disaster has occurred or threatens in:
 - i) all or any part of the Township or
 - ii) any other municipality or electoral area, if the local government having responsibility for that jurisdictional area has requested assistance;
 - (d) Maintain and update the Emergency Plan;

- (e) Be responsible for day to day management of the Langley Emergency Program which includes coordination of staff and volunteers, public education and coordination with external organizations in Emergency Management;
- (f) Select and process candidates for Federal and Provincial emergency management and other training courses;
- (g) Maintain information on potential manmade or natural hazards and the impact on the Township;
- (h) Coordinate provision of equipment and tools utilized by the Langley Emergency Program Volunteer Services;
- i) Conduct studies and exercises to ensure the Langley Emergency Program is effective and in a state of readiness;
- (j) Appoint and review in conjunction with the Emergency Planning Committee the performance of the Emergency Social Services Program and its volunteers, and
- (k) Act as the point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations.

SECTION 4 - DECLARATION OF A STATE OF LOCAL EMERGENCY

- 4.1 Notwithstanding any other provisions of this bylaw, the Act, or the Charter, the Mayor or Council may, when satisfied that an Emergency or Disaster exists or is imminent in the Township, declare a State of Local Emergency.
- 4.2 A Declaration of a State of Local Emergency must identify the nature of the Emergency or Disaster and the part of the Township in which it exists or is imminent, and the declaration shall be made:
 - (a) by bylaw, or resolution, if made by Council, or
 - (b) by Order, if made by the Mayor.
- 4.3 Upon a Declaration of a State of Local Emergency being made, the Township shall:
 - (a) forward a copy of the declaration to the Attorney General, and
 - (b) cause the details of the declaration to be published to the population of the affected area of the Township.
- 4.4 The Council or Mayor must, when of the opinion that an Emergency no longer exists in the part of the Township in relation to which a Declaration of a State of Local Emergency was made,
 - (a) Cancel the Declaration in relation to that part:
 - i) by bylaw or resolution, if the cancellation is effected by the Council, or
 - ii) by Order, if the cancellation is effected by the Mayor, and

- (b) Promptly notify the Attorney General of the cancellation.

SECTION 5 - LIABILITY

- 5.1 No person, including, without limitation, the Mayor, other members of the Council, employees of the Township of Langley, its volunteers, its Police or Fire Departments, or other person appointed or authorized or required to carry out measures relating to an Emergency or Disaster is liable for any loss, cost, expense, damage or injury to persons or property that results 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, the Emergency Plan or the Act 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, the Emergency Plan or the Act, appointed, authorized or required by the person to do the act, unless in appointing, authorizing or requiring those persons to do the act, the person was not acting in good faith.

SECTION 6 - COMPENSATION FOR LOSS

- 6.1 Despite Section 5 above, if as a result of the acquisition or use of a person's real property by, or under the direction or authority of the Township under a declaration, the person suffers a loss of or to that property, the Township shall compensate that person for such loss in accordance with the Regulation made under the Act.
- 6.2 Despite Section 5 above, if a person suffers a loss of or to any real or personal property as a result of the implementation of the Emergency Plan or any other action taken by, or under the direction or authority of the Township under a declaration, the Township may compensate that person for such loss in accordance with the Regulations made under the Act.
- 6.3 If any dispute arises concerning the amount of compensation payable under sections 6.1 or 6.2 above, the matter shall be submitted for determination by one or three arbitrators appointed under the Commercial Arbitration Act R.S.B.C. 1986, Chapter 3, as amended. The person to be compensated shall deliver a notice setting out his or her choice as to whether there shall be one or three arbitrators to the Minister responsible for the Emergency Program Act. The Commercial Arbitration Act shall apply to such dispute.

PART 2 – JOINT LANGLEY EMERGENCY OPERATIONS

SECTION 1 – INTER-MUNICIPAL EMERGENCY SCHEME

- 1.1 Pursuant to section 14 of the Charter, the Township of Langley establishes an inter-municipal emergency scheme with the City of Langley to deal with any Disaster or Emergency occurring in Langley.
- 1.2 A Langley Municipality may:
 - (a) amend its version of this bylaw in a manner which is consistent with the other Langley Municipality's bylaw as long as the inter-municipal emergency scheme is in effect;
 - (b) withdraw from participating in the inter-municipal emergency scheme by providing written notice to the other Langley Municipality at least 6 months in advance of the withdrawal;
 - (c) use Incident Command System principles to respond to a Disaster or an Emergency;
 - (d) bear any indirect costs associated with a Disaster or an Emergency in Langley; and
 - (e) apply to PEP to recover costs associated with a Disaster or an Emergency in Langley.
- 1.3 A Langley Municipality will:
 - (a) permit its employees to deal with any Disaster or Emergency occurring in Langley;
 - (b) allow the other Langley Municipality to expend funds on its behalf to deal with a Disaster or an Emergency in Langley;
 - (c) bear the direct costs incurred to deal with a Disaster or an Emergency; and
 - (d) pay the wages for its employees who are working for or in the EOC during a Disaster or an Emergency in Langley;

SECTION 2 – EMERGENCY OPERATIONS CENTRE

- 2.1 The following places are designated as Emergency Operations Centres:
 - (a) Fire Hall No.6, located at 22170 50 Avenue in the Township;
 - (b) Fire Hall No.1, located at 5785 203 Street in the City; and
 - (c) any location in Langley identified by the Director of the Emergency Operations Centre.

SECTION 3 – RESPONSE TO A DISASTER OR AN EMERGENCY

- 3.1 Any location in Langley which is involved with a Disaster or an Emergency shall fall under the principals and direction of this Bylaw (such as Site location or Reception Centre).
- 3.2 In time of a Disaster or an Emergency in a Langley Municipality, the following persons may activate the Emergency Plan and the Emergency Operations Centre:
 - (a) the Administrator;
 - (b) the Fire Chief; or

- (c) the Emergency Planning Coordinator.
- 3.3 The first Administrator from either Langley Municipality to arrive at the EOC assumes the role of EOC Director.
- 3.4 Subject to availability, the Administrators will rotate into the role of the EOC Director during the Disaster or Emergency.
- 3.5 The EOC Director has the authority and responsibility for the following:
- (a) Activating of the Emergency Plan;
 - (b) Advising and informing the Councils for both Langley Municipalities as to status of the Disaster or Emergency;
 - (c) Establishing operational response priorities;
 - (d) Coordinating the planning and response activities within the EOC, between EOC and sites away from the EOC, and between the EOC and other applicable agencies, organizations or levels of government;
 - (e) Making decisions in the best interests of Langley without regard to municipal boundaries;
 - (f) Deploying resources from either Langley Municipality;
 - (g) Authorizing the expenditure of general operating funds to deal with the Disaster or Emergency in consultation with the affected Langley Municipality.
- 3.6 Employees who are from:
- (a) the affected Langley Municipality will be required to provide staffing support at the EOC, as required; and
 - (b) the unaffected Langley Municipality may be requested to provide staffing support at the EOC.
- 3.7 Pursuant to section 18 of the Act, employees, and others designated, who are working under the direction of or in the EOC will not be held personally liable.

SECTION 4 – DECLARATION OF A STATE OF LOCAL EMERGENCY

- 4.1 In the event of a Disaster or Emergency which impacts Langley, each Langley Municipality is responsible for making its own Declaration of a State of Local Emergency.

SECTION 5 - REPEAL

5.1 Bylaw No. 4093, cited as the "Township of Langley Emergency Program Bylaw 2003 No. 4093" is hereby repealed.

READ A FIRST TIME the 22 day of June , 2009

READ A SECOND TIME the 22 day of June , 2009

READ A THIRD TIME the 22 day of June , 2009

RECONSIDERED AND ADOPTED the day of , 2009

_____ Mayor _____ Deputy Township Clerk



REPORT TO MAYOR AND COUNCIL

PRESENTED: JUNE 22, 2009 - REGULAR MEETING
FROM: PROTECTIVE SERVICES
SUBJECT: EMERGENCY PROGRAM BYLAW 2009 NO. 4748

REPORT: 09-88
FILE: 7380-20

RECOMMENDATION(S):

That Council give first, second and third readings to Township of Langley Emergency Program Bylaw 2009 No. 4748; and further

That Council repeal Township of Langley Emergency Program Bylaw 2003 No. 4093.

EXECUTIVE SUMMARY

The existing Langley Emergency Bylaw (Township Bylaw No. 4093 and City Bylaw No. 2395-01) need to be replaced with a new updated one that complies with the new British Columbia Emergency Management Response System (BCERMS), ensuring we have the capability to assist and coordinate our efforts with other response agencies in the event of an emergency or disaster.

Both municipalities would work together during and after a major event to ensure coordination of response and priority of critical resources. Both Langley municipalities have been involved in the re-writing of this bylaw to ensure clarity of wording and support. This Bylaw ensures that appropriate Staff have the authority to support relief efforts and ensure the safety of all Langley citizens during and after any emergency or disaster. The updating of the current bylaw is extensive and therefore requires a new bylaw.

The City of Langley Council has advanced first, second and third readings for Emergency Program Bylaw, 2009, No. 2775 at the June 15, 2009 Council meeting, with final adoption proposed for consideration at the June 22, 2009 City of Langley Council meeting.

PURPOSE:

To provide Council with a recommendation that our current Emergency Program Bylaw be repealed and replaced with a new Emergency Program Bylaw complying with Provincial legislation.

BACKGROUND/HISTORY:

Each municipality is mandated under the Provincial Emergency Program Act to have a plan to prepare, mitigate, respond and recover from disasters or emergencies. Most 'emergencies' are small enough that they are handled by the agencies delegated by the municipality to handle: Police, Fire, Ambulance and Public Works.

DISCUSSION/ANALYSIS:

The new Bylaw No. 4748 is an update and re-write of the current bylaw. Most sections have been updated to reflect current legislation and current Emergency Program Activities as they would relate in the event of a major incident. The re-writes are extensive and a new bylaw is required.

The British Columbia Emergency Response Management System (BCERMS) came into effect in 1999, and our Bylaw was written prior to, thus some wording changes and 'cleaning up' needed to be done. An example of this would be the 'Emergency Operations Control Group' under current section 2.3. This group is essentially the BCERMS Emergency Operations Centre (EOC) staff, and we sometimes do not have all the individuals that are stated in this 'Control Group' present, depending on the event and response needed. Therefore this misleading section should be removed. As the new Part II goes into the EOC and activities, we did not reword or reiterate further in Part I.

The current section 4 – "Powers" was reworded to "Declaration of Local State of Emergency" to clarify what we were referring to in this section. This format allows us to reiterate the important components without going into the details.

We also removed the current section 5 – "Continuity of Government" as this is stated in the *Charter and Local Government Act*, removing the necessity for this duplication.

The Interpretation section at the beginning of Part I has many definitions and these are listed alphabetically.

New Part II – Joint Langley Emergency Operations:

This section of the bylaw was created because of the need for both Langley municipalities to have the ability to assist each other during a disaster. We will end up with staff working within the other municipality's boundaries, working collaboratively for common goals and citizen safety. We need strong legislation that allows this to happen. For example, if there is a major event, such as an earthquake, we might find the Administrative Officer making decisions and supporting activities that happen in both the City and the Township. During such a major event, we would need to share staffing resources as we worked through short term response to long term recovery while maintaining government. This section of the bylaw gives our Administrator the authority to make decisions and support activities in the other municipality.

This section also covers:

- Allowance to expend funds to deal with a disaster or emergency.
- Staff working for (such as on the sites) or at the EOC, within this municipality or the other, are covered for liability, under the Provincial Emergency Program Act.
- The locations of the established Emergency Operations Centres.
- How each municipality is responsible for their own 'Declaration of State of Local Emergency'.
- How the Policy Group from each municipality is kept informed.

Details regarding the EOC setup and who would be present have been deliberately left out, as depending on the event and needs, we may have one person or 40 within the EOC. This new Bylaw allows us to have the structure and the authority we need to do the job being asked of us, and the flexibility that BCERMS supports.

Respectfully submitted,

Doug Wade
FIRE CHIEF
for
PROTECTIVE SERVICES

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
Legislative Services	P. Catlin

ATTACHMENT A Township of Langley Emergency Program Bylaw 2009 No. 4748