

CAPE BRETON REGIONAL MUNICIPALITY

By-Law E-100

EMERGENCY MANAGEMENT

A BYLAW TO PROVIDE FOR A PROMPT AND COORDINATED RESPONSE TO AN EMERGENCY

The CAPE BRETON REGIONAL MUNICIPALITY, under the authority vested in it by the *Emergency Management Act*, S.N.S. 1990, c. 8, s. 1; 2005, c. 48, s. 1, and the *Municipal Government Act*, S.N.S. 1998, c.18, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "*Emergency Management By-Law*".

INTERPRETATION

2. In this by-law,
 - (a) "Act" means the *Emergency Management Act*, 1990, c. 8, s. 1; 2005, c. 48, s. 1
 - (b) "C.B.R.M." means Cape Breton Regional Municipality;
 - (c) "Council" means the Council of the Cape Breton Regional Municipality;
 - (d) "Councillor" means a member of the Municipal Council;
 - (e) "Director" means the Deputy Head/CEO of the Nova Scotia Emergency Management Office;
 - (f) "Emergency" means a present or imminent event in respect of which the Regional Municipality believes prompt co-ordination of action or regulation of persons or property to be undertaken to protect property or the health, safety or welfare of people in Nova Scotia;
 - (g) "Emergency Management Advisory Committee" means the C.B.R.M. Advisory Committee established pursuant to this by-law;
 - (h) "Emergency Management Coordinator" means the C.B.R.M. Emergency Management Coordinator appointed by Council pursuant to this by-law;

- (i) "Emergency Management Organization" means the organization established pursuant to this by-law;
- (j) "Emergency Plan" means the plan, adopted by Council as the Emergency Response Plan for the Municipality;
- (k) "Emergency Management Planning Committee" means the planning committee established pursuant to this by-law;
- (l) "Emergency Management Program" is the framework for development of programs and activities for all four emergency phases (mitigation, preparedness, response, and recovery);
- (m) "Mayor" means the Mayor of the Cape Breton Regional Municipality or a councillor acting in the stead of the mayor;
- (n) "Minister" means the member of the Executive Council to whom is assigned the administration of the Emergency Management Act and regulations;
- (j) "Municipality" or "municipal" means all of the area within the boundaries of the Cape Breton Regional Municipality;
- (n) "State of Emergency Regulations" means regulations approved by the Governor in Council by Order in Council 92-61, Regulation 17/92, as amended from time to time;
- (o) "State of Local Emergency" means a state of local emergency declared or renewed by the Municipality pursuant to the Act and regulations made pursuant thereto and this by-law.

C.B.R.M. EMERGENCY MANAGEMENT ORGANIZATION

- 3. (1) The Council hereby establishes a C.B.R.M. Emergency Management Organization.
- (2) The C.B.R.M. Emergency Management Organization consists of the following persons and committees:
 - (a) C.B.R.M. Emergency Management Advisory Committee (Protective Services Committee);
 - (b) C.B.R.M. Emergency Management Coordinator; and
 - (c) C.B.R.M. Emergency Management Planning Committee.

C.B.R.M. EMERGENCY MANAGEMENT ADVISORY COMMITTEE

4. (1) The C.B.R.M. Protective Services Committee shall serve as C.B.R.M. Emergency Management Advisory Committee.
- (2) Subject to section 4(3) of this bylaw, the Committee will follow the procedures governing Council Committees.
- (3) The C.B.R.M. Emergency Management Advisory Committee shall:
 - (a) Present C.B.R.M. Emergency Management plans to Council for approval and/or revisions;
 - (b) Advise Council on the development and maintenance of the C.B.R.M. Emergency Management Plans;
 - (c) Brief Council on developments during a local state of emergency; and
 - (d) Perform such other duties as may be required by Council.

C.B.R.M. EMERGENCY MANAGEMENT CO-ORDINATOR

5. (1) The C.B.R.M. Emergency Management Co-ordinator may be paid reasonable expenses for work incurred under this by-law.
- (2) The C.B.R.M. Emergency Management Co-ordinator reporting to the Chief Administrative Officer, shall be responsible, through the EMO Advisory Committee for:
 - (a) Act as Chair of the C.B.R.M. Emergency Management Planning Committee and coordinate the development, implementation and maintenance of the Emergency Management Program and Emergency Plan, including the review and development of supporting plans;
 - (b) Conduct emergency management activities as directed by Council and/or the EMO Advisory Committee;
 - (c) Co-ordinates emergency planning for the municipality, with industry and institutions within municipal boundaries;
 - (d) Provide members of the C.B.R.M. Emergency Management Organization with copies and/or any revisions to the Emergency Plan;
 - (e) Ensure the Emergency Operations Center is prepared for use;

- (f) Facilitate, design and conduct emergency training and exercises to ensure the CBRM Emergency Plan is effective and in a state of readiness;
- (g) Must act as the point of contact with the Emergency Management Office Nova Scotia and other agencies concerned with emergency planning and operations;
- (h) Must maintain information on potential hazards and the impact on the municipality;
- (i) The Emergency Management Coordinator may approve minor amendments to the Annexes of CBRM Emergency Plan, including names, address and telephone numbers.

C.B.R.M. EMERGENCY MANAGEMENT PLANNING COMMITTEE

- 6 (1) The C.B.R.M. Emergency Management Planning Committee shall consist of Chief Administrative Officer, the Emergency Management Coordinator and the designated alternate, Senior Departmental Official(s) designated by each municipal department director and members of outside professional and volunteer organizations having been assigned emergency related functions under municipal emergency management plans and, where no department or agency exists, a qualified person to represent that group.
- (2) The Emergency Management Coordinator or designated alternate will chair the C.B.R.M. Emergency Management Planning Committee.
- (3) The C.B.R.M. Emergency Management Planning Committee shall include, but is not be limited to, persons responsible during an emergency to provide:
 - (a) law enforcement
 - (b) fire control services
 - (c) transportation
 - (d) engineering services
 - (e) water
 - (f) wastewater

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- (g) solid waste
 - (h) telecommunications
 - (i) financial services
 - (j) legal services
 - (k) administrative services
 - (l) human resource management (including health and safety)
 - (m) information systems
 - (n) purchasing/materials management
 - (o) physical, social and environmental planning information
 - (p) public information, and
 - (q) utilities.
- (4) The C.B.R.M. Emergency Management Planning Committee shall also include persons responsible during an emergency to coordinate the following functions with municipal emergency plans:
- (a) income assistance
 - (b) community services
 - (c) health services
- (5) The C.B.R.M. Emergency Management Planning Committee shall:
- (a) Assist the C.B.R.M. Emergency Management Coordinator in the preparation and coordination of C.B.R.M. emergency management plans;
 - (b) Advise the C.B.R.M. Emergency Management Advisory Committee on the development of emergency plans;
 - (c) Upon request, assist the C.B.R.M. Emergency Management Advisory Committee in the presentation of emergency plans to Council;

(d) Perform such other duties as may be required by the C.B.R.M. Emergency Management Advisory Committee or Council.

- (6) The C.B.R.M. Emergency Management Planning Committee must meet at least three (3) times per year with the C.B.R.M. Emergency Management Coordinator or the designated alternate.

AGREEMENTS

7. (1) C.B.R.M. Emergency Management Planning Committee may, as part of emergency plans, negotiate an agreement to be approved by Council with the Government of Canada, the Province of Nova Scotia, a municipality of a county or district, city, town, First Nations, or any other agency or any person.
- (2) Any agreement negotiated under subsection (1) is not binding until it is approved by Council.

DUTY OF COUNCIL

8. (1) Council shall establish and maintain a C.B.R.M. Emergency Management Organization.
- (2) The Council shall review, evaluate, maintain and approve C.B.R.M. emergency plans and/or revisions that the C.B.R.M. Emergency Management Advisory Committee presents.
- (3) Request assistance from the Provincial and/or Federal Government in accordance with established guidelines.
- (4) Declare, if necessary, A State of Local Emergency and communicate as per the requirements of the Emergency Management Act.
- (5) Extend or terminate as required A State of Local Emergency.
- (6) The Council may specify additional duties to be fulfilled by the C.B.R.M. Emergency Management Advisory Committee, the Emergency Management Co-ordinator and the Emergency Management Planning Committee.
- (7) The Council may appropriate and expend monies:
- (a) to pay reasonable expenses of members of the C.B.R.M. Emergency Management Advisory Committee, the C.B.R.M. Emergency Management Co-ordinator and the C.B.R.M. Emergency Management Planning Committee; and

- (b) to fulfill the terms and conditions of an agreement approved by the Council pursuant to Section 7.

POWERS - DECLARATION OF A STATE OF LOCAL EMERGENCY

Authority for Declaring A State of Local Emergency

- 9. (1) Council may, when satisfied that an emergency exists or may exist in all or any area of that municipality, declare a state of local emergency in respect of that municipality or area thereof.
- (2) If council is unable to act promptly, the mayor or his/her designated alternate may exercise the authority of council contained in subsection 9(1) after consulting, if it is practical to do so, with a majority of the members of EMO Advisory Committee.

How A State of Local Emergency Declared

- 9. (3) A declaration of a state of local emergency shall identify the nature of the emergency and the part of the municipality in which it exists.
- (4) When a declaration of state of local emergency is made, the Mayor or his/her designated alternate will:
 - (a) Have Council declare a state of local emergency by completing Form 4 attached to the State of Emergency Regulations;
 - (b) Acting under Section 12 (3) of the Emergency Management Act complete Form 5 attached to the State of Emergency Regulations;
 - (c) Shall immediately deliver or fax a copy of a signed declaration to the Minister responsible for Emergency Management and the Executive Director of EMO NS.
 - (d) Shall immediately cause the details of the declaration to be communicated or published by such means as the Council considers the most likely to make the contents of the declaration known to the people of the area affected.
 - (e) May authorize any person or committee to exercise any power vested in the Mayor or his designated alternate, respectively, by Section 14 of the Emergency Management Act.

Renewal of A State of Local Emergency

9. (5) A State of local emergency may be renewed by the municipality with the approval of the Minister seven days after the day on which it was declared.
- (6) With the approval of the Minister, the Council may renew a state of local emergency by completing Form 6 attached to the State of Emergency Regulations.

TERMINATION OF STATE OF LOCAL EMERGENCY

10. (1) A Municipality may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when, in its opinion, an emergency no longer exists in such area.

How A State of Local Emergency Terminated

10. (2) A state of local emergency terminates:
 - (a) When the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in a declaration of a state of emergency;
 - (b) Is terminated by the Minister or by the municipality;
 - (c) Seven days after the day on which it was declared unless it is renewed in accordance with this Act;
 - (d) The Council may terminate a state of local emergency by completing Form 7 attached to the State of Emergency Regulations;
 - (e) Shall immediately deliver or fax a copy of a declaration signed to the Minister responsible for Emergency Management and the Director of EMO NS;
 - (f) Shall immediately cause the details of the termination to be communicated or published by such means as the Council considers the most likely to make the contents of the termination known to the people of the area affected.

NOTICE PROVISION

11. Following the signature of a declaration under Section 9, Council shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Council considers the most likely to make the contents of the declaration or termination known to the people of the area affected.

DUTIES DURING A STATE OF LOCAL EMERGENCY

12. Following the issuance of a declaration under Section 9 and for the duration of the state of local emergency;
- (1) every councillor shall keep the Chair of the Advisory Committee posted respecting the councillor's location; and
 - (2) every employee, servant and agent of the Regional Municipality who has a key role to play in emergencies as identified in the emergency plans shall:
 - (a) advise the Emergency Management Co-ordinator of his or her location, and
 - (b) fulfill such duties as may be prescribed by the C.B.R.M. Emergency Plan and any additional duties as may be prescribed by the, Emergency Management Coordinator.

REPEAL OF PREVIOUS BY-LAWS

13. All Emergency Measures By-Laws passed by a predecessor municipal unit of the Cape Breton Regional Municipality are hereby repealed.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on the 19th day of February, 2008

MAYOR
John W. Morgan

CLERK
Bernie White

THIS IS TO CERTIFY that the attached is a true and correct copy of the Emergency Management By-law of the Cape Breton Regional Municipality adopted by Council on the 19th day of February, 2008.

Bernie White – Clerk

First Reading : ***January 15, 2008***

Second (Final) Reading : ***February 19, 2008***

Ministerial Approval:

October 29, 2008

The Honorable Carolyn Bolivar-Getson ***Date***
Minister Responsible for the Emergency Management Act

November 5, 2008

The Honorable Jamie Muir ***Date***
Minister of Service Nova Scotia and Municipal Relations

Publication Date: ***November 22, 2008***