

EMERGENCY MEASURES BYLAW

EFFECTIVE: JULY 12, 1999

Being a Bylaw of the City of Charlottetown to provide for and to establish and maintain a “Municipal Emergency Measures Organization” for the City of Charlottetown pursuant to the provisions of sections 21 and 64 of the *Charlottetown Area Municipalities Act* R.S.P.E.I., 1998 Cap. C-41 and section 8 of the *Emergency Measures Act* R.S.P.E.I., 1988, Cap. E-6.1 which provides that municipalities may establish a Municipal Emergency Measures Organization.

Be It Enacted by the City Council of the City of Charlottetown as follows:

PART I: MUNICIPAL EMERGENCY MEASURES ORGANIZATION ESTABLISHMENT

1.
 - 1.1 Emergency measures planning and response shall be provided to the citizens throughout the City of Charlottetown by the “City of Charlottetown Emergency Measures Organization.”, hereinafter referred to as the “Emergency Measures Organization”, which is hereby established.

PART II: DEFINITIONS

2.
 - 2.1 **“City”** means the City of Charlottetown established under section 3 of the *Charlottetown Area Municipalities Act*;
 - 2.2 **“Council”** means the Council of the City
 - 2.3 **“Disaster”** means any real or anticipated occurrence such as disease, pestilence, fire, flood, tempest, explosion, enemy attack, or sabotage, which endangers, the health, safety or welfare of the City’s population, property, or the environment;
 - 2.4 **“Emergency”** means a present or imminent event in respect of which the person(s) vested with the authority to declare a state of emergency pursuant to this bylaw believe prompt coordination of action or special regulations of person or property must be undertaken to protect the health, safety or welfare of people or to limit damage to property;
 - 2.5 **“Emergency Measures Coordinator”** means the person appointed under this Bylaw having responsibility for the pre-emergency administration and when required the implementation of the Emergency Measures Plan, and such other duties as this Bylaw may prescribe.

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- 2.6 **“Mayor”** means the Mayor of the City.
- 2.7 **“Minister”** means the Minister responsible for administering the Prince Edward Island *Emergency Measures Act*.
- 2.8 **“On-Scene Commander”** means the person appointed under the provisions of this Bylaw to control an emergency site or area.

PART III: EMERGENCY MEASURES PLAN

- 3.
- 3.1 The “Emergency Measures Plan” for the City is hereby established, and is attached hereto as Schedule “A” and forms part of this bylaw.
- 3.2 The City of Charlottetown “Emergency Measures Plan” may be implemented in part or full:
- a. on declaration of a state of emergency as outlined in section 6 of this bylaw;
 - b. on declaration of a Provincial state of emergency by the Minister responsible for emergency measures.

PART IV: PURPOSES AND OBJECTIVES

- 4.
- 4.1 The purposes and objectives of the “Emergency Measures Organization”, are as follows:
- a. To plan for the emergency operations of the City’s government in the event of a disaster or emergency.
 - b. To establish plans for the cooperation and mutual assistance between the City and other Municipal, Provincial or Federal Governments and other public and private agencies in the event of a disaster or emergency;
 - c. To prepare plans for the public’s safety and survival in the event of a disaster or emergency;
 - d. To coordinate the emergency plans of the City’s departments and services having immediate responsibilities in the event of a disaster or emergency;
 - e. To cooperate with the authorities of the City, neighboring municipalities, public and private sector agencies and Provincial and Federal Government authorities, and any bodies therein who have been assigned emergency duties; and,

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- f. To conduct emergency measures courses and exercises for City personnel who have an emergency role in the event of a disaster or emergency, with the cooperation and guidance of the “Provincial Emergency Measures Organization”.

PART V: ORGANIZATIONAL BRANCHES

5.

5.1 The “City of Charlottetown Emergency Measures Organization”, shall consist of two branches to be known as:

- a. the “Governing and Administration Branch” and;
- b. the “Management and Operational Branch”;

5.2 The “Governing and Administration Branch” shall consist of the Mayor, Deputy Mayor, and at least two (2) Members of Council appointed by the Mayor, along with the Chief Administrative Officer for the City of Charlottetown, the Director of Public Services, the Director of Corporate Services and the Treasurer.

5.3 The “Governing and Administration Branch” shall have the following duties, powers and responsibilities:

- a. To establish the “Emergency Measures Plan” for the “Emergency Measures Organization”;
- b. To ensure that the personnel, equipment, facilities and financial requirements to operate the Emergency Measures Organization are presented to Council;
- c. To inform the Provincial Government and request assistance if necessary, in the event of a disaster or emergency;
- e. To implement the Emergency Measures Plan in coordination with the Management and Operational Branch once a state of emergency has been declared pursuant to this Bylaw or order issued as outlined in s.3.2; and,
- f. To appoint an Emergency Measures Coordinator and On-Scene Commander in accordance with the procedures as outlined in the the Emergency Measures Plan.

5.4 When a “State of Emergency” is declared as outlined in Part 6 of this bylaw, the “Governing and Administration Branch” is authorized to :

- a. Purchase supplies, equipment and facilities not otherwise approved by the operating budget of the City; and,

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- b. Hire additional personnel not otherwise approved by the operating budget of the City.

5.5 The Management and Operational Branch shall consist of the Senior Managers of the City Departments or their designates, the Emergency Measures Coordinator and the On-Scene Commander appointed as outlined in section 5.3.

5.6 The Management and Operational Branch shall:

- a. Work with the Government and Administration Branch in developing the Emergency Measures Plan, as outlined in section 4.1;
- b. Meet at least semi-annually or as frequently as is necessary to review the Emergency Measures Plan, to advise the Government and Administration Branch as to the City's ability to implement the Emergency Measures Plan and to make necessary recommendations for the amendment of the Emergency Measures Plan; and,
- c. In the event a state of emergency is declared, or an order is issued as outlined in section 3.2, implement the Emergency Measures Plan, under the direction of the Emergency Measures Coordinator.

5.7 The Emergency Measures Coordinator shall be the Chairperson of the Management and Operational Branch and shall coordinate and be responsible for the day to day and emergency operations of the Management and Operational Branch. In the event the Emergency Measures Coordinator becomes aware that an emergency or disaster may occur within the City, the Emergency Measures Coordinator shall immediately advise the Council, or the Mayor, or the Chief Administrator Officer of the potential disaster or emergency situation, and seek from such person(s) the direction and authority to take all necessary steps to prepare and be ready to implement the Emergency Measures Plan in the event a state of emergency is declared pursuant to section 6 of this Bylaw. In addition, once a state of emergency is declared, the Emergency Measures Coordinator shall:

- a. Be responsible for the implementation of the Emergency Measures Plan in coordination with the Government and Administration Branch;
- b. Be the liaison person between the Management and Operational Branch and the Government and Administration Branch; and,
- c. Have the authority to seek the input and direction from the Government and Administration Branch on the Emergency Measures Plan implementation.

5.8 The On-Scene Commander(s) appointed by the Government and Administration Branch as outline in section 5.3 shall be appointed based on the expertise of the person, taking into consideration the nature of the emergency (i.e. a riot the Chief

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of Police). The On-Scene Commander(s) shall have complete command and control of an emergency scene and is authorized to:

- a. Direct and control all personnel, equipment, agencies and resources at the scene of the emergency;
- b. Command the assistance of persons present at the scene of the emergency;
- c. Establish a command post for the control and coordination of all on scene operations;
- d. Establish and direct proper procedures to control the emergency site;
- e. Request personnel, equipment and material resources from the Emergency Measures Coordinator;
- f. Order the removal of all persons from the site of the emergency or any other area within the boundaries of the City; and,
- g. Generally do all reasonable things necessary to protect human life and property at the emergency scene.

PART VI: DECLARATION OF A STATE OF EMERGENCY

6.

6.1 A State of Emergency may be declared :

- (a) by Council at any time it is satisfied that an emergency or a disaster exists, in all or any area(s) of the City. The declaration of a state of emergency is effective on the date it is issued; or
- (b) by the Minister responsible for Provincial Emergency Measures declaring a Provincial State of Emergency;

6.2 A state of emergency ends:

- (a) When the Council believe on reasonable grounds that an emergency no longer exists in the area(s) identified in the declaration of a state of emergency;
- (b) When the Minister responsible for Provincial Emergency Measures declares a state of emergency which includes the area identified in the City's declaration of a state of emergency or the Minister terminates the City's State of Emergency;
- (c) Subject to section 6.3 herein, seven days after the day on which the emergency was declared.

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6.3 The Council may renew the state of emergency so declared, with the approval of the Minister, if it has not ended pursuant to section 6.2, and the provisions of this bylaw apply to a renewal of a state of emergency.

PART VII: EXECUTION OF THE STATE OF EMERGENCY

7.

7.1 When a state of emergency is declared pursuant to section 6.1 of this bylaw by the Council, the Council shall:

- (a) Communicate or publish the details of the declaration by such means as is considered the most likely to make the contents of the declaration known to the population of the area affected;
- (b) Immediately forward a copy of the declaration to the Minister;
- (c) Ensure the Emergency Measures Plan is implemented;
- (d) Acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
- (e) Authorize or require any qualified person to render assistance of such type as that person may be willing and qualified to perform;
- (f) Control or prohibit travel to or from any area or on any road, street or highway;
- (g) Provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- (h) Cause the evacuation of persons and the removal of livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection thereof;
- (i) Authorize any person properly identified as authorized by the Minister or by the Emergency Measures Organization, or by the City's Emergency Measures Organization, to enter into any building or upon any land without warrant;
- (j) Prohibit persons from entering into or upon any building, structure, premises, land, place or area;
- (k) Cause the demolition or removal of any building, structure, tree or crop where the demolition or removal is necessary or advisable for the purposes

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of reaching the scene of a disaster, in attempting to forestall its occurrence or combating its progress;

- (l) Procure food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment; and,
- (m) Order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

PART VIII: LIABILITY FOR DAMAGE

8.

8.1 No person is liable for any injury or damage to any person or property arising out of any action taken pursuant to this Bylaw, and are not subject to any proceedings by prohibition, or injunction with respect to any action taken pursuant to this bylaw.

PART IX: OFFENSES AND ENFORCEMENT

9.

9.1 Every person who obstructs the Council, the Emergency Measures Organization, a committee established pursuant to this Bylaw or any person in the performance of any action, matter or thing authorized by this Bylaw or who contravenes or fails to comply

(a) with any provision of this Bylaw; or

(b) with any direction, order or requirement made pursuant to this Bylaw;

commits an offence and is liable on summary conviction, in the case of an individual, to a fine of not less than \$100 and not more than \$2,000, or in the case of a corporation, of not less than \$100 and not more than \$10,000, or to imprisonment for a term not more than six (6) months, or to both.

9.2 In addition to any fine or penalty under Subsection 9.1 (a) the summary conviction court may order the person convicted under subsection 9.1 (a) to pay restitution for any and all damages which resulted from or were caused by their failure to comply with the provision of the Bylaw.

9.3 A copy of any writing paper or document filed in the court or any establishment containing any information from the records of the Highway Safety Division, Department of Transportation and Public Works, Province of Prince Edward Island purporting to be signed by the Registrar of Motor Vehicles or his representative shall be received in evidence in Court without proof of the signature and is prima facie evidence of the facts contained therein.

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- 9.4 An engraved, lithographed, printed or otherwise mechanically produced facsimile signature of the Registrar of Motor Vehicles or his Representative is sufficient authentication of any such copy or statement.
- 9.5 A copy of any writing paper, or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the *Real Property Assessment Act*, R.S.P.E.I., 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein.
- 9.6 An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.
- 9.7 In this bylaw words of singular include the plural, and words of the masculine gender include the feminine gender, and vice versa.

PART X: REPEAL

- 10.
- 10.1 All Rules, Orders and Bylaws of the City of Charlottetown inconsistent with or repugnant hereto, shall and the same are hereby repealed.

PART XI: EFFECTIVE DATE

- 11.
- 11.1 This Bylaw shall come into force effective July 12, 1999.

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw	<i>nothing</i>	New Bylaw effective July 12, 1999	14-Jun-99	14-Jun-99	12-Jul-99