

## District of North Vancouver

# NORTH SHORE DISASTER BYLAW 2006

## Bylaw No. 7619 (2006)

**Effective Date** – September 11, 2006

### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

**Amending Bylaw**

**Date of Adoption**

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (North Shore Disaster Bylaw 2006 No. 7619, 2006). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7619

A bylaw to establish and implement a North Shore Disaster plan and a North Shore Emergency Operations Centre in response to a multi-municipal, or regional disaster affecting two or more of the North Shore Municipalities

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WHEREAS:

- A. The *Emergency Program Act* provides for the Council of a municipality to authorize, establish and implement an Emergency Operations Centre (EOC) and any emergency measures to prepare for, respond to and recover from emergencies and disasters;
- B. This Bylaw is intended to provide a framework by which the three North Shore Municipalities through an intermunicipal scheme can authorize, establish and implement any disaster response or recovery measures as deemed necessary based on joint assessment and priority needs of the three North Shore Municipalities, including:
- (i) Establishment of a North Shore Emergency Operations Centre (NSEOC) to act on behalf the North Shore Municipalities as a central coordination and command structure, managed according to the principles of the BC Emergency Response Management System (BCERMS);
  - (ii) Priority staffing of the NSEOC to ensure and optimize coordination amongst the North Shore Municipalities;
  - (iii) Authorization of any North Shore Municipal employee, in the capacity of working in the NSEOC, to make decisions for all three North Shore municipalities as required by NSEOC priorities approved by the NSEOC Director;
  - (iv) Expend money for the purpose of emergency management either from general revenue or from any tax levy made under the provisions of the *Emergency Program Act*, *Community Charter*, *Local Government Act* or any other act or regulation pertaining to emergency or disaster situations.
- C. The District of West Vancouver, the District of North Vancouver, and the City of North Vancouver have each formulated similar Municipal Emergency Plans and passed a similar "Emergency Plan Bylaw" respectively;
- D. The District of West Vancouver, the District of North Vancouver, and the City of North Vancouver will participate in and support the operations of NSEOC.

NOW THEREFORE the Council of the District of North Vancouver, in open meeting assembled hereby enacts as follows:

## 1. Title

1.1 This bylaw may be cited for all purposes as **“NORTH SHORE DISASTER BYLAW, 2006, 7619”**

## 2. Definitions

2.1 In this bylaw:

- (a) “Act” means the *Emergency Program Act* as amended from time to time, and any regulations made thereunder;
- (b) “Administrator” means the Chief Administrative Officer or Municipal Manager of the Municipality, or his or her deputy or delegate;
- (c) “British Columbia Emergency Response Management System (BCERMS)” means the comprehensive and standardized management scheme that ensures a coordinated and organized local and provincial response and recovery to any and all emergency incidents, including management, operations, planning, logistics, and finance/administration;
- (d) “Declaration of a State of Local Emergency” means a bylaw or resolution of the Council or an order of the Municipality’s Mayor that an emergency or a disaster exists or is imminent and made in accordance with Section 12 of the *Act*;
- (e) “Disaster” means a calamity, occurrence, sudden or violent disturbance, or the imminent threat thereof, requiring 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 or the environment and that affects more than one North Shore Municipality;
- (f) “Disaster Plan” refers to the North Shore Disaster Plan formulated by the North Shore Emergency Management Office (NSEMO), setting out procedures to follow in case of a disaster affecting the North Shore Municipalities;
- (g) “Emergency” means a calamity, occurrence, sudden or violent disturbance, or the imminent threat thereof, requiring 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 or the environment, and that is confined within the boundaries of one North Shore Municipality;
- (h) “Emergency Operations Centre” (EOC) means a centralized facility or location where municipal staff will gather to facilitate coordinated activities to respond to or recover from an emergency or a disaster;
- (i) “Emergency Plan” means a Municipal Emergency Plan formulated by each individual North Shore Municipality, setting out procedures to be followed in case of an emergency affecting that municipality;

- (j) "Mayor" means the Mayor or acting Mayor of a municipality or his or her deputy or delegate from the Council of that municipality;
- (k) "Minister" means the provincial Minister of Public Safety and Solicitor General or such other Minister who has responsibility for the Provincial Emergency Program;
- (l) "North Shore" means the area collectively containing the District of West Vancouver, the District of North Vancouver and the City of North Vancouver;
- (m) "North Shore Emergency Management Office" (NSEMO) means the inter-municipal agency of the District of West Vancouver, the District of North Vancouver, and the City of North Vancouver as referenced in municipal emergency plans;
- (n) "North Shore Emergency Operations Centre" (NSEOC) means the centralized facility where a joint NSEOC operational model (as referenced in this Disaster Bylaw and operationally explained in the North Shore Disaster Plan) will be implemented for disasters affecting the North Shore;
- (o) "North Shore Emergency Planning and Operations Group" "NSEPOG" is comprised of the Emergency Operations Groups of the three North Shore Municipalities and those voluntary organizations within the North Shore who are prepared to provide assistance in an emergency or a disaster;
- (p) "North Shore Municipality" refers to any of the three North Shore Municipalities, i.e., the District of West Vancouver, the District of North Vancouver or the City of North Vancouver; and
- (q) "NSEOC Policy Group" means the section of the Emergency Operations Centre, as defined by BCERMS, with overall responsibility for the North Shore Municipalities' response to the emergency or disaster, primarily accomplished through establishing broad policies regarding priorities based on assessed information defining the disaster situation, which shall be known as the "NSEOC Policy Group," and shall consist of the Mayor of each of the three North Shore Municipalities.

### 3. Applicability and Intermunicipal Scheme

- 3.1 When two or more of the North Shore Municipalities are impacted or threatened by a disaster, the North Shore Disaster Bylaw, the North Shore Disaster Plan, and the NSEOC will apply.
- 3.2 If there is a conflict between this North Shore Disaster Bylaw and the Emergency Plan Bylaw of a single municipality, this North Shore Disaster Bylaw will prevail during the time that the situation and authorities provided for by this North Shore Disaster Bylaw are in effect.
- 3.3 The North Shore Municipalities hereby establish an intermunicipal scheme pursuant to section 14 of the *Community Charter* for the purpose of coordinating responses to any Disaster, and the scheme provides as follows:
- 3.4 No North Shore Municipality will amend its version of this Bylaw except in a joint and consistent manner with each other North Shore Municipality so long as the intermunicipal scheme applies;

- 3.5 Any North Shore Municipality may withdraw from participating in the intermunicipal scheme by providing no less than six (6) months' written notice to each other North Shore Municipality participant; and
- 3.6 Subsequent to any Disaster for which assistance is provided to any North Shore Municipality by one or more participants of the intermunicipal scheme, the Administrators will meet to negotiate any compensatory funding which may be appropriate given the resources utilized, and make recommendations on fair payment to their respective Councils.

#### **4. Administration, Duties and Responsibilities**

- 4.1 In times of non-emergency, the Director of NSEMO, in consultation with the NSEPOG, shall:
  - a) Facilitate and establish an effective operational model and guidelines for the NSEOC following the British Columbia Emergency Response Management System (BCERMS) principles;
  - b) Advise the NSEMO Executive Committee and/or respective North Shore Municipal Councils as needed;
  - c) Develop and maintain a North Shore Disaster Plan;
  - d) Provide advice, assistance or guidance to the North Shore Municipalities in ensuring their own Municipal Emergency Plan(s) are compatible with the North Shore Disaster Plan;
  - e) Review and revise, from time to time, any operational changes to the North Shore Disaster Plan to ensure effective North Shore coordination and implementation; and
  - f) Ensure appropriate staff designations, training and exercises for the North Shore Disaster Plan and the NSEOC.
- 4.2 In time of Disaster, response operations shall be as follows:
  - a) The NSEOC and the North Shore Disaster Plan shall be activated as soon as it is recognized by an Administrator, in consultation if possible with other Administrators, that a Disaster affecting two or more North Shore municipalities has occurred;
  - b) The first Administrator to arrive at the NSEOC from any of the North Shore Municipalities shall take on the role of the NSEOC Director and, as required by shift changes, the three North Shore Administrators shall then rotate, subject to availability, as the NSEOC Director;
  - c) Upon activation of the NSEOC, the NSEOC Policy Group shall be created, and shall consist of one Mayor from each of the North Shore municipalities involved in the Disaster; as required for shift changes, the Mayor from each North Shore Municipality may be represented by a delegate from the Council of his/her municipality. The three Mayors shall decide amongst themselves who will be the official spokesperson for the NSEOC for any given shift of the NSEOC, recognizing that each Mayor will also have a role in liaising with their respective Councils and residents;

- d) In accordance with BCERMS principles - where in an Emergency each Administrator (EOC Director) is responsible for keeping Council (Policy Group) informed and advised - for the NSEOC during a Disaster, the NSEOC Director is responsible for keeping all three North Shore Councils advised through the NSEOC Policy Group; the Mayor from each municipality will then communicate with their respective Councils;
- e) The NSEOC Director is responsible for ensuring that operational response priorities are established, and that planning and response activities are coordinated within the NSEOC, between the site(s) and the NSEOC; and between the NSEOC and other applicable agencies, organizations, or levels of government;
- f) The Director of NSEMO, or delegate, shall take on the role of the Liaison Officer in the NSEOC, and/or such other duties as assigned by the NSEOC Director;
- g) Staff members from the affected North Shore Municipalities will provide staffing to the NSEOC, in rotation for any positions as required;
- h) Staff members from an unaffected North Shore Municipality, if any, may be requested to provide staffing support in or for the NSEOC;
- i) Staff members from any North Shore Municipality working in and for the NSEOC shall be authorized to make decisions in the best interests of the North Shore (as a whole) based on joint assessment and coordination, and according to the priority needs as assessed in the NSEOC, without regard to the North Shore Municipal boundaries. This may include deploying resources from one North Shore Municipality to another, where the deployment of such resources may be best utilized to preserve life safety, prevent injuries, and protect public property and the environment;
- j) The NSEOC facility and NSEMO office are currently located in the Gerry Brewer Building at 147 East 14th Street, North Vancouver. Should an alternate NSEOC location be required, it will be chosen by the NSEOC Director or, if he/she is unavailable, by NSEMO Director or delegate.

## 5. Declaration of a State of Local Emergency

- 5.1 In the event of an Emergency or Disaster, each North Shore Municipal Council may make a Declaration of a State of Local Emergency either by bylaw or resolution.

Notwithstanding that a Disaster situation exists, each Council or Mayor must make its own Declaration individually, ensuring that any necessary powers, delegated authorities, and/or geographic boundaries identified in the Declaration are as per requirements of the NSEOC.

- 5.2 As referenced in Section 12(1) of the *Act*, provided that the Mayor of each Municipality has used his or her best efforts to obtain the consent of all other members of their respective Councils to a Declaration of a State of Local Emergency, the Mayor of each respective Municipality may, by Order, make a Declaration of a State of Local Emergency.

5.3 A Declaration of a State of Local Emergency, whether made by the Council or by the Mayor of a Municipality must:

- a) Identify the nature of the Disaster or Emergency;
- b) Identify whether the Disaster or Emergency affects all of the municipality or only a portion thereof, and in the latter case, clearly identify the affected portion(s) of the municipality; and
- c) Be made in writing, including the identification and delegation of which powers annexed in Schedule "A" to this Bylaw will be exercised pursuant to Sections 6(4) and 13(1) of the *Act*, subject only to an order from "the Minister" directing the municipality, and through it to its delegates, to refrain or desist from exercising any one or more of the powers, per Section 13 (2-5) of the *Act*.

5.4 If a Declaration of a State of Local Emergency is made in accordance with this North Shore Disaster Bylaw or the Emergency Plan Bylaw, the Council or Mayor of each North Shore Municipality, as applicable, must immediately:

- a) Forward a copy of the Declaration of a State of Local Emergency to the Minister;
- b) Cause details of the Declaration of a State of Local Emergency to be published by a means of communications that the Council or Mayor of the North Shore Municipality, as the case may be, considers most likely to make the contents of the Declaration of a State of Local Emergency known to the population of the affected area(s) of the municipality; and
- c) Notify the other North Shore Municipalities, if not already involved in the Disaster response, and as appropriate any other municipalities, of such Declaration of a State of Local Emergency.

## **6. Renewal or Cancellation of a Declared State of Local Emergency**

6.1 Subject to the same process described in Sections 5.3 and 5.4, each North Shore Municipal Council or Mayor, as the case may be, must, when of the opinion that the Emergency or Disaster continues to exist or no longer exists in the Municipality or part thereof for which a Declaration of a State of Local Emergency was made, respectively renew the Declaration for a maximum of 7 days, or cancel the Declaration by means of a Bylaw, Resolution of the Council or by Order of the Mayor, as appropriate, and promptly notify the Minister of such Renewal or Cancellation.

## **7. Repeal**

7.1 This Bylaw repeals and entirely replaces "The District of North Vancouver, Disaster Bylaw, 1989, No. 6119".

READ a FIRST TIME by the Council on the 28<sup>th</sup>, day of August, 2006.

READ a SECOND TIME by the Council on the 28<sup>th</sup>, day of August, 2006.

READ a THIRD TIME by the Council on the 28<sup>th</sup>, day of August, 2006.

ADOPTED by the Council on the 11<sup>th</sup>, day of September, 2006.

"RICHARD S. WALTON"

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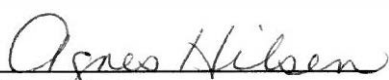
MAYOR

"AGNES S. HILSEN"

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MUNICIPAL CLERK

Certified a true copy

  
Municipal Clerk



## SCHEDULE A

### DELEGATED POWERS IN A DECLARED STATE OF LOCAL EMERGENCY

#### Delegation of Powers under Sections 10 and 13 of the *Emergency Program Act* authorized to officials of the District of North Vancouver

Per Section 13(1) of the *Act*:

"After a declaration of a state of local emergency is made under Section 12(1) of the *Act* in respect of all or any part of the jurisdictional area for which a local authority has responsibility and for the duration of the state of local emergency, the local authority may do all acts and implement all procedures that it considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:"

1. Implement its local emergency plan or any local emergency measures;
2. Subject to Section 13 of the *Act*, exercise, in relation to the part of the jurisdictional area affected by the declaration, any power available to the minister under Section 10(1)(d) to (l), which includes:
  - a) Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of the emergency or disaster.
  - b) Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of the emergency or disaster.
  - c) Control or prohibit travel to or from any area of the Municipality.
  - d) Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of the Municipality.
  - e) Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the Municipality that is or may be affected by the emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property.
  - f) 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 or if otherwise considered necessary to prevent, respond to or alleviate the effects of the emergency or disaster.
  - g) Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered necessary or appropriate in order to prevent, respond to or alleviate the effects of the emergency or disaster.
  - h) Construct works considered necessary or appropriate to prevent, respond to or alleviate the effects of the emergency or disaster.

- i) Procure, fix prices for or ration, food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment, within any part of the Municipality for the duration of the Declaration of a State of Local Emergency under this Bylaw.
3. Subject to Section 13 of the *Act*, authorize, in writing, any persons involved in the operation of a local emergency plan or program to exercise, in relation to any part of the jurisdictional area affected by a Declaration of a State of Local Emergency, any power available to “the Minister” under Section 10(1)(d) to (l) of the *Act*.