

**Town of O’Leary, PEI**  
**Municipal Emergency Management Program Bylaw**  
**Bylaw # 2019-01**

**BE IT ENACTED** by the Council of the Town of O’Leary as follows:

**1. Title**

- 1.1. This bylaw shall be known as, and may be cited as, the “Municipal Emergency Management Program Bylaw.”

**2. Purpose**

- 2.1. The purpose of this bylaw is to establish a Municipal Emergency Management Program for the Town of O’Leary.

**3. Authority**

- 3.1. Section 14(c) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap.M12.1., provides that a municipality must provide emergency management planning for all areas of the municipality.

**4. Application**

- 4.1. This bylaw applies to all members of Council, the Chief Administrative Officer, members of Council Committees, Town of O’Leary employees, those who appear before Council and members of the general public.
- 4.2. In the event of any conflict between the provisions of the Act and this bylaw, the Act will prevail.

**5. Definitions**

- 5.1. “Act” means the *Municipal Government Act*.
- 5.2. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under clause 86.(2)(c) of the *Municipal Government Act*.
- 5.3. “Council means the Mayor and other members of the Council of the municipality.
- 5.4. “Deputy Municipal Emergency Co-ordinator” means the person appointed by Council as the Deputy Municipal Emergency Co-ordinator pursuant to this bylaw.
- 5.5. “Emergency” means a present or imminent event in respect of which the Town of O’Leary believes prompt coordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of residents of the Town of O’Leary.
- 5.6. “Emergency Measures Organization (EMO)” means the Prince Edward Island EMO established under section 3 of the *Emergency Measures Act*.

- 5.7. "Emergency Operations Centre (EOC)" means the location where designated members of the EOC team (municipal and external agencies) will work on coordinated decision making and emergency management for the response or recovery from an event.
- 5.8. "Local Authority" means a local authority as defined in the *Emergency Measures Act*.
- 5.9. "Municipal Emergency Co-ordinator" means the person appointed by Council as the Municipal Emergency Co-ordinator pursuant to this bylaw.
- 5.10. "Municipal Emergency Management Planning Committee" means the committee established pursuant to this bylaw.
- 5.11. "Municipal Emergency Management Program" means the program established pursuant to the bylaw.
- 5.12. "Municipal Emergency Management Standing Committee" means the standing committee established pursuant to this bylaw.
- 5.13. "Minister" refers to the member of Executive Council charged by the Lieutenant Governor in Council with the administration of the *Emergency Measures Act*.
- 5.14. "State of Emergency" means a state of emergency declared by the Minister pursuant to *Emergency Measures Act* subsection 9.(1).
- 5.15. "State of Local Emergency" means a state of local emergency declared by a the Council or Mayor pursuant to subsection 146.(1) or 146.(2) of the *Municipal Government Act* when satisfied that an emergency exists or may exist in the municipality.

## **6. Municipal Emergency Management Program**

- 6.1. Pursuant to section 144 of the *Municipal Government Act*, despite any other section in the Act, Council may take any temporary measures necessary in the municipality to respond to and deal with an emergency as defined in the *Emergency Measures Act*.
- 6.2. Pursuant to subsection 145.(1) of the Act, Council hereby establishes a Municipal Emergency Management Program, hereinafter referred to as the Town of O'Leary Emergency Management Program.
- 6.3. In accordance with subsection 145.(2) of the Act, the Municipal Emergency Management Program shall contain, at a minimum:
  - (a) the Municipal Emergency Management Plan;
  - (b) any required delegation of authority;
  - (c) plans for training and exercise; and
  - (d) any other component required by the PEI Emergency Measures Organization (EMO).
- 6.4. Council shall, in accordance with subsection 145.(4) of the Act, appoint a Municipal Emergency Co-ordinator and a Deputy Municipal Emergency Co-ordinator who shall be

responsible for the implementation, maintenance and execution of the Municipal Emergency Management Program.

## **7. Municipal Emergency Coordinator and Deputy Municipal Emergency Coordinator**

- 7.1. The Municipal Emergency Coordinator and a Deputy Municipal Emergency Coordinator report to, and receive direction from, the Council.
- 7.2. In accordance with subsection 145.(4) of the Act, the Municipal Emergency Co-ordinator and a Deputy Municipal Emergency Co-ordinator are responsible for the implementation, maintenance and execution of the Municipal Emergency Management Program.
- 7.3. The Municipal Emergency Coordinator and Deputy Municipal Emergency Coordinator shall:
  - (a) develop and coordinate the Municipal Emergency Management Program;
  - (b) coordinate plans for the continued functioning of municipal services which would be required in the event of an emergency;
  - (c) coordinate and conduct, on an annual basis, training and exercises to test the Municipal Emergency Management Program for the training of personnel who have an emergency role;
  - (d) coordinate public education programs related to emergency management; and
  - (e) coordinate and manage the municipal operational response for an emergency upon activation of all or part of the Municipal Emergency Management Program or a declaration of a state of local emergency.

## **8. Committees**

- 8.1. Council shall establish a Municipal Emergency Management Standing Committee and a Municipal Emergency Management Planning Committee.

## **9. Municipal Emergency Management Standing Committee**

- 9.1. The Emergency Management Standing Committee will be appointed in accordance with the municipality's Procedural Bylaw.
- 9.2. The Municipal Emergency Management Standing Committee shall:
  - (a) advise Council on the development of a Municipal Emergency Management Plan;
  - (b) submit emergency management policy recommendations to Council ;
  - (c) name or assign such persons under the Municipal Emergency Management Plan to perform duties related to the continuity of municipal government in the case of an emergency or disaster;
  - (d) present the Municipal Emergency Management Plan to Council for approval; and

- (e) inform and update Council on developments during an activation of all or part of the Municipal Emergency Management Plan.

## **10. Municipal Emergency Management Planning Committee**

- 10.1. The Municipal Emergency Management Planning Committee will consist of:
  - (a) the Municipal Emergency Coordinator and Deputy Municipal Emergency Coordinator; and
  - (b) the manager(s) responsible for each municipal department which is assigned emergency functions under the Municipal Emergency Management Plan and, where no department exists, a person to represent the functions of:
    - 1) Law enforcement
    - 2) Fire protection
    - 3) Transportation;
    - 4) Water/wastewater service
    - 5) Communications
    - 6) Human resource management
    - 7) Public information
    - 8) Finance and administration
    - 9) Social services including, emergency feeding, shelter, clothing and personal services
- 10.2. The Municipal Emergency Management Planning Committee will:
  - (a) prepare recommendations for the Municipal Emergency Management Standing Committee;
  - (b) assist the Municipal Emergency Co-ordinator and Deputy Municipal Emergency Co-ordinator in the preparation and coordination of Municipal Emergency Management Plans;
  - (c) prepare a Municipal Emergency Management Plan for their municipality;
  - (d) respond and participate as members of the Municipal Emergency Operations Centre staff upon full or partial activation of the Municipal Emergency Management Program;
  - (e) prepare plans, including the development of memorandums of understanding or mutual aid agreements, for cooperation and mutual assistance between municipal governments and other organizations in the event of a disaster or emergency; and
  - (f) collaborate with authorities of the municipality, neighbouring municipalities, provincial authorities, and other organizations who have been assigned comparable duties.
- 10.3. Any memorandum of understanding or agreement negotiated under clause 10.2(e) of this bylaw shall take effect upon approval of the memorandum of understanding of agreement by a resolution of Council.

## **11. Municipal Emergency Management Plan**

- 11.1. In accordance with subsection 145.(2) of the Act, the Municipal Emergency Management Program shall contain an Emergency Management Plan.
- 11.2. Council shall, by resolution, approve a Municipal Emergency Management Plan under the authority of this bylaw.
- 11.3. The Municipal Emergency Management Plan will be activated by Council when required to ensure effective coordination exists in response to an emergency.
- 11.4. The Municipal Emergency Management Plan can be activated in whole or in part and does not require the declaration of a state of emergency to be activated.
- 11.5. A Municipal Emergency Management Plan will be activated if a state of local emergency is declared or upon declaration of a provincial State of Emergency for all, or part of, the municipality.

## **12. Exercise Work Plan for the Municipal Emergency Management Program**

- 12.1. In accordance to subsection 145.(3) of the Act, the Municipal Emergency Management Program for the municipality shall include an exercise work plan that, at a minimum, provides for:
  - (a) an annual discussion-based exercise to be commenced by not later than one year after the approval of the program by the PEI Emergency Measures Organization; and
  - (b) an operational-based exercise, which includes participants by the appropriate response agencies referred to in the Municipal Emergency Management Program, to be undertaken by the municipality once every five years, commencing not later than five years after the approval of the Municipal Emergency Management Program by the PEI Emergency Measures Organization.

## **13. Declaring a State of Local Emergency**

- 13.1. Pursuant to subsection 146.(1) of the Act, Council shall, when satisfied that an emergency exists or may exist in the municipality, declare a state of local emergency.
- 13.2. Where the Council is unable to act promptly in declaring a state of local emergency in the municipality the Mayor of the municipality may, in accordance with subsection 146(2) of the Act, after consulting a majority of the members of Council where practicable, declare a state of local emergency in the municipality.
- 13.3. Pursuant to section 10 of the *Emergency Measures Act*, Council shall immediately cause the details of the declaration of a state of local emergency to be communicated or published by such means as considered the most likely to make the contents of the declaration known to the people within the municipality.
- 13.4. Pursuant to subsection 14.(2) of the *Emergency Measures Act*, Council may terminate a state of local emergency when it believes on reasonable grounds the emergency no longer exists in the municipality.

#### **14. Expenditures Related to the Municipal Emergency Management Program**

- 14.1. In response to the declaration of a state of local emergency as described in 13.1 and 13.2 of this bylaw or in order to implement the Municipal Emergency Management Program in whole or in part, Council in accordance with subsection 145.(8) of the Act may authorize the chief administrative officer to incur any liabilities that the chief administrative officer considers necessary.
- 14.2. In accordance with subsection 145.(9) of the Act, the chief administrative officer is responsible for keeping records of the expenditures made and the equipment used in implementing the Municipal Emergency Management Program or responding to a declared emergency.

#### **15. Review of the Municipal Emergency Management Program**

- 15.1. In accordance with subsection 145.(5) of the Act, Council shall submit its municipal Emergency Management Program to the PEI Emergency Measures Organization for review and approval.
- 15.2. After the Municipal Emergency Management Program has been approved the PEI Emergency Measures Organization and in accordance with clause 145.(6)(a) of the Act, the Municipal Emergency Management Program will be reviewed annually by Council and, where necessary, revisions will be made.
- 15.3. In accordance with clause 145.(6)(b) of the Act, within 60 days of making any revisions of the Municipal Emergency Management Program, the revised program will be provided to the PEI Emergency Measures Organization.
- 15.4. In accordance with subsection 145.(7) of the Act, any revisions required by the PEI Emergency Measures Organization shall be carried out by count to the satisfaction of the PEI Emergency Measures Organization.

#### **16. Repeal of Existing Bylaw**

- 16.1. On adoption, this bylaw replaces Community of O'Leary Emergency Measures Bylaw # 13.

#### **17. Effective Date**

- 17.1. This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, shall be effective on the date of approval and adoption below.

##### **First Reading:**

This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, was read a first time at the Council meeting held on the 13<sup>TH</sup> day of MARCH, 2019.

This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, was approved by a majority of Council members present at the Council meeting held on the 13<sup>TH</sup> day of MARCH, 2019.

##### **Second Reading:**

This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, was read a second time at the Council meeting held on the 10<sup>TH</sup> day of APRIL, 2019.

This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, was approved by a majority of Council members present at the Council meeting held on the 10<sup>TH</sup> day of APRIL, 2019.

**Approval and Adoption by Council:**

This Municipal Emergency Management Program Bylaw, Bylaw# 2019-01, was adopted by a majority of Council members present at the Council meeting held on the 10<sup>TH</sup> day of APRIL, 2019.

ERIC GAVIN

BEVERLEY SHAW

MAYOR

CHIEF ADMINISTRATIVE OFFICER

This Municipal Emergency Management Program Bylaw # 2019-01 adopted by the Council of the Town of O'Leary on May 2, 2019 is certified to be a true copy.

BEVERLEY SHAW

MAY 2, 2019

CHIEF ADMINISTRATIVE OFFICER

DATE