

SECHELT INDIAN GOVERNMENT DISTRICT

Law No. 2007-01

A bylaw to provide for the declaration of a state of local emergency on the Sunshine Coast

WHEREAS Council under the *Sechelt Indian Band Self-Government Act*, *Sechelt Indian Government District Enabling Act*, *Community Charter* and the *Emergency Program Act*, has the authority to declare a state of emergency relating to all or any part of the district;

AND WHEREAS the Sechelt Indian Government District participates in a comprehensive management program to prepare for, respond to and recover from emergencies and disasters, under the direction and coordination of the Sunshine Coast Regional District (SCRD);

NOW THEREFORE, the Sechelt Indian Government District Council in open meeting assembled enacts as follows:

1. TITLE

1.1 This Law shall be cited as the "Sechelt Indian Government District State of Local Emergency Bylaw (Sunshine Coast) Law No. 2007-01."

2. PROVISIONS

2.1 In this bylaw:

- (a) "Act" means the *Emergency Program Act*;
- (b) "Affected Area" means an area for which a "declaration of a state of local emergency" has been declared;
- (c) "Chief Councillor" means that member of Council who is head and chief executive officer of the district;
- (d) "Council" means the Sechelt Indian Government District Council;
- (e) "Declaration of state of local emergency" means a declaration of Council or the Chief Councillor that an emergency exists or is imminent in all or part of the district;
- (f) "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;

- (g) "District" means all of the area within the boundaries of the Sechelt Indian Government District except Sechelt Band Land (Coqueneets) #23;
- (h) "Emergency" means a present or imminent event that:
 - a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - b) requires the prompt coordination of action or special regulation of persons or property, to protect the health, safety and welfare of people or to limit damage to property;
- (i) "Emergency Executive Committee" means the committee established in Section 4 of Sunshine Coast Regional District Emergency Measures Plan and Administration Bylaw No.564, 2005;
- (j) "Emergency Management Organization" means the Emergency Executive Committee, Emergency Measures Co-ordinator of that Committee, and the local participating area liaisons appointed from time to time;
- (k) "Sechelt Indian Government District Emergency Liaison" means the person appointed by the Council as the District's liaison to the SCRD's Emergency Measures Organization.

2.2 This law shall be construed in accordance with the *Emergency Program Act* and all Regulations made thereunder.

3 - POWERS OF THE COUNCIL

3.1 The Council by resolution, or the Chief Councillor by order, may declare a state of local emergency when the extraordinary power or authority enabled by the Act is required to effectively deal with an emergency or disaster in any part of the district.

3.2 Upon a "declaration of a state of local emergency" being made, Council or the Chief Councillor shall:

- a) forward a copy of the declaration to the Attorney General or Minister, and
- b) communicate immediately with the Emergency Coordinator at the Sunshine Coast Regional District that a declaration has been made,
- c) cause the details of the declaration to be published by a means of communication that the Council or Chief Councillor considers most likely to make the contents of the declaration known to the majority of the population of the affected area.

- 3.3 After a declaration of a state of emergency is made under section 3.1 in respect of all or any part of the district, and for the duration of the state of emergency, the Council or Chief Councillor may do or cause to be done any or all acts considered necessary and implement procedures that the Council or Chief Councillor considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:
- a) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an 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 an emergency or disaster;
 - c) control or prohibit travel to and from any part of the district;
 - 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 the district;
 - e) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the district that is or may be affected by an emergency or a 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 by the Council or Chief Councillor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - g) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Chief Councillor to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - h) construct works considered by the Council or Chief Councillor to be necessary or appropriate to prevent, respond to or alleviate the effect of an 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 local state of emergency.

- 3.4 Without limiting or restricting the authority of Chief Councillor and Council set out in Section 3.3, for the purposes of Section 6(4) of the *Emergency Program Act*, Council hereby delegates authority to the Emergency Management Organization established by the Sunshine Coast Regional District to the extent required by the District's participation in the Sunshine Coast Regional District Emergency Measures Service and establishment and adoption of the Sunshine Coast Regional District Emergency Plan pursuant to the said Service.
- 3.5 The Council or Chief Councillor must, when of the opinion that an emergency no longer exists in the district to which a declaration of local state of emergency was made;
- a) cancel the declaration of a state of local emergency in relation to that part
 - i) by law or resolution, if cancellation is effected by the Council, or
 - ii) by order, if the cancellation is effected by the Chief Councillor, and
 - b) promptly notify the Attorney General or Minister, the SCRD Emergency Program Coordinator, and the public of the cancellation of the declaration of a local state of emergency.

4 - LIABILITY

- 4.1 As enabled by the Act, no person, including, without limitation, the Council, the Chief Councillor, employees of the Sechelt Indian Government District, a volunteer and any other person appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result 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, 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, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

5 - REPEAL

- 5.1 Emergency Measures Law No. 1998-03 is hereby repealed.

State of Local Emergency (Sunshine Coast) Law No. 2007-01

Read a first time this 19 day of FEB, 2007.

Read a second time this 19 day of FEB, 2007.

Read a third time this 19 day of FEB, 2007.

Reconsidered, finally passed and adopted by
the Sechelt Indian Government District Council, signed
by the Chief Councillor and the Clerk of the Sechelt Indian
Government District on the 19 day of MARCH, 2007

Chief Alan Dixon
Chief Councillor

Renee Baptiste
Clerk

Certified a true copy of Law No.
2007-01 as adopted.

Renee Baptiste
Clerk of the Sechelt Indian
Government District