

CITY OF SURREY

BY-LAW NO. 12559

A by-law to provide for the establishment,  
administration and operation of an Emergency Plan  
and Program for the City of Surrey.

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**As amended by By-law No. 12879; 07/22/96**

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WHEREAS the City Council is required to prepare a local emergency plan respecting preparation for response to and recovery from "emergencies" and "disasters";

AND WHEREAS the City Council of the City of Surrey wishes to provide a comprehensive program of emergency management which will respond to natural and manmade hazards for the preservation of life, property, local economy and the environment in a four prong approach addressing prevention, preparedness, response and recovery and, to provide for continuity of Government and the preservation of life and property through a coordinated response by elected officials, City departments, volunteer services and outside agencies in the event of a emergency or disaster.

NOW THEREFORE the Council of the City of Surrey, in an open meeting assembled, ENACTS AS FOLLOWS:

SECTION 1 - CITATION

1. This By-law may be cited as the "Surrey Emergency Program By-law, 1995, No. 12559".

SECTION 2 - INTERPRETATION

2. (1) In this by-law unless the context requires:
- (a) "building" means any structure used or intended for supporting or sheltering any use or occupancy;
  - (b) "City" means all of the area within the boundaries of the City of Surrey;
  - (c) "City Emergency Planning Coordinator" means that person so appointed by the "local authority";
  - (d) "City Manager/Director of Emergency Operations" means the City Manager or designate, shall act as the Director of Emergency Operations and is authorized to act on behalf of the Mayor and Council to direct and coordinate all emergency response activities, organizations and resources within the City of Surrey.
  - (e) "declaration of a state of local emergency" means a by-law or resolution of the "local authority" or an "order" of its "Mayor" that an "emergency" or "disaster" exists or is imminent, pursuant to Section 12(1) of the Emergency Program Act, S.B.C. 1993 c.41;
  - (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) "emergency" means a present or imminent event that

- i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
  - ii) requires 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.
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- (h) "emergency management" means an organized strategy and program consisting of prevention, preparedness, response and recovery;
  - (i) "emergency program office" means the department within the City of Surrey that coordinates the planning and development of the City Emergency Program;
  - (j) "Emergency Social Services Director" means that person so appointed by the "local authority";
  - (k) "Fire Chief" means that person so appointed by the "local authority";
  - (l) "local authority" means Surrey City Council;
  - (m) "Manager Public Affairs" means that person so appointed by the "local authority".
  - (n) "Mayor" means the person elected as Mayor of the City of Surrey, and includes the person designated as Acting Mayor at the relevant time if the Mayor is absent, ill or otherwise unable to carry out or exercise her/his duties and powers;
  - (o) "order" means a written statement or instruction, bearing the printed name and title of the issuer and the date of the issuance.

(p) "Chief Superintendent, R.C.M.P." means that person in charge of the R.C.M.P. Detachment in Surrey. Amended BL 12879 07/22/96

(q) "Surrey Emergency Program (SEP)" means the organization, plans and procedures established within the "City" for combating "emergencies" and "disasters";

2. (2) This By-law shall be construed in accordance with the principals contained in, and shall be subject to, the Emergency Program Act S.B.C. 1993 chapter 41 the "Act", and all Regulations made thereunder.

### SECTION 3 - ADMINISTRATION

3. (1) The "local authority" shall appoint a "City Emergency Planning Coordinator", and designate the reporting structure.

3. (2) There shall be an Emergency Planning Committee appointed by the "Local Authority" which will meet not less than every six months. The committee will consist of the following members or their designate:

(a) City Manager (Chairperson)

(b) General Manager, Engineering

(c) Chief Superintendent, R.C.M.P.

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(d) Fire Chief

(e) General Manager, Parks & Recreation/ESS Director

(f) "City Emergency Planning Coordinator"

(g) B.C. Ambulance representative when required

(h) Director of Human Resources - Surrey Memorial Hospital

(i) Director of Facilities Management - Peace Arch District Hospital

- (j) Medical Health Officer
  - (k) Surrey School District - Health & Safety Officer
  - (l) Such other members that may be appointed by the "local authority".
3. (3) Subject to the approval of the "local authority" the Emergency Planning Committee may:
- (a) Negotiate agreements with other municipalities or governments for the purpose of mutual aid or for the formation of joint organizations.
  - (b) Negotiate with individuals, bodies, corporations or agencies other than government for the employment of their members within the emergency program according to their qualifications.
  - (c) Make, and amend, rules for regulating its own practices and procedures.
3. (4) There shall be an Emergency Operations Control Group which will be responsible for the administration of the "Surrey Emergency Program" during an "emergency" or "disaster" and shall consist of the following members or their designate:
- (a) "Mayor"
  - (b) City Manager/Director of Emergency Operations Centre
  - (c) Chief Superintendent, R.C.M.P.
  - (d) Fire Chief
  - (e) General Manager, Engineering,
  - (f) Medical Health Officer,
  - (g) General Manager, Parks & Recreation/ESS Director
  - (h) B.C. Ambulance Representative
  - (i) Manager, Public Affairs
  - (j) Emergency Planning Coordinator

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3. (5) The Emergency Planning Committee shall be responsible for the submission of estimates of expenditures to the "local authority" for the cost of maintenance and operation of the "Surrey Emergency Program" for each year.
3. (6) There shall be prepared an emergency plan. This "Surrey Emergency Program" shall provide a general direction and framework covering prevention, preparedness, response and recovery programs within which City Officials can formulate roles and responsibilities to deal with major "emergencies" and "disasters". Minor amendments, such as names, addresses and telephone numbers, may be approved by the "City Emergency Planning Coordinator".

#### SECTION 4 - DUTIES AND RESPONSIBILITIES

4. (1) In the event of an "emergency" or "disaster" or a "declaration of a state of local emergency", the "local authority" may authorize the expenditure of special funds to meet the exigencies of the situation.
4. (2) The "Emergency Planning Committee" shall be responsible for the preparation, annual review and updating of the "Surrey Emergency Program".
4. (3) The "Emergency Operations Control Group", during an "emergency" or "disaster" shall be responsible to coordinate and direct the overall operations undertaken by the "City" respecting preparation for, response to and recovery from "emergencies" and "disasters".
4. (4) Heads of department/services detailed in the "Surrey Emergency Program" shall prepare detailed departmental roles, responsibilities and procedures containing information and direction specific to their departments/services. These will be supplementary to that contained in the "Surrey Emergency Program".

4. (5) The "City Manager or designate" shall:
- (a) Control all operations within the "Emergency Operating Centre" (as defined in the "Surrey Emergency Program") during an "emergency" or "disaster", including scheduling of regular briefings to the members of the "Emergency Operations Control Group", respecting, response to and recovery from "emergencies" and "disasters".
  - (b) Under a declared State of Emergency, act as the liaison between the Director or such other person as the Minister may appoint under Section 10(2) of the Emergency Program Act, S.B.C. 1993 C.41 and the "local authority" for the coordination and implementation of necessary plans or "Surrey Emergency Program".
  - (c) Have the authority, whether or not there has been a "declaration of a state of local emergency", to cause the "Surrey Emergency Program" to be implemented if, in the opinion of **"a member of the Emergency Operations Control Group"**, an "emergency" exists or appears imminent or a "disaster" has occurred or threatens in:
    - i) all or any part of the "City"; or
    - ii) any other municipality or electoral area, if the "local authority" having responsibility for that other jurisdictional area has requested assistance.

The "City Emergency Planning Coordinator" shall:

- (a) Prepare and semi-annually update the "Surrey Emergency Program", Part 1 (Action and Activation);

- (b) Ensure that the "Surrey Emergency Program", Part 2 (Responsibilities and Resources) is maintained in a current state by heads of Department/Services;
- (c) Be responsible for day to day "emergency management" and the "Surrey Emergency Program" which includes coordination of staff "emergency management", encouragement of public "emergency management", and coordination with external organizations in "emergency management";
- (d) Select and process candidates for Federal and Provincial emergency planning courses;
- (e) Maintain information on potential manmade or natural hazards and the impact on the "City";
- (f) Coordinate the equipping and training of the City volunteer services;
- (g) Conduct studies and exercises to ensure the "Surrey Emergency Program" is effective and in a state of readiness;
- (h) Act as the point of contact with the Provincial Emergency Program and other agencies concerned with emergency planning and operations.
- (i) Keep the Fire Chief informed and abreast of all emergency planning initiatives and operational procedures.

## SECTION 5 - POWERS

5. (1) Notwithstanding any other provisions of this by-law, or the Municipal Act, the "local authority" or the "Mayor" may, when satisfied that an "emergency" or "disaster" exists or is imminent in the "City", declare that a state of local emergency exists.
  
5. (2) A "declaration of a state of local emergency" must identify the nature of the "emergency" or "disaster" and the part of the "City" in which it exists or is imminent, and the declaration shall be made:
  - (a) by by-law, or resolution, if made by the "local authority", or
  - (b) by "order", if made by the "Mayor".
  
5. (3) Upon a "declaration of a state of local emergency" being made, the "local authority" shall
  - (a) forward a copy to the Attorney General, and
  - (b) cause the declaration to be published in the form in which it is made and distributed to the population of the affected area of the "City".
  
5. (4) Once there has been a "declaration of a state of local emergency" in respect of all or any part of the "City", the "local authority", the Emergency Operations Control Group or the "**City Manager or designate**", may by "order" in relation to any part or parts of the "City" affected by the declaration of a state of local emergency:
  - (a) implement the "Surrey Emergency Program" or any part or parts of the emergency plan;

- (b) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an "emergency" or "disaster";
- (c) 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";
- (d) control or prohibit travel to or from any area of the "City";
- (e) 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 "City";
- (f) cause the evacuation of persons and the removal of livestock, animals and personal property from any area of the "City" that is or may be affected by an "emergency" or "disaster" and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- (g) authorize the entry into any "building" or on any land, without warrant, by any person in the course of implementing the emergency plan or program or if otherwise considered by the "local authority" to be necessary to prevent, respond to or alleviate the effects of an "emergency" or "disaster";
- (h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the "local authority" to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an "emergency" or "disaster";
- (i) construct works considered by the "local authority" to be necessary or appropriate to prevent, respond to or alleviate the effects of an "emergency" or "disaster";

- (j) 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 or parts of the "city" for the duration of the state of local emergency.

5. (5) Cancellation of Declaration of State of Local Emergency

The "local authority" or the "Mayor" must, when of the opinion that an "emergency" no longer exists in the part of the "City" in relation to which a "declaration of a state of local emergency" was made,

- (a) cancel the "declaration of a state of local emergency" in relation to that part
  - i) by by-law or resolution, if the cancellation is effected by the "local authority", or
  - ii) by "order", if the cancellation is effected by the "Mayor" of the "local authority", and
- (b) promptly notify the Minister of the cancellation of the "declaration of a state of local emergency".

SECTION 6 - CONTINUITY OF GOVERNMENT

6. If the "Mayor" is absent from the meetings of the "local authority", then the "Acting Mayor" shall occupy the office of the "Mayor" until the "Mayor" is able to resume his/her duties.

## SECTION 7 - LIABILITY

7. No person, including, without limitation, the "Mayor", other members of the "local authority", the Emergency Operations Control Group or the Emergency Planning Committee, employees of the City of Surrey, its police or fire departments, a volunteer or other person appointed or authorized or required to carry out measures relating to an "emergency" or "disaster", is liable for any loss, cost, expense, damage or injury to persons or property that results 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 by-law, the "Surrey Emergency Program" or the "Act" 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 by-law, the "Surrey Emergency Program" or the Act appointed, authorized or required by the person to do the act, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

## SECTION 8 - COMPENSATION FOR LOSS

8. (1) Despite Section 7 above, if as a result of the acquisition or use of a person's real property by, or under the direction or authority of the "local authority" under Section 5.4(b) above, the person suffers a loss of or to that property, the "local authority" shall compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.
8. (2) Despite Section 7 above, if a person suffers a loss of or to any real or personal property as a result of the implementation of the "Surrey Emergency Program" or any other action taken by, or under the direction or authority of the "local authority"

under Section 5.4 above, the "local authority" may compensate that person for such loss in accordance with the Regulations made under the Emergency Program Act.

8. (3) If any dispute arises concerning the amount of compensation payable under Sections 8.1 or 8.2 above, the matter shall be submitted for determination by one or three arbitrators appointed under the Commercial Arbitration Act S.B.C. 1986, Chapter 3, as amended. The person to be compensated shall deliver a notice setting out his or her choice as to whether there shall be one or three arbitrators to the Minister responsible for the Emergency Program Act. The Commercial Arbitration Act shall apply to such dispute.

9. "The Surrey Emergency Program By-law, 1982, No. 7098", as amended is hereby repealed.

PASSED THREE READINGS by the Council of the City of Surrey on the 31st day of July, 1995.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 5th day of September, 1995.

"R. J. BOSE" MAYOR

"D. B. KENNY" CLERK