

**EMO BYLAW  
BYLAW NO. 2004 - 10**

**A BYLAW OF THE TOWN OF HERBERT SASKATCHEWAN  
TO PROVIDE FOR THE ESTABLISHMENT OF AN EMERGENCY  
MEASURES ORGANIZATION**

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*The Emergency Planning Act 1989*, pursuant to

Section 9(1) provides that every local authority of each municipality SHALL:

- (a) establish a local emergency measures organization;
  - (b) appoint a person as a local emergency measures co-ordinator; and
  - (c) establish a local emergency planning committee composed of:
    - (i) the emergency measures co-ordinator appointed pursuant to clause b); and
    - (ii) any other persons the local authority considers necessary.
- (2) The emergency measures co-ordinator is the chairperson of the local emergency planning committee.
- (3) Every local emergency planning committee shall establish a municipal emergency plan governing:
- (a) the provision of necessary services during an emergency; and
  - (b) the procedures under and the manner in which persons will respond to an emergency.

*The Emergency Planning Act 1989*, pursuant to

Section 10 states:

Every local authority shall at all times be responsible for the direction and control of the local authority's emergency response unless the minister assumes direction and control pursuant to clause 18(1)(c).

*The Emergency Planning Act 1989*, pursuant to

Section 11(2) states:

For the purposes of establishing a mutual aid area, a local authority MAY enter into agreements with all or any of the following:

- (a) other local authorities;
- (b) regional park authorities;
- (c) the member of the Executive Council responsible for the administration of The Parks Act

***NOW THEREFORE*** the Council of the Town of Herbert enacts as follows:

1. In this bylaw;
  - (a) "Emergency" means:
    - i) a calamity caused by accident, by an act of war or insurrection or by forces of nature; or
    - ii) a present or imminent occurrence that has resulted or may

result in serious harm to the safety or welfare of people or in widespread damage to property.

2. The term “Coordinator” shall mean the person appointed by the Council of The Town of Herbert to organize Emergency Measures in the Town of Herbert.
3. The Emergency Measures Organization of the Town of Herbert shall be comprised of the Emergency Measures Planning Committee, made up of delegated officials of municipal departments and voluntary organizations within the municipality and the Emergency Measures Control Group, made up of elected officials of the Town of Herbert.
4. The Coordinator shall have the following duties and responsibilities:
  - a. Acts as Chairman of the Emergency Measures Planning Committee established under this bylaw;
  - b. Stimulates and coordinates the development of an emergency plan for the community in co-operation with the departments and agencies of the municipality;
  - c. Provides emergency plans from guidelines laid down by the Emergency Measures Control Group.
  - d. Submits regular reports to the Emergency Measures Control Group to keep them fully informed of progress;
  - e. Correlates all activities of those persons and/or organizations involved within the Town of Herbert and designated for the Emergency Measures Organization;
  - f. Ensures that a continuous program of training for local Emergency Measures Organization personnel is carried out, either by local training classes or attendance at provincial or federal training schools;
  - g. Co-operates with Mutual Aid Area and the Emergency Measures Control Group on all matters pertaining to planning and operations;
  - h. Submits a projected budget to cover costs of emergency measures operations within the municipality;
  - i. Acts as advisor to the Town of Herbert during emergencies or disasters.
5. The Emergency Measures Planning Committee shall be comprised of the Emergency Measures Coordinator, the Town Administrator, the Public Information Officer, the director of Emergency Social Services, the Chief of Police, the Fire Chief, the Director of Public Works and Utilities, the director of Transportation and such other persons, when required, that may be deemed necessary to formulate a municipal emergency plan. (Or their delegates who are hereby empowered to act on their behalf)
6. The Emergency Measures Planning Committee as a whole, under the coordination of the Chairman will integrate the municipal and voluntary emergency services emergency plans into one comprehensive plan.

7. Each municipal department or voluntary organizations of the municipality shall be responsible to develop and execute the emergency plan of the service he or she represents, train municipal employees and volunteers and make a comprehensive study of existing resources.
8. The Council may, from time to time, appropriate and expend monies required to meet the ordinary operating expenses of the said organization.
9. The Council may co-operate with Councils of other municipalities for the purpose of jointly establishing and operating a Mutual Aid Agreement as provided for in Section 11 of *The Emergency Planning Act 1989*.
10. The Town of Herbert may enter into agreement with the Province of Saskatchewan or any other governmental agency as authorized by the provisions of *The Emergency Planning Act 1989*, or regulations thereunder.

11. *The Emergency Planning Act 1989*, pursuant to:

Section 20(1) states:

At any time when a local authority is satisfied that an emergency exists or may exist, in all or any part of the municipality, it may by resolution make a local emergency declaration relating to all or any part of the municipality.

- (2) Where:
  - (a) it is not possible to assemble a sufficient number of members of a local authority to pass a resolution pursuant to subsection (1); and
  - (b) a member of the local authority reasonably believes that:
    - (i) a local emergency exists; and
    - (ii) the emergency requires immediate action; a member of the local authority may make a local emergency declaration on behalf of the local authority.
- (3) In a local emergency declaration, the local authority shall identify:
  - (a) the nature of the emergency; and
  - (b) the area of the municipality in which the emergency exists.
- (4) Immediately after the making of a local emergency declaration, the local authority shall cause the details of the declaration to be published by any means of communication that it considers is most likely to make those details known to the majority of the population of the area of the municipality affected by the contents of the declaration.
- (5) Where a local authority makes a local emergency declaration, the local authority shall immediately on making the declaration forward a copy of the declaration to the minister

12. *The Emergency Planning Act 1989*, pursuant to:

Section 21(1) states:

On the making:

- (a) of a local emergency declaration, or a renewal of a local emergency declaration pursuant to subsection 22(2) and for the duration of the state of emergency the local authority may:
    - (i) put into operation any emergency plan or program that the local authority considers appropriate;
    - (ii) acquire or utilize any real or personal property that the local authority considers necessary to prevent, combat or alleviate the effects of an emergency;
    - (iii) authorize any qualified person to render aid of a type that the person is qualified to provide;
    - (iv) control or prohibit travel to or from any area of the municipality;
    - (v) provide for the restoration of essential facilities and the distribution of essential supplies;
    - (vi) provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of the municipality;
    - (vii) cause the evacuation of persons and the removal of persons or live stock and personal property from any area of the municipality that is or may be affected by an emergency and make arrangements for the adequate care and protection of those persons or live stock and of the personal property;
    - (viii) authorize the entry into any building or on any land, without warrant, by any person when necessary for the implementation of an emergency plan;
    - (ix) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary in order to reach the scene of the emergency, to attempt to forestall its occurrence or to combat its progress;
    - (x) conscript persons needed to meet an emergency; and
    - (xi) do all acts and take all proceedings that are reasonably necessary to meet the local emergency; and
  - (b) of an emergency declaration pursuant to section 17 and for the duration of the state of emergency, the local authority may:
    - (i) cause any emergency plan to be put into operation; and
    - (ii) exercise any power given to the minister pursuant to subsection 18(1) in relation to the part of the municipality affected by the declaration.
- (2) Subject to the approval of the Lieutenant Governor in Council, where:
- (a) the local authority acquires or utilizes real or personal property pursuant to subsection (1); or
  - (b) any real or personal property is damaged or destroyed due to an action of the local authority in preventing, combating or alleviating

the effects of an emergency; the local authority shall cause compensation to be paid for the acquisition, utilization, damage or destruction.

- (3) Subject to subsection (4), a local authority may, within 60 days after the making of a local emergency declaration, borrow any moneys necessary to pay expenses caused by the emergency including payment for the services provided by the Government of Saskatchewan or by the Government of Canada when the services were provided at the request of the local authority.
- (4) The power to borrow moneys pursuant to subsection (3) is exercisable only by bylaw of the local authority that is approved by:
  - (a) the minister; and
  - (b) the Saskatchewan Municipal Board, where required by The Municipal Board Act or any other Act governing the local authority; within the 60-day limit prescribed in subsection (3).
- (5) Notwithstanding any other Act or law, the assent of electors is not required for a bylaw mentioned in subsection (4).
- (6) A local authority may delegate to any person or category of persons any of the powers that are or may be conferred or duties that are or may be imposed on it pursuant to this Act except the power to make a local emergency declaration.

13. This bylaw shall come into force and take effect on the day of the final passing thereof.

14. Bylaw No. 2001 – 08 is hereby repealed.

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Mayor

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Administrator