



Central Coast Regional District Emergency Management Plan

ANNEX B – Declaring State of Local Emergency

*Updated by Frontier Resource Management Ltd
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Annex B: Declaring State of Local Emergency

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1 Introduction

Declaring a 'State of Emergency' enables the CCRD to exercise the emergency powers listed in the *Emergency Program Act*. These emergency powers are used to order evacuation, prohibit travel and enter private property when an emergency threatens lives, property or the environment within the CCRD's jurisdiction.

The CCRD elected leaders must be prepared to declare a 'State of Emergency' in response to emergencies or disasters at a moment's notice. Therefore, emergency plans must clearly and concisely outline the process for declaring a state of emergency, as well as managing the application of the emergency powers.

See also EMBC's Guide to *Declaring a State of Local Emergency in British Columbia* <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/local-emergency-programs/guidelines>

1.1 State of Emergency Powers

A State of Local Emergency is declared by the local authority when an emergency or disaster within its jurisdiction requires access to extraordinary emergency powers of the *Emergency Program Act*. In case of emergency or disaster, these powers permit local authorities to:

- acquire or use any land or personal property considered necessary to prevent, respond to or alleviate negative effects;
- authorize or require any person to render assistance of a type that a person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate negative effects;
- control or prohibit travel to or from any area
- provide for restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services
- cause the evacuation of persons and the removal of livestock, animals and personal property from any area that is or may be affected by an emergency and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- authorize the entry into any building or property or on any land, without warrant, by any person in the course of implementing an emergency plan or if otherwise considered by the Minister to be necessary to prevent, respond to or alleviate negative effects
- cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the minister to be necessary or appropriate in order to prevent, respond to or alleviate negative effects;

- construct works considered by the minister to be necessary or appropriate to prevent, respond to or alleviate negative effects;
- 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 for the duration of the emergency.

It is the responsibility of the CCRD to monitor the implementation of these powers very closely for any possible misuse.

1.2 When State of Emergency Declaration is Not Needed

A Local Authority or the province **NEED NOT** declare a state of local emergency for the following:

- to implement part or all of their Emergency Response and Recovery Plan
- to gain liability protection under the BC Emergency Program Act
- to qualify for disaster financial assistance under the *BC Emergency Program Act*

2 Declaring State of Emergency

Declaring a State of Emergency infringes on civil rights and should only be considered when no other options are available to protect the community.

2.1 Authority to Declare State of Local Emergency

A Declaration of State of Local Emergency can only be made either by a CCRD bylaw or resolution or by an order made by the board Chair.

An order is the most common form of declaring a state of local emergency as often there is not adequate time to prepare a bylaw or resolution for the board to consider.

Prior to issuing a 'State of Emergency', the heads of the local emergency response organization (EEC) need to determine that, in their best judgement, emergency conditions warrant the need for extraordinary powers in order to deal with the emergency. This should then be advised to the CCRD Board and Chair. The briefing should include a recommendation that they issue a declaration, as well as the nature, extent, probability of loss, resources at risk, and geographic area.

Although it is not required to consult EMBC prior to declaring a state of emergency, time permitting, it is advised that EMBC be consulted. The

consultation process should include the PREOC, if established, and any neighbouring local governments that could be impacted.

2.2 Steps in Declaring State of Emergency

- 1) The Local Authority must be satisfied that an emergency exists or is imminent.
- 2) Declarations can be made in two ways:
 - by bylaw or resolution if made by the CCRD Board,
 - by order, if made by the Chair of the CCRD
- 3) Before issuing a Declaration by order, the District Chair must use their best efforts to obtain the consent of the other members of Council or Board to the Declaration.
- 4) As soon as practical after issuing a Declaration order, the District Chair must convene a meeting of Council and/or Board to assist in directing response to the emergency.
- 5) The Declaration of State of Local Emergency form must
 - Identify the nature of the emergency
 - Identify the area where it exists or is imminent.
Ensure the area identified is large enough to allow for expansion of the emergency event to minimize need for additional emergency declarations.
 - Date of declaration
 - Signature of CCRD Chair
- 6) Provision of a map of the affected area is recommended but not mandatory
- 7) Immediately after making a Declaration of State of Local Emergency, the CCRD must forward a signed copy of the Declaration to the Minister. This can be done by sending it to EMBC North East Regional Office or an activated PREOC. Other information to include with notice to Minister:
 - Document that indicates the local delegation of powers (sample provided in Appendix A – Forms)
- 8) Publish the contents of the Declaration by a means of communication that the CCRD considers most likely to make the Declaration known to the population of the affected area. Inclusion of a map is recommended.

See also Annex B – Communications in each of the individual community ERP's.

- 9) A State of Local Emergency automatically exists for seven (7) days unless cancelled earlier. An extension of a State of Local Emergency beyond seven days must have the approval of the Minister of Public Health and Safety. Steps 2, 3, and 5 above must be followed for each 7-day extension.

A sample 'Declaration of State of Emergency Order' form is contained in Appendix A and is also available on the EMBC website, <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/local-emergency-programs/eoc-forms>

2.3 Extension of Local State of Emergency

A Declaration of a Local State of Emergency is only active for seven days. If the emergency extends beyond this, an extension is required and this can only be done by the Minister. So, if needed, an application for extension must be made by the CCRD to the Minister. See Appendix 1 – Forms for sample.

The extension will only be effective for another seven day period and it only applies to the area indicated for the original emergency declaration. The extension also needs to be communicated to the affected public.

2.4 Cancellation of State of Emergency

Once it is apparent to the head of the response organization that extraordinary powers are no longer required and that the State of Local Emergency may be cancelled, they should advise the CCRD Chair as soon as possible.

A Declaration of a State of Local Emergency is cancelled when:

- It expires after 7 days or any 7-day extension;
- The Minister cancels it;
- It is superseded by Provincial State of Emergency; or
- It is cancelled by CCRD bylaw, resolution or order.

If the Declaration is cancelled by resolution or order, the Minister of Public Health and Safety must be promptly notified through the North East Regional EMBC office or the PREOC if activated.

The CCRD must then publish the cancellation order by a means of communication that the CCRD considers most likely to make the information known to the population of the affected area. Inclusion of a map is recommended. See Annex B – Communications in each of the individual community ERP's.

A sample 'State of Emergency Order Cancellation' form is contained in Appendix A and is also available on the EMBC website, <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/local-emergency-programs/eoc-forms>

3 Limitations of Declaration of Local State of Emergency

A Declaration of Local State of Emergency is a short term measure to allow a local authority to effectively respond to an emergency or disaster. As such, the Declaration is limited to:

- Emergency or disaster as defined by the *Act*
- Seven days
- The jurisdictional boundaries of the local authority

Note that a Declaration of Local State of Emergency does not enable a disregard for Federal or Provincial laws or regulations. For example, a Declaration does not authorize the CCRD to close a public highway or to evacuate First Nations lands.

Appendix 1 – Forms

Declaration of State of Emergency Order Form

State of Emergency Order Messaging Template

Extension Request for Local State of Emergency

Public Information Messaging Template

Delegation of Emergency Powers Matrix

State of Emergency Order Cancellation Form

DECLARATION OF A STATE OF LOCAL EMERGENCY
(REGIONAL CHAIR)

WHEREAS the area herein described is or may soon be encountering an emergency that requires prompt action to prevent harm or damage to the safety, health or welfare of persons or to prevent damage to property;

Emergency Area:

- | | |
|---|----------------|
| a) Bella Bella Region (Incl Denny Island) | Yes () No () |
| b) Ocean Falls Region | Yes () No () |
| c) Oweekeno Region | Yes () No () |
| d) Bella Coola Valley Region | Yes () No () |

Nature of the Emergency: (include specifics re: location)

AND WHEREAS the undersigned is satisfied that an emergency as defined in Part 3, Section 3 of the British Columbia Provincial Emergency Program Act, exists or may exist in the Regional District Region/Area noted above;

AND WHEREAS the Board of the Regional District is unable to act;

AND WHEREAS the undersigned has (check appropriate box):

- | | |
|--|----------------|
| (a) Consulted with a majority of the members of the Local Authority and/or members of the Emergency Program Committee | Yes () No () |
| (b) Found it impractical to consult with a majority of the Local Authority and/or members of the Emergency Program Committee | Yes () No () |

THE UNDERSIGNED HEREBY DECLARES pursuant to Section 12.1 of the British Columbia *Emergency Program Act*, a State of Local Emergency in the Regional District Region/Area noted above as of and from _____ o'clock in the forenoon of the _____ day of _____, AD, 20____.

THIS DECLARATION OF A STATE OF LOCAL EMERGENCY shall exist until _____ o'clock in the forenoon of the _____ day of _____, AD, 20____ or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the Emergency Program Act.

DATED at _____, Province of British Columbia this _____ day of _____ AD, 20____.

Regional Chair Signature

Central Coast Regional District

Chief Administrative Officer Signature

Extension Request For State Of Local Emergency

WHEREAS life and property remain at risk due to *[short hazard description]* in *[name of local authority]*;

AND WHEREAS the *Mayor/Chair* of *[name of local authority]* has requested to extend the duration of the declaration of a state of local emergency due to expire on *[date]* at midnight;

IT IS HEREBY APPROVED pursuant to Section 12(6) of the *Emergency Program Act* (RS, 1996, Chap.111) that *[name of local authority]* may extend the duration of a state of local emergency for a further seven days to *[date]* at midnight.

(Minister responsible)

Date Signed

PUBLIC INFORMATION MESSAGING TEMPLATE

This is _____
Rank/Title *Name*

from the _____
Agency/Department

A _____
size/intensity *incident*

_____ *has occurred/is occurring* in _____ *location*

Because of the potential danger to life and health _____
the authority

_____ *has/have* _____ *ordered/recommended* everyone within _____
_____ *blocks/kilometres/metres*

of that area to _____
evacuate shelter-in-place *immediately/as soon as possible*

If you are in following areas, you _____
must/should *leave the area/get inside a building*

This message will be repeated. Specific instructions and locations will be given

If you are in the following areas, you _____
must/should *leave the area/get inside a building*

_____. The areas involved are as follows:
immediately/as soon as possible

_____	_____
<i>North/South/East/West</i>	<i>Location: street, highway or other significant geographical point</i>
_____	_____
<i>North/South/East/West</i>	<i>Location: street, highway or other significant geographical point</i>
_____	_____
<i>North/South/East/West</i>	<i>Location: street, highway or other significant geographical point</i>
_____	_____
<i>North/South/East/West</i>	<i>Location: street, highway or other significant geographical point</i>

Delegation of Emergency Powers Matrix

Reference: *Emergency Program Act* Section 10

Emergency Powers	Delegated To			
	[functional position]	[functional position]	[functional position]	[functional position]
Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster.				
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.				
Control or prohibit travel to or from any area of British Columbia.				
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 British Columbia.				
Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of British Columbia 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.				
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 minister to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster.				
Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the minister to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster.				
Construct works considered by the minister to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster.				
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 British Columbia for the duration of the state of local emergency.				

NOTE: Other individuals/agencies may be included in the matrix at the discretion of the head of a local authority.

Delegation of Emergency Powers Matrix

Local authority may choose to enter other position descriptions.

Reference: *Emergency Program Act* Section 10

Emergency Powers	Delegated To			
	EOC Director	Deputy EOC Director	Operations Section Chief	Incident Commander
Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster.	✓	✓		✓
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.	✓	✓	✓	✓
Control or prohibit travel to or from any area of British Columbia.	✓		✓	✓
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 British Columbia.	✓	✓		✓
Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of British Columbia 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.				
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 minister to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster.		✓	✓	✓
Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the minister to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster.	✓	✓	✓	
Construct works considered by the minister to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster.	✓			✓
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 British Columbia for the duration of the state of emergency.				

NOTE: Other individuals/agencies may be included in the matrix at the discretion of the head of a local authority.

Cancellation of a Declaration of a State of Local Emergency

ORDER

WHEREAS a (description of hazard and emergency);

AND WHEREAS special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property is not now required;

IT IS HEREBY ORDERED pursuant to Section 11(1) of the Emergency Program Act (RS, 1996, Chap. 111) that the Declaration of a State of Emergency ordered _____(date of declaration), for _____(description of effected area), is cancelled.

ORDERED by the (*local authority or head of local authority*) this ____ day of _____, AD 20__.

Regional Chair Signature

Central Coast Regional District

Chief Administrative Officer Signature