

**CITY OF HAMILTON
BY-LAW NO. 21-**

To Repeal and Replace By-Law 17-277 Emergency Management Program By-Law

WHEREAS Council deems it necessary to enact a by-law to establish and implement an emergency management program for the City of Hamilton, so the municipality will be better able to respond to risks and emergencies and to recover from emergencies;

WHEREAS section 2.1 of the Emergency Management and Civil Protection Act, R. S. O. 1990, c. E.9 as amended (the Act) provides for municipal by-laws respecting the development and implementation of municipal emergency management programs, and which Act generally deals with emergency management, declaration of emergencies, and emergency planning in Ontario;

WHEREAS section 4 of the Act provides that the Head of Council may declare an emergency exists in the municipality and may take such action and make such orders as necessary and not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

WHEREAS an emergency management program will consist of an emergency plan, training programs and exercises for employees and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities, public education on risks to public safety and public awareness for emergencies, and other elements as may be required standards for emergency management;

WHEREAS the Act authorizes elected officials and employees of a municipality to respond to emergencies in accordance with the emergency plan;

WHEREAS section 12 of the Act provides that the municipality has a right of action to recover monies expended or costs incurred in the implementation of an emergency plan or in connection with an emergency, against the person who caused the emergency, and the City's Emergency Plan provides for tracking of such costs and expenses; and

WHEREAS Section 2, and Sections 8 through 10 of the Municipal Act, S.O. 2001, Chapter 25 as amended, provide general authorities and powers for passing by-laws, for general purposes which include the provision of services and things necessary and desirable for the public, the health, safety and well-being of persons, managing and preserving public assets of the municipality, fostering the current and future economic, social and environmental well-being of the municipality, and delivering and participating in provincial programs and initiatives.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this By-law:

- (a) **“Act”** means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9;
 - (b) **“Emergency”** means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;
 - (c) **“Emergency Management Program”** means a program developed by or in conjunction with the City of Hamilton for management and response to emergencies, consisting of the Emergency Plan, training programs and exercise for employees and other persons in emergency response and recovery, public education on risks to safety and awareness for emergencies and such other elements as may be required standards for emergency management;
 - (d) **“Emergency Management Program Committee”** or **“EMPC”** means the committee established under section 6 of this By-law;
 - (e) **“Emergency Operations Centre Management Team”** or **“EOC Management Team”** means the municipal emergency control group established under section 5 of this By-law.
 - (f) **“Emergency Plan”** means the plan adopted by Section 2 of this By-law as amended from time to time;
 - (g) **“Head of Council”** means the Mayor, or during an absence or unavailability of the Mayor means the Deputy Mayor, also being known as the “Acting Head of Council”, whom the Council for the City of Hamilton designates or appoints on a scheduled or as-needed basis to act in place of the Mayor for the purpose of exercising the Mayor’s powers, authorities and duties;
- 1.1. For the purposes of this By-law and the Emergency Plan where a person who regularly holds the position or office is absent or unavailable to act, including due to a vacancy in the position or office, a person in that position or office in an

acting capacity or as a deputy is delegated the same powers, authorities, and duties as provided for the position or office holder in this By-law and the Emergency Plan.

2. The City of Hamilton adopts Schedule "A" attached to this By-law as its Emergency Plan.
3. The Head of Council may declare that an emergency exists in the City or in any part of the City and may take such actions and make such orders as are considered necessary and not contrary to law to implement the Emergency Plan and to protect property and the health, safety and welfare of the municipality and inhabitants of the emergency area.
4. The Head of Council and the municipal officials provided for in the Emergency Plan are empowered to cause an emergency notification to be issued and to require designated persons to respond in accordance with the Emergency Plan, where either an emergency has been declared or where an emergency exists but has not yet been declared to exist.
5. The municipal emergency control group required by the Act and its regulation is the City's Emergency Operations Centre Management Team as appointed in subsection below, established for the purposes of directing the municipality's response in an emergency whether or not declared and including implementing the Emergency Plan, use of the Incident Management System, seeking advice and assistance, and such other procedures as the Team shall develop to govern its responsibilities.
 - 5.1 Under the City's Emergency Plan and its adoption of the Incident Management System, the municipal officials appointed in section 5.2 may initiate operation of the Emergency Operations Centre and may carry out roles provided for other appointees until such appointees assume their own positions.
 - 5.2 The Emergency Operations Centre Management Team shall be comprised of the following positions and held by the listed officials:

EOC Management Team Position	Municipal Official
EOC Director	City Manager
Information Officer	Manager, Communications
Legal	City Solicitor
Liaison Officer	Emergency Management Coordinator

Operations Section Chief	The Operations Section Chief will be chosen by the EOC Director at the time of emergency from the following designates: Chief of Police Fire Chief Paramedic Chief Medical Officer of Health Director, Healthy & Safe Communities
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	General Manager, Public Works Manager, Planning Economic Development
Planning Section Chief	Director, Planning Economic Development
Logistics Section Chief	Director, Human Resources
Finance and Administration Section Chief	General Manager, Corporate Services

6. The City's Emergency Management Program Committee for purposes of the Act is comprised of the following members:

- (a) Mayor;
- (b) City Manager;
- (c) City Solicitor
- (d) Chief of Police;
- (e) Medical Officer of Health;
- (f) Fire Chief;
- (g) Paramedic Chief;
- (h) General Manager, Healthy & Safe Communities;
- (i) General Manager, Corporate Services;
- (j) General Manager, Planning & Economic Development;
- (k) General Manager, Public Works;
- (l) Executive Director, Human Resources;
- (m) Community Emergency Management Coordinators; and,
- (n) Director of Communications and Intergovernmental Relationships

6.2 The Chair of the Emergency Management Program Committee is the City Manager.

6.3 The role of the Emergency Management Program Committee is to advise Council on the development and implementation of the emergency management program, and to conduct an annual review of the City's emergency management program and if necessary, shall make recommendations for revisions of the program.

7. The City of Hamilton's Emergency Management Coordinators are designated as the emergency management program coordinators for the purposes of the Act, and assigned the role of coordinating the development and implementation of the City's emergency management program, including particularly the annual, training and educational requirements necessary for the City's compliance with the Act, and for co-ordination of the meetings of the Emergency Management Program Committee.

8. The City's Emergency Information Officer shall be the Manager, Communications.

REPEAL AND REPLACEMENT

9. City of Hamilton By-law No. 17-277 as may be amended, is hereby repealed.

10. This By-law shall come into force on the date of its enactment.

SHORT TITLE

11. This By-law may be cited as the "Emergency Management Program By-law, 21-015".

PASSED this 10 day of February, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk