



DECLARING A STATE OF LOCAL EMERGENCY (SOLE)

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AMENDMENT RECORD

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INTRODUCTION

Declaring a State of Local Emergency (SOLE) enables local authorities in British Columbia to exercise the emergency powers listed in the *Emergency Program Act (RSBC 1996)*. Emergency powers are used by Fraser Valley Regional District (FVRD) to order the evacuation of residents from their homes, prohibit travel, and enter private property when an emergency threatens lives, property, or the environment within FVRD's jurisdiction.

FVRD Emergency Management Organization staff and elected officials must be prepared to declare a state of local emergency in response to an emergency or disaster at a moment's notice. Therefore FVRD emergency plans must clearly and concisely outline the process for declaring a state of local emergency, as well as managing the application and use of the emergency powers.

This document provides answers to some of the most frequently asked questions and provides recommendations about how to issue a declaration by order. The example documents attached at the end of this manual are the same as those used in practical application at FVRD and are intended to assist in the collection of information that is required and appropriate for declaring a state of local emergency by order only. The process for the creation and issuance of local government bylaws is dictated by other legislation and is not covered in this document. This document does not address details about the use of emergency powers by a local authority.

TERMINOLOGY

"Act" refers to the *Emergency Program Act, RSBC 1996*, and all amendments and replacements thereunto.

"Emergency" means a present or imminent event or circumstance that

- a) is caused by accident, fire, explosion, technical failure or the forces of nature, and
- b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property

"Disaster" means a calamity that

- a) is caused by accident, fire, explosion, technical failure or the forces of nature, and
- b) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property

"Local declaration" or **"SOLE"** refers to a declaration of state of local emergency

"Head of local authority" means in a regional district the Chair of the Board of the Regional District, or in the absence of the Chair a Vice-Chair.

WHAT IS A DECLARATION OF A STATE OF LOCAL EMERGENCY (SOLE)?

This is a temporary emergency authority measure authorized by the *Emergency Program Act*. A declaration of a state of local emergency (SOLE) has to be initiated by either a bylaw or order and is valid for a period of seven (7) days.

WHY WOULD FVRD DECLARE A STATE OF LOCAL EMERGENCY?

FVRD would declare a state of local emergency when an emergency or disaster (as defined in the *Emergency Program Act*) within its jurisdiction requires access to the extraordinary emergency powers of the *Emergency Program Act*.

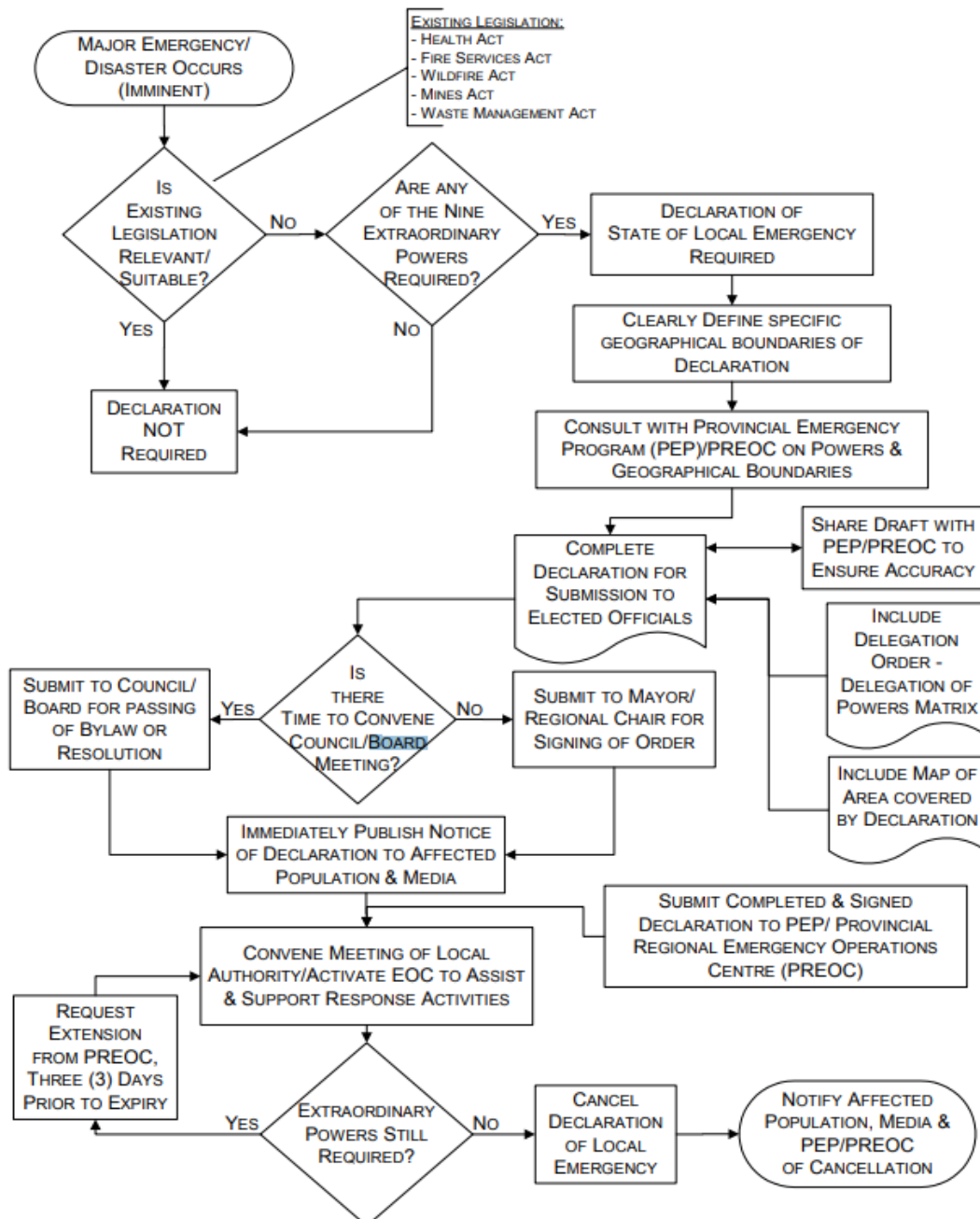
Emergency powers available to FVRD through the legislation are as follows:

- » 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: *The emergency powers are written from the provincial perspective. They are applicable to FVRD with the restrictions outlined in section 12 (1) of the Act that limits the scope of the emergency powers to the local authority jurisdictional area.*

The Provincial Minister may order FVRD to refrain or desist from using any one or more of the emergency powers listed above. These powers infringe on civil liberties of citizens and should only be drawn upon by local authorities when no other options are available to protect the community. The most frequently cited reasons to declare a state of local emergency are: to facilitate the mandatory evacuation of people and livestock; or the need to access private property when public safety is threatened.

EMERGENCY DECLARATION PROCESS - Emergency Program Act



*From EMBC EOC Operational Guidelines manual

WHEN IS A DECLARATION OF A STATE OF LOCAL EMERGENCY NOT REQUIRED?

A declaration is **NOT** required to:

- » Implement part or all of a local emergency response plan, as long as access to emergency powers are not required
- » Gain liability protection under the *Emergency Program Act*
- » Issue evacuation alerts
- » Recover eligible response costs
- » Qualify for eligible disaster financial assistance under the *Emergency Program Act*.

HOW DOES FVRD DELCLARE A STATE OF LOCAL EMERGENCY?

A declaration of a state of local emergency must be made either by order if made by the Chair (or Vice Chair) of FVRD, or by a bylaw or resolution, if made by FVRD's Board.

ORDER

An order is the most common mechanism used, since most situations do not allow sufficient time to complete the procedures required to establish a local government bylaw or resolution. An order can only be issued by the head of a local authority. In the case of a Regional District, the head is the Board Chair (or in their absence a Vice Chair). The FVRD Chair must use best efforts to obtain consent of the other members of the Board and must, as soon as possible, convene a meeting of the Board to assist in directing response activities.

BYLAW OR RESOLUTION

Assuming time permits, the Board could meet to establish a bylaw or resolution that authorizes a declaration of a state of local emergency.

WHAT INFORMATION MUST BE INCLUDED IN A DECLARATION OF A SOLE?

According to the Act, the local declaration must identify the following information:

- » nature of the emergency **and**
- » geographic boundaries (preferably shown on an attached map) within which the declaration will apply.

Note: *It is recommended the local authority ensures the geographic area identified in the local declaration will allow for the potential expansion of the footprint of the emergency event. This will minimize the need for issuing multiple declarations to accommodate events that may continually change in scope such as flooding or an urban/interface wildfire.*

In order to ensure the validity of the local declaration, the following should be included:

- » date of the local declaration; and
- » signature of the head of the local authority (Board Chair or in their absence the Vice Chair).

WHAT OTHER INFORMATION SHOULD BE INCLUDED WITH THE LOCAL DECLARATIONS WHEN PROVIDED TO THE MINISTER?

AUTHORIZATION DOCUMENT

The head of the local authority can authorize others to exercise the emergency powers on his or her behalf. A written document must be provided to indicate the details of the delegation of powers. This document may be predetermined and included in the local emergency plan and should be readily available for use in the submission of the declaration. There is an example provided in this document for reference (see appendices for Authorization of Emergency Powers Matrix).

MAP OF IMPACTED AREA

Providing a map of the identified geographic area described in the declaration order will assist everyone in understanding the scope and scale of the emergency or disaster.

IS FVRD REQUIRED TO CONSULT WITH EMBC STAFF PRIOR TO DECLARING A SOLE?

No. FVRD should rely on its own legal advisors to ensure that procedures and local declarations are consistent with the *Emergency Program Act*. EMBC staff is available to provide information on their experience and past practices with regard to use and applications of the *Emergency Program Act*.

Note: *FVRD must immediately forward a copy of the completed declaration documents to the Minister. This can be carried out through the appropriate EMBC regional office or activated Provincial Regional Emergency Operations Centre (PREOC).*

WHAT MUST BE DONE BY FVRD ONCE IT HAS DECLARED A SOLE?

Immediately after making a declaration of a state of local emergency, the FVRD Board or the FVRD Chair must:

- » Forward a copy of the declaration to the Minister responsible.
- » Send a copy of the signed local declaration to the appropriate PREOC, if activated, or the local EMBC regional office, which will ensure the Minister is informed as required by legislation.
- » Make verbal contact with the PREOC to ensure the documents have been received.

- » Publish the details of the declaration by a means of communication most likely reach the population of the affected area. It is strongly recommended that accompanying maps are included in the publication.

HOW DOES FVRD USE THE EMERGENCY POWERS?

FVRD may authorize, in writing, the people or agencies that are approved to use the emergency powers assumed by FVRD under a declared state of local emergency. Authorized use of emergency powers, together with such terms, conditions or limitations imposed by a local authority, must be defined in writing upon issuing a declaration of a state of local emergency order.

***Note:** FVRD is responsible for the use of the emergency powers by any person or agency authorized to act on its behalf.*

The Provincial Minister may order FVRD to refrain or desist from using any one or more of the emergency powers. These powers infringe on civil liberties of citizens and should only be used by local authorities when no other options are available to protect the community. The local authority is responsible for advising all delegated users of the emergency powers about the restrictions imposed by the Minister.

WHEN DOES A LOCAL DECLARATION TERMINATE?

A declaration of a state of local emergency is terminated when:

- » it expires
- » the Minister or the Lieutenant Governor in Council cancels the state of local emergency
- » FVRD declares the state of local emergency to be cancelled
- » it is superseded by a state of emergency issued by the Minister or Lieutenant Governor in Council.

WHAT MUST BE DONE BY FVRD ONCE THE DECLARED SOLE HAS BEEN TERMINATED?

Immediately after the termination of a declaration of state of local emergency, FVRD must publish the details of the termination by a means that is most likely to reach to the majority of the population.

WHEN DOES A LOCAL DECLARATION EXPIRE?

A local declaration expires seven (7) days from the date it is signed, unless it is extended. The seven day period is determined by the *Interpretation Act Section 25(5)* which states that “the first day must be excluded and the last day included.” For example, if FVRD declares a state of local emergency on a Friday at any time between 0001 hr and 2359hr, this local declaration will remain in effect until the following Friday at midnight.

HOW DOES FVRD EXTEND A DECLARATION OF A SOLE?

When necessary, FVRD may seek the approval of the Minister to extend the term of the declaration beyond the seven day period. A completed Extension Request form should be submitted to the PREOC, if activated, or to the local EMBC regional office. FVRD should submit the request for an extension as soon as it determines emergency powers are required beyond the current expiry date.

The Minister will issue an approval of the extension as appropriate. Each extension is valid for a seven day period and further extensions may be requested.

FVRD must then publish the details of the extension by a means of communication most likely to reach the population of the affected area (see appendices for Extension Request).

CAN FVRD USE THE EXTENSION PROCESS TO CHANGE THE AREA UNDER DECLARATION OR THE DESCRIPTION OF THE NATURE OF THE EVENT?

No. An extension request only changes the expiry date of a current local declaration. It does not allow for a change in the area under declaration or a change in the nature of the event. In these cases a new declaration of a state of local emergency must be issued.

HOW DOES FVRD CANCEL A DECLARATION OF A SOLE?

The FVRD Board or Chair must, when of the opinion that an emergency no longer exists and the continued use of emergency powers is not required or justified, cancel the declaration of a state of local emergency. This can be accomplished through:

- » bylaw or resolution, if the cancellation is by the Board
- » order, if the cancellation is by the FVRD Chair.

The method of cancelling the SOLE is not dependent upon how it was initially authorized. This means that a SOLE made by FVRD and enabled through bylaw or resolution can be cancelled by the FVRD Chair via an order. As well, should the FVRD Chair or Vice-Chair declare a SOLE by order; it can be cancelled by the FVRD Board through a bylaw or resolution.

Notification of cancellation of the SOLE must be submitted to the Minister through the appropriate PREOC, if activated, or to the local EMBC regional office, which will ensure that the Minister is informed. FVRD must then publish the details of the cancellation by a means of most likely to reach to the population of the affected area (see appendices for Cancellation Order).

WHAT HAPPENS TO A SOLE WHEN THE PROVINCE ISSUES A STATE OF EMERGENCY?

In any geographic overlap between the two declarations, the order issued by the Province will supersede FVRD's declaration as described in the legislation in 14 (3). The Minister may then authorize the use of any required emergency powers to a local authority, as appropriate.

CAN A DECLARATION OF A SOLE DISREGARD PROVINCIAL OR FEDERAL ACTS OR REGULATIONS?

No. A declaration of a state of local emergency allows FVRD access to very specific emergency powers that are intended to facilitate required actions to effectively respond to an emergency within FVRD's jurisdiction. For example, the powers granted to FVRD through a declaration of a state of local emergency do not allow FVRD to close a provincial highway or to evacuate First Nation lands.

WHAT ARE THE LIMITATIONS OF SOLE?

A state of local emergency is:

- » Only justified during an emergency or disaster as defined by the Act.
- » Limited geographically to the jurisdictional boundaries of FVRD or to any specifically described area by FVRD within these boundaries.

When the application of emergency powers is required outside of FVRD's jurisdiction, two options may be considered:

- » A neighbouring jurisdiction may declare a state of local emergency
- » In the case of a major impact across jurisdictions, a provincial state of emergency may be considered for the entire geographic area.

Local declarations are short term emergency measures to allow a local authority to effectively respond to an emergency or disaster. The duration of the local declaration is limited to seven days.

References:

- A. Emergency Program Act [RSBC 1996] Chapter 111*
- B. Local Government Act [RSBC 2015] Chapter 1*
- C. Community Charter [SBC 2003] Chapter 26*

APPENDICES

The following pages contain examples of all the discussed forms for the declaration of a state of local emergency by an order.

Templates (in Microsoft Word and Print and Fax versions) are provided in FVRD EOC templates, and managed by the Emergency Management branch for use by the EOC and Emergency Management Executive Committee. These are included in FVRD's comprehensive emergency management plans and processes for use during an emergency or disaster in their jurisdiction.

Please forward comments and amendment requests to the Emergency Management branch for consideration in future amendments.



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DECLARING A STATE OF LOCAL EMERGENCY (SOLE)

ORDER

Date and Time here (normal text)

WHEREAS *[type of hazard]* in the Fraser Valley Regional District;

AND WHEREAS *[explanation of ongoing or imminent threat to life or property];*

AND WHEREAS this *[type of hazard]* emergency 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;

NOW THEREFORE:

IT IS HEREBY ORDERED pursuant to Section 12 (1) of the *Emergency Program Act* (RS, 1996, Chap 111) that a State of Local Emergency exists in *[specific geographic boundaries of designated area]* due to *[short hazard description]* and *[short consequence statement];*

IT IS FURTHER ORDERED THAT the Fraser Valley Regional District, its employees, servants, and agents are empowered pursuant to Section 13 (1) of the *Emergency Program Act* to do all acts and implement all procedures that are considered necessary to prevent or to alleviate the effects of the emergency.

ORDERED by the *[head of local authority]* this date *[date]* to remain in force for seven days until *[date]* at midnight unless cancelled by order of Fraser Valley Regional District or the Minister responsible.

Board Chair, FVRD



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DECLARING A STATE OF LOCAL EMERGENCY (SOLE)

AUTHORIZATION OF EMERGENCY POWERS MATRIX

Date and Time here (normal text)

Emergency Powers (Reference: Emergency Program Act Section 10)	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 FVRD Chair.



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DECLARING A STATE OF LOCAL EMERGENCY (SOLE)

EXTENSION REQUEST

Date and Time here (normal text)

WHEREAS *[type of hazard]* life and property remain at risk due to *[short hazard description]* in the Fraser Valley Regional District;

AND WHEREAS the Chair of the Fraser Valley Regional District 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 the Fraser Valley Regional District may extend the duration of a State of Local Emergency for a further seven (7) days to *[date]* at midnight.

Minister Responsible

Date Signed



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DECLARING A STATE OF LOCAL EMERGENCY (SOLE)

CANCELLATION ORDER

Date and Time here (normal text)

WHEREAS *[description of hazard and emergency]* in the Fraser Valley Regional District;

AND WHEREAS this *[hazard type]* emergency no longer requires prompt coordination of action of special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;

IT IS HEREBY ORDERED pursuant to Section 14 (2) (ii) of the *Emergency Program Act* (RS, 1996, Chap 111) that a State of Local Emergency no longer exists in *[specific geographic boundaries of designated area]* and is therefore cancelled effective this date at *[time]*.

Board Chair or Vice Chair

Signature