

REGULAR MEETING OF COUNCIL AGENDA

DATE: November 20, 2023
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

The public may attend this meeting in person or by means of electronic facilities.

The City of Enderby uses Zoom for its electronic facilities and encourages those who are unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

The access codes for this meeting are:

*Meeting ID: 826 0197 1829
Passcode: 308739*

If you would like to attend this meeting by means of electronic facilities and do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

*When applicable, public hearing materials are available for inspection at
www.cityofenderby.com/hearings/*

1. LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

2. APPROVAL OF AGENDA

THAT the November 20, 2023 Council Meeting agenda be approved as circulated.

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of November 6, 2023 Page 4
THAT the November 6, 2023 Council Meeting minutes be adopted as circulated.

3.2 Public Hearing Report November 6, 2023 Page 14
THAT the November 6, 2023 Public Hearing Report be adopted as circulated.

**4. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES
AND DELEGATIONS**

5. BYLAWS

5.1 Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023 Page 16
THAT Council adopts the bylaw cited as "Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023.

5.2 Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023 and Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023 Page 17

THAT Council gives Three Readings to City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023;

AND THAT Council gives Three Readings to City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023.

6. REPORTS

6.1 Mayor and Council Reports

6.2 Area F Director Report

6.3 Chief Administrative Officer Report

6.3.1 Council Inquiries

6.4 RDNO Building Permit Report – October 2023

Page 25

THAT Council receives and files the RDNO Building Permit Report – October 2023.

7. NEW BUSINESS

7.1 Street Banner Renewal

Page 26

Memo prepared by Planner dated November 16, 2023

THAT Council directs Staff to renew and redesign the existing street banners installed throughout the community and considers whether it wishes to install additional street banners in new locations;

AND THAT Council directs Staff to issue a Call for Submissions for street banner designs, with a judging panel to award prizes of \$500 to the winning design submission in both an 'Under 13' and '13 and Over' category;

AND THAT Council appoints three members to sit on the judging panel to select the winning design for each category, and requests that the Enderby & District Arts Council also appoints two members to the panel;

AND THAT Council identifies the thematic elements that it wishes to incorporate into the Call for Submissions for street banner designs;

AND FURTHER THAT with respect to the funding mechanism for the renewal and redesign of the street banners, Council authorizes an expenditure of \$12,350, plus an additional \$450 per additional new street banner to be installed, through prior year's surplus.

7.2 Wagon Rides – Road Closure Application

Page 30

Memo prepared by Planner dated November 16, 2023

THAT Council approves the City of Enderby Event Coordinator's Road Closure application which proposes to close Belvedere Street from Cliff Avenue to Speers Lane on Saturday December 2, 2023 from 9:30 am – 1:30 pm for the purposes of a wagon ride staging area;

AND THAT Council exempts the applicant from the requirement to petition affected businesses as part of the proposed road closure, subject to the following conditions:

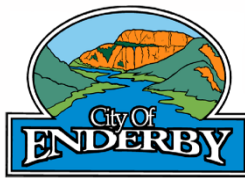
- i. The applicant must ensure that the barricades associated with the road closure are able to be removed temporarily to allow large commercial vehicles from MacPherson Lane to enter Belvedere Street southbound for the purposes of egressing to George Street; and*
- ii. The applicant must provide advance notice of the road closure to businesses in closest proximity to the road closure area.*

8. CORRESPONDENCE AND INFORMATION ITEMS

- | | | |
|-----|---|---------|
| 8.1 | <u>Province Introduces Significant Renovations to Local Government Enabling Legislation</u>
Young Anderson Barristers & Solicitors Bulletin dated November 3, 2023 | Page 35 |
| 8.2 | <u>Update to B.C.'s Modernized Emergency Management Legislation</u> | Page 37 |

9. PUBLIC QUESTION PERIOD

10. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, November 6, 2023 at 4:30 p.m. in Council Chambers.

Present: Mayor Huck Galbraith
Councillor Tundra Baird
Councillor Roxanne Davyduke
Councillor David Ramey
Councillor Brian Schreiner
Councillor Shawn Shishido
Councillor Sarah Yerhoff

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner – Kurt Inglis
Clerk-Secretary – Andraya Holmes

Other: Director Allysa Hopkins
Press and Public

LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

APPROVAL OF AGENDA

Moved by Councillor Davyduke, seconded by Councillor Baird
“THAT the November 6, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of October 16, 2023

Moved by Councillor Shishido, seconded by Councillor Yerhoff
“THAT the October 16, 2023 Council Meeting minutes be adopted as circulated.”

CARRIED

DELEGATIONS

Sgt. Vestergaard, North Okanagan RCMP

Sgt. Vestergaard introduced herself and gave an overview of her experience with the RCMP and policing. She is looking forward to conducting foot patrols and getting to know the community.

Reported that statistics from the quarterly report for Enderby are relatively consistent to last year.

Councillor Davyduke asked for clarification in the toxic drug section of the report on the number of cards given versus the number of referrals made.

Sgt. Vestergaard explained that for a referral to be made, the person must agree that they need help. If they do not, only a card is given.

Council thanked Sgt. Vestergaard for presenting and welcomed her to the community.

Ben Eby and Andrew Van Dokkumburg, Enderby & District Financial

Andrew Van Dokkumburg introduced himself as Manager of Enderby & District Financial and gave an overview of the history of community support by Enderby & District Financial. Noted that staff have collectively volunteered 912 hours since 2020.

Ben Eby explained that he has lived in the community for 3 years and is passionate about giving back to the community.

Mr. Eby has organized a basketball program at A.L. Fortune that has grown to approximately 50 kids. Explained that their team-building includes volunteering in the community. Has also started a basketball program for Splatsin.

Councillor Shishido spoke on the importance of athletics and youth programs to develop responsibility and confidence in young people and create a tight-knit community.

Councillor Davyduke thanked Mr. Eby and Mr. Van Dokkumburg for the work they are doing in the community. Noted that she has heard excellent feedback on the basketball program at A.L. Fortune.

Councillor Ramey asked about school athletic programs being run by school faculty and why there are less programs available now.

Mr. Eby responded that funding is a problem. Noted that school faculty are providing many programs. Explained that staff at A.L. Fortune have been very helpful in unlocking and locking the school as there are policies in place that don't allow him to hold keys to the facility. Also noted that there is a shortage of referees.

Allysa Hopkins, Area F Director, requested that Mr. Van Dokkumburg and Mr. Eby meet with her.

Councillor Baird asked about the existing joint use agreement between the Enderby & District Services Commission and School District #83.

Chief Administrative Officer explained that the shared use agreement with School District #83 was updated in 2015/2016 and that there has been discussion with Recreation Services

recently about proposing changes to that agreement that would improve scheduling efficiency for school facilities. Suggested that he would like to have a conversation with Mr. Eby about desirable improvements to the agreement before meeting with the School District.

Council thanked Mr. Eby and Mr. Van Dokkumburg for their presentation.

PUBLIC HEARINGS

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1780, 2023 – Downtown Designated Parking Area and Shipping Container Regulations

The regular meeting gave way to the public hearing at 5:18 p.m.

The regular meeting re-convened at 5:24 p.m.

DEVELOPMENT MATTERS AND RELATED BYLAWS

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1780, 2023 – Downtown Designated Parking Area and Shipping Container Regulations

Moved by Councillor Shishido, seconded by Councillor Baird
“THAT Council gives third reading and, subject to approval by the Ministry of Transportation and Infrastructure, adopts the City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1780, 2023.”

CARRIED

BYLAWS

City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1775, 2023

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT Council adopts the City of Enderby Parks, Recreation, and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1775, 2023.”

CARRIED

Loan Authorization Bylaw – Outdoor Pool

Moved by Councillor Baird, seconded by Councillor Shishido
“THAT Council gives first, second, and third readings to the bylaw cited as “Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023.”

CARRIED

REPORTS

Mayor and Council Reports

Councillor Yerhoff

Attended an Inter-Agency meeting on October 25th.

Attended the Poppy Campaign fundraiser at the Legion.

Attended a Food Bank meeting. Reported that the food bank is looking for volunteers and board members.

Attended the Halloween events.

Councillor Davyduke

Attended an Inter-Agency meeting.

Reported that the Enderby & District Community Resource Centre is offering some great programs including Seniors Tech Connect and the Sunshine Line. There is also a legal advocate available once per month.

Attended the Poppy Campaign fundraiser at the Legion.

Has heard great feedback from the Business Walk and will be going out on November 16th to follow up with some of the businesses that were missed.

Councillor Shishido

Reported that he has received lots of feedback on the intersection changes at the 5-way intersection with new Rail Trail crossing. Noted that people seem to be getting used to the change.

Councillor Baird

Attended the Poppy Campaign Dinner at the Legion.

Thanked Recreation Services and reported that the witches dance was great. Noted that there were approximately 500 kids downtown for Halloween. The Small Axe won the contest for the best decorated business.

Planning for Christmas is ongoing.

The MV Beattie Craft Fair is November 16th from 4 p.m. to 8 p.m.

Councillor Ramey

Attended an Arts Council meeting. There will be a Christmas show put on by the Arts Council instead of a coffee house at the Seniors Centre on December 15th.

Reported that he has been engaging with people walking their dogs about the idea of a dog park in town and would like to place a survey on the website to get more feedback from the public.

Councillor Shishido asked Councillor Ramey what features he would like to see in a dog park.

Councillor Ramey responded that there should be places to sit and socialize while dogs play, and an enclosed space where dogs can be let off leash to run.

Councillor Shishido raised concerns about safety of dogs and cost of maintenance for a dog park. Noted that Enderby is a relatively dog friendly City already in that there are only a few areas in town that require dogs to be leashed.

Councillor Ramey explained that most dog owners will not take their dogs off-leash in a regular park.

Moved by Councillor Ramey, seconded by Councillor Schreiner
“THAT a dog park questionnaire be added to the City of Enderby website to receive feedback from the public.”

CARRIED

Councillor Schreiner

Reported that he picked up his radon test kit at City Hall.

Has continued the conversation surrounding beautification of the City and Communities in Bloom and would like to organize a meeting to see if there is enough community interest.

Mayor Galbraith

Reported that the Business Walk was great.

Asked Council if they would like to hand out Christmas cards to local businesses again this year.

Reported that the Halloween events were great. Attended the Trunk or Treat event at the Splatsin Community Centre.

Volunteered at the Walk of Terror at the Caravan Farm Theatre.

Will be attending the Splatsin Remembrance Day Ceremony on November 8th.

Area F Director

Area F Director Allysa Hopkins reported that she will have cost projections soon for renewing two baseball diamonds in Grindrod.

Hosted a Halloween fundraiser for the food bank at her farm that was a great success.

Will be attending the Remembrance Day Ceremonies both at Splatsin and the City of Enderby.

Chief Administrative Officer

The Radon Test Kit Challenge public information session was held on November 2nd and distribution of test kits is ongoing. There has been great participation so far, with community members expressing appreciation for this opportunity being available at no charge.

There were two bids for the Cemetery Maintenance contract. The winner was Summer Scape Designs.

Paving at the bottom of 2nd Avenue was completed on October 19th.

The procurement document for the construction manager for the new pool should be ready to go in the next few weeks.

Completed an inspection with the Chief Financial Officer at the Riverside RV Park and has begun to identify projects for the upcoming off-season.

A promotion contest was recently completed at the Fire Department. There are two new Captains, Tyler Offer and Dylan Uhlenburg who will join existing Captains Dallas Toews and Billy Doorn. Thanked the evaluation panel that considered the applicants.

Halloween was great with lots of kids at City Hall for candy during the Treat Trail. Gave special thanks to Recreation Services, the Events Coordinator, and the Fire Department for their roles in making the events a success.

Structural engineering is nearly done for the lower reservoir. Next a package will be put together for Interior Health to consider. Also working through some of the remaining components on the water treatment plant expansion plan. We will likely need to supply and install a new water intake screen to meet the increased flow requirements. Working through the best strategy for dealing with the transfer well pumping configuration between the intake and the water treatment plant.

Councillor Ramey asked about the lower reservoir timeline.

Chief Administrative Officer responded that urgency still exists, especially with winter approaching, but the work involved has proceeded slower than expected. In the meantime, the City has implemented a bypass system that will allow drinking water to continue to be served if there is a catastrophic failure of the existing reservoir. While this has not resolved the concerns, the risk mitigation has enabled the City to buy time to complete the design and permitting works properly.

Vernon North Okanagan Detachment: 3rd Quarter (July to September) 2023

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT Council receives and files the Vernon North Okanagan Detachment: 3rd Quarter (July to September) Report 2023.”

CARRIED

NEW BUSINESS

Disclosure of Contracts – Council

Moved by Councillor Baird, seconded by Councillor Shishido
“THAT Council receives and files the Disclosure of Contracts - Council memorandum dated October 20, 2023.”

CARRIED

Royal Canadian Legion Branch #98 Road Closure Application – Remembrance Day Ceremony

Moved by Councillor Shishido, seconded by Councillor Ramey
“THAT Council receives the Royal Canadian Legion Branch #98’s Road Closure application (Remembrance Day Ceremony) for information.”

CARRIED

Special Occasion License Exemption to R. Szerepi for December 31, 2023

Moved by Councillor Ramey, seconded by Councillor Shishido
“THAT Council provides a Special Occasion License Exemption to Ruth Szerepi for an event at the Enderby Drill Hall on December 31, 2023.”

CARRIED

Regular Meeting Schedule for 2024

Moved by Councillor Shishido, seconded by Councillor Baird
“THAT Council approves the Notice of 2024 Regular Council Meetings schedule;

AND THAT Council directs staff to make the schedule available to the public by posting it at the Public Notice Posting Place as defined in the City of Enderby Council Procedure Bylaw No. 1732, 2021 and giving notice of its availability in accordance with section 127(1) of the Community Charter and the City of Enderby Public Notice Bylaw No. 1770, 2023.”

CARRIED

Acting Mayor Schedule 2024

Moved by Councillor Shishido, seconded by Councillor Yerhoff
“THAT Council adopts the Acting Mayor Schedule for 2024;

AND THAT Council designates the following rolling order of succession for Acting Mayors;

- *Councillor Baird*
- *Councillor Davyduke*
- *Councillor Schreiner*
- *Councillor Shishido*
- *Councillor Ramey*
- *Councillor Yerhoff”*

CARRIED

City of Enderby Development Corporation Annual Information Meeting 2023

Moved by Councillor Schreiner, seconded by Councillor Baird
“THAT Council, in its capacity as the sole shareholder of the City of Enderby Development Corporation, resolves:

1. *THAT, in accordance with Article 10.2 of City of Enderby Development Corporation’s Articles of Incorporation, the shareholder consents to the business to be transacted at the annual general meeting, such that it is deemed to be held by the resolution and on the date of this resolution.*

2. *AND THAT the annual reference date for the City of Enderby Development Corporation is November 6, 2023.*
3. *AND THAT, in accordance with Article 10.3 of the City of Enderby Development Corporation's Articles of Incorporation, and in lieu of the annual general meeting, an annual information meeting is hereby held on November 6, 2023 with notice given in substantially the same form as that required for the City of Enderby.*
4. *AND THAT, as there were no financial transactions for the City of Enderby Development Corporation for the fiscal year ended December 31, 2022 and the City of Enderby Development Corporation has no assets, liabilities and equity:*
 - a) *The appointment of auditors for the City of Enderby Development Corporations is waived in accordance with section 200 of the Business Corporations Act; and*
 - b) *The production and publication of financial statements for the City of Enderby Development Corporation is waived in accordance with section 203(2) of the Business Corporations Act.*
5. *AND THAT the following persons, each of whom has consented in writing to act as a director, are appointed as directors of the City of Enderby Development Corporation, to hold office in the manner specified until the next annual general meeting of the City of Enderby Development Corporation or until their successors are appointed, subject to article 14.6 of the City of Enderby Development Corporation's Articles of Incorporation:*

Tate Bengtson (Chief Executive Officer)
Jennifer Bellamy (Chief Financial Officer)
6. *AND FURTHER THAT all lawful acts, contracts, appointments, and payments of money by the directors of the City of Enderby Development Corporation, if any, since the last annual reference period, which coincides with the date of the recognition of the City of Enderby Development Corporation, and which have previously been disclosed to the shareholder, are hereby adopted, ratified, and confirmed."*

CARRIED

Naming of Laneway Between Regent Avenue and Baird Avenue

Councillor Baird suggested that the name should be something natural. Suggested Cottonwood Lane.

Councillor Schreiner suggested that this decision should be referred to the Heritage Commission for input.

Jackie Pearase from the Enderby & District Museum Society let Council know that the heritage suggestion is Ruttan Lane.

Councillor Schreiner expressed that he believes the list from the Heritage Commission should be updated.

Moved by Councillor Schreiner, seconded by Councillor Shishido

“THAT Council refer this matter to the Heritage Commission for a recommendation on the name of the lane between Regent Avenue and Baird Avenue;

AND THAT Council requests that the list of pre-identified heritage street names be updated by the Heritage Commission.”

CARRIED
OPPOSED Councillor Shihsido

CORRESPONDENCE AND INFORMATION ITEMS

BC Rural Health Network and UBC Centre for Rural Health Research

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT correspondence from Pheobe Lazier dated October 17, 2023 be received and filed;

AND THAT Council sends a letter of support to Pheobe Lazier for a funding request to the Rural Economic Diversification and Infrastructure Program.”

CARRIED

Royal Canadian Mounted Police

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT Correspondence from Dwayne McDonald, Deputy Commissioner Commanding Officer BC RCMP dated October 12, 2023 be received and filed.”

CARRIED

Proposed Renaming of Enderby Cliffs Provincial Park

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT correspondence from Katrina Barron, BC Parks dated October 23, 2023 be received for information.”

CARRIED

More Small-Scale, Multi-Unit Homes Coming to B.C., Zoning Barriers Removed

Chief Administrative Officer gave an overview of the proposed changes that have been communicated so far. Some key points include:

- Official Community Plans will be updated every 5 years and must contain a 20-year housing needs forecast that is addressed within.
- Province wants to see pre-zoning to match the housing needs forecast in the Official Community Plan.
- Expecting a Provincial policy manual that will specify things such as setbacks
- Expecting a “Phase 2” of housing legislation in Spring of 2024 to provide complimentary powers to deal with the impacts of Phase 1.
- Noted that there are many significant challenges with what is being proposed in terms of how things like rights-of-ways, public infrastructure, community amenities, and so on are addressed, as well as how changes will impact things like pre-existing covenants and building schemes that are inconsistent with the new legislation.

Further explained that this is the largest change to Provincial land use designation in decades and has potentially significant impacts for local governments both for transitional workload matters and management of community growth for the benefit of both existing and new residents.

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT BC Government news release titled More small-scale, multi-unit homes coming to B.C., zoning barriers removed dated November 1, 2023 be received and filed.”

CARRIED

Province Introduces Short-Term Rental Legislation

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT the Young Anderson Barristers and Solicitors bulletin titled Province Introduces Short-Term Rental Legislation and dated October 26, 2023 be received and filed.”

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public.

ADJOURNMENT

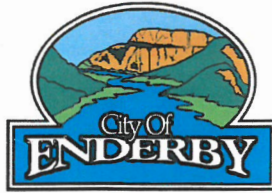
Moved by Councillor Yerhoff, seconded by Councillor Ramey

“THAT the regular meeting of November 6, 2023 adjourn at 7:15 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER



THE CORPORATION OF THE CITY OF ENDERBY

Report of a **Public Hearing** held on November 6, 2023 at 5:18 p.m. in Council Chambers.

Present: Mayor Huck Galbraith
Councillor Tundra Baird
Councillor Roxanne Davyduke
Councillor David Ramey
Councillor Brian Schreiner
Councillor Shawn Shishido
Councillor Sarah Yerhoff

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner – Kurt Inglis
Clerk-Secretary – Andraya Holmes

Mayor Galbraith read the rules of procedures for public hearings and introduced the following bylaw:

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1780, 2023 – Downtown Designated Parking Area and Shipping Container Regulations

Mayor Galbraith invited members of the public from the gallery to make representations.

Allan Walker, CNC Manutech, 104 Vernon Street

Asked for clarification on what is being proposed in the bylaw.

The Planner provided an overview of the background information related to the bylaws and explained that this change allows flammable and other hazardous materials to be stored in shipping containers under specific circumstances, consistent with BC Fire Code. The changes are consistent with the BC Fire Chiefs' Association of British Columbia's *Position Paper: Intermodal Shipping Container Fire Safety*.

There were no written submissions.

There were no questions from Council.

Mayor Galbraith made his closing statement and declared the Public Hearing closed at 5:24 p.m.

Pursuant to Section 465 (6) of the *Local Government Act*, I, Tate Bengtson, Corporate Officer, hereby certify this to be a fair and accurate report of the Public Hearing held on November 6, 2023.



Signature

Nov. 15/2023

Date

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1781

A BYLAW TO AUTHORIZE THE BORROWING OF THE ESTIMATED COST OF THE BARNES
PARK OUTDOOR POOL REPLACEMENT

WHEREAS it is deemed desirable and expedient to replace the outdoor pool at Barnes Park;

AND WHEREAS the estimated cost to replace the outdoor pool at Barnes Park including expenses incidental thereto is the sum of Seven Million Nine Hundred Forty Thousand Dollars (\$7,940,000), of which the sum of One Million Dollars (\$1,000,000) is the amount of debt intended to be borrowed by this bylaw;

NOW THEREFORE the Council of the City of Enderby, in open meeting assembled, enacts as follows:

- 1) Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the replacement of the Barnes Park outdoor pool generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Municipality a sum not exceeding One Million Dollars (\$1,000,000).
 - b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the replacement of the Barnes Park outdoor pool.
- 2) The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.
- 3) This bylaw may be cited as "Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023".

READ a FIRST time this 6th day of November, 2023.

READ a SECOND time this 6th day of November, 2023.

READ a THIRD time this 6th day of November, 2023.

RECEIVED the approval of the Inspector of Municipalities this ____ day of _____, ____.

ADOPTED this ____ day of _____, ____.

Approval of the electors for the Loan Authorization Bylaw is not required under section 180 of the *Community Charter* as the liability is within the approval-free liability zone determined in accordance with section 7 of the *Municipal Liabilities Regulation* (BC Reg. 254-2004).

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner

Date: November 15, 2023

Subject: Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023 and Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023

RECOMMENDATION

THAT Council gives Three Readings to City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023;

AND THAT Council gives Three Readings to City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023.

BACKGROUND

Staff are recommending amendments to the City of Enderby Building Bylaw No. 1582, 2015 and the City of Enderby Fees and Charges Bylaw No. 1479, 2010, which are summarized as follows:

Liquor License Occupant Load Calculation

The City's Building Inspector provides an occupant load calculation for owners or operators of licensed liquor establishments through the Liquor and Cannabis Regulation Branch (LCRB). These calculations typically take 1-2 hours for the Building Inspector to complete and can often be time sensitive. Currently, the City does not have a fee for completing these calculations, nor are there provisions in the City's Building Bylaw which outline the application/submission requirements. Staff are recommending an update to the City's Building Bylaw and Fees and Charges Bylaw to provide an application/submission framework and fee for the City to complete liquor license occupant load calculations, which will formalize the process and provide the City with a cost recovery tool. Staff are recommending a fee of \$163.00 which will cover the City's costs on average and is consistent with the fee charged by the Regional District of North Okanagan.

Building Permit Application Signature Requirements

Currently, the language in the City's Building Bylaw is ambiguous as to whether all owners are required to sign a Building Permit Application, or only one property owner; this can be particularly problematic in cases where there is an on-going property dispute between the different owners of a property (example: one wishes to demolish the property but the other does not). Staff are recommending that the Bylaw be amended to make it an explicit requirement that all owners of a property need to sign a Building Permit Application, which will remove any potential ambiguity and help to avoid situations where the City is placed in the middle of a private property dispute.

Building Bylaw Climate Values

Schedule 'A' of the City's Building Bylaw outlines key climatic values specific to Enderby, which help to inform the design requirements for buildings in the community. The City has now obtained updated climatic data from Environment Canada and Staff are recommending that this updated data be integrated into Schedule 'A' of the Building Bylaw.

Staff are recommending that Council give Three Readings to the associated City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023 and City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023.

Respectfully Submitted,



Kurt Inglis
Planner

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1782

A BYLAW TO AMEND BUILDING BYLAW No. 1582, 2015

WHEREAS Council of the City of Enderby has adopted "City of Enderby Building Bylaw No. 1582, 2015";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as the "City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1782, 2023".

AMENDMENTS

2. City of Enderby Building Bylaw No. 1582, 2015 is hereby amended as follows:
 - a. Section 701.1 is amended by removing the words "the owner" and replacing with "all property owners".
 - b. Section 703.1 is amended by removing the words "the owner" and replacing with "all property owners".
 - c. The following is added as Section 704 – LIQUOR LICENSE OCCUPANT LOAD CALCULATION:
 1. An application for a Liquor License Occupant Load Calculation shall be accompanied by:
 - a. A signed application form from the owner(s) of the liquor license establishment or a signing officer if the owner is a corporation;
 - b. Two sets of detailed floor plans (full size, 1/4" = 1 foot scale) showing all washrooms, exits, seating, fixtures and furniture; and
 - c. Payment as specified in the Fees and Charges Bylaw.
 - d. SCHEDULE "A" – CLIMATE VALUES is removed and replaced with SCHEDULE "A" – CLIMATE VALUES attached to and forming part of this bylaw.

READ a FIRST time this day of , 2023.

READ a SECOND time this day of , 2023.

READ a THIRD time this day of , 2023.

ADOPTED this day of , 2023.

MAYOR

CORPORATE OFFICER

SCHEDULE "A" – CLIMATE VALUES

Enderby, BC

Latitude: 50 ° 33 ' 1 " N

Longitude: 119 ° 8 ' 23 " W

Elevation (Metres): 357

Design element	Design value
January 2.5% design dry bulb temperature °C	-18
January 1% design dry bulb temperature °C	-22
July 2.5% design dry bulb temperature °C	33
July 2.5% design wet bulb temperature °C	20
Annual total degree days below 18 °C	3,700
Maximum 15 minute rainfall (mm)	13
Maximum one day rainfall (50 years) (mm)	52
Annual rainfall (mm)	360
Annual total precipitation (mm)	510
Moisture Index	0.43
Driving Rain wind pressure 1/5 years (Pa)	80
Ground snow load, snow component S _s (50 years) (kPa)	3.3
Ground snow load, rain component S _r (50 years) (kPa)	0.1
Hourly wind pressure 1/10 years (kPa)	0.29
Hourly wind pressure 1/50 years (kPa)	0.39

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1783

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Fees and Charges Bylaw No. 1479, 2010";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1783, 2023".
2. Schedule "10" is deleted and Schedule "10" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this day of , 2023.

READ a SECOND time this day of , 2023.

READ a THIRD time this day of , 2023.

ADOPTED this day of , 2023.

MAYOR

CORPORATE OFFICER

**SCHEDULE 10
BUILDING INSPECTION FEES**

Administered through the Building Inspection Bylaw

		\$
1.	Building Permit Application Fees – Non-Refundable:	
	a. Construction value \$1,000 or less	55.00
	b. Construction value over \$1,000 up to \$250,000	109.00
	c. Construction value \$250,000 or more	163.00
2.	Building Permit Fees:	
	a. For the first \$2,000 of construction value	60.00
	b. For each \$1,000 of construction value of part thereof over \$1,000 and less than \$500,000	13.00
	c. For each \$1,000 of construction value or part thereof over \$500,000 and less than \$1,000,000	12.00
	d. For each \$1,000 of construction value or part thereof over \$1,000,000	11.00
	e. For the first five plumbing fixtures	60.00
	f. For each plumbing fixture over the first five	12.00
	g. For installing a Manufactured Home (mobile home) or park model recreational unit	265.00
3.	Building Permit Fees for Agricultural Buildings over 600 square metres:	
	a. For the first \$1,000 of construction value	52.50
	b. For each \$1,000 of construction value or part thereof over \$1,000 and less than \$250,000	11.00
	c. For each \$1,000 of construction value or part thereof over \$250,000	8.25
4.	Sign Permit Fees:	
	a. Application for a Sign Permit (non-refundable)	60.00
	b. Permit for a sign:	
	- for the first \$100 of construction value	60.00
	- for each \$1,000 of construction value or part thereof over \$100	13.00
5.	Demolition / Moving Permit Fees:	
	a. Application of a Demolition / Moving Permit (non- refundable)	55.00
	b. Demolition / Moving Permit	242.00
	c. Demolition / Moving Deposit	2,100.00
6.	Other Fees and Charges:	
	a. Special Inspection or Re-Inspection	109.00
	b. Provisional Occupancy Permit with Re-Inspection	109.00
	c. Administrative Charge to remove a "Notice on Title"	850.00
	d. New products, systems or methods Evaluation Fee	2,415.00
	e. Administrative Charge for refund of Building Permit Fees	230.00
	f. Liquor License Occupant Load Calculation	163.00

7. **Building Permit File Closing Fee (Refundable):**
In addition to other fees and charges payable in accordance with this Schedule at the time of permit issuance, a file closing fee will apply for all building permits as follows:
 - a. Where construction value is less than \$10,000 100.00
 - b. Where construction value is between \$10,000 and \$50,000 150.00
 - c. Where construction value is between 50,001 and \$100,000 300.00
 - d. Where construction value is in excess of \$100,000 500.00

8. When all works associated with a building permit are completed and a final inspection has been approved within twenty-four (24) months of the date of permit issuance, the City of Enderby will refund the Building Permit File Closing Fee as follows:
 - a. Where construction value is less than \$10,000 100.00
 - b. Where construction value is between \$10,000 and \$50,000 150.00
 - c. Where construction value is between \$50,001 and \$100,000 300.00
 - d. Where construction value is in excess of \$100,000 500.00

9. **Building Permit Deposit Liability (Refundable):**
 - a. Liability Deposit – refundable (with interest) upon final inspection and with no damage incurred to City infrastructure 350.00

Where the works associated with a permit are not completed within twenty-four (24) months of the date of permit issuance, there will be no refund of the Building Permit File Closing Fee.

Any re-inspection fees or fines assessed against the owner/permit holder during the period of construction will also be deducted from the Building Permit File Closing Fee. In addition, if Notice on Title is required, there will be no refund of the file closing fee.

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2023 Month: 10

Folder Type	2023 / 10		2022 / 10		2023 to 10		2022 to 10	
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created
ACCESSORY BUILDING	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	1	0
END - ACCESSORY BUILDING	0	0	0	0	1	8,259	5	0
END - COMMERCIAL BUILDING	1	1	20,000	0	2	120,000	1	0
END - DEMOLITION	0	0	0	0	2	28,500	1	0
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0
END - MODULAR HOME	0	0	0	0	0	0	0	0
END - MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
END - PLUMBING	0	0	0	1	4	1,300,000	1	2
END - RETAINING WALL	1	0	0	0	2	50,000	1	0
END - SFD W/SUITE	0	0	600,000	0	4	690,000	1	0
END - SIGN	0	0	0	0	6	2,511,000	0	0
END - SINGLE FAMILY DWELLING	1	0	30,000	0	5	37,360	0	0
INDUSTRIAL BUILDING	0	0	0	0	13	2,691,000	12	4
INSTITUTIONAL	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
OLD PIMS PERMITS	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0
Report Totals	3	1	650,000	0	36	7,436,119	23	6
								3,114,320

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: November 16, 2023
Subject: Street Banner Renewal

RECOMMENDATION

THAT Council directs Staff to renew and redesign the existing street banners installed throughout the community and considers whether it wishes to install additional street banners in new locations;

AND THAT Council directs Staff to issue a Call for Submissions for street banner designs, with a judging panel to award prizes of \$500 to the winning design submission in both an 'Under 13' and '13 and Over' category;

AND THAT Council appoints three members to sit on the judging panel to select the winning design for each category, and requests that the Enderby & District Arts Council also appoints two members to the panel;

AND THAT Council identifies the thematic elements that it wishes to incorporate into the Call for Submissions for street banner designs;

AND FURTHER THAT with respect to the funding mechanism for the renewal and redesign of the street banners, Council authorizes an expenditure of \$12,350, plus an additional \$450 per additional new street banner to be installed, through prior year's surplus.

BACKGROUND

The City of Enderby has 30 street banners installed along the highway corridor, Cliff Avenue, Mill Avenue, Belvedere Street and Vernon Street; the banners are double-sided with a summer theme on one side and a winter theme on the other (see attached Schedule 'A'). In the fall, several of these banners are temporarily replaced with Remembrance Day street banners. The banners were installed in 2017 through funding that the City received through the *Canada 150 Fund*. Given the age of the banners, they are experiencing fading and minor rips/tears through regular wear-and-tear.

The *City of Enderby Strategic Plan 2023-2026* has identified the replacement and addition of new street banners to City streets and Highway 97A as a 'desirable' priority for 2023.

Street Banner Redesign

With regard to the redesign of the street banners, Staff are recommending that Council directs Staff to issue a Call for Submissions for artists to submit their street banner designs. In order to promote youth

participation, it is recommended that there be two categories for the Call for Submissions, an 'Under 13' category and a '13 and Over' category. It is recommended that a prize of \$500 be awarded to the winning submission in each category. It is recommended that a judging panel be established to select the winning design in each category, with Council to appoint three members and the Enderby & District Arts Council appointing two members. The judging panel would select the winning submissions based on identified design criteria, with Staff proposing the following criteria:

- Quality and effectiveness of design; and
- Degree to which the design reflects the identified theme(s).

Both winning designs would be featured on the double-sided banners to be installed throughout the community ('Under 13' winning design featured on Side 1, '13 and Over' winning design featured on Side 2). A graphic designer would be retained to convert the winning designs into a print-ready format.

It is recommended that Council identifies the themes that it wishes to include in the Call for Submissions instructions, which will help ensure that the designs are consistent with Council's objectives; the following are questions which are intended to aid Council in the identification of the themes:

- Should the street banner designs be seasonal in nature?
- What elements of the community and area should the designs be reflecting and promoting (i.e. heritage, outdoor activities, natural environment)?
- Who is the target audience?
- What message should be communicated in the design?

Should Council wish to proceed on this basis, Staff will issue a Call for Submissions and market it through social media, the City's website, and press releases, and reach out directly to MV Beattie Elementary School, Shihya School, and A.L. Fortune Secondary School.

Street Banner Renewal

With regards to the renewal of the street banners, Staff engaged with banner suppliers earlier in 2023 and confirmed that the cost of printing a new banner is \$241, plus \$179 for hardware (total of \$450 after tax); as part of a street banner renewal, the intent would be to use the existing hardware and only replace when necessary due to condition. To renew all 30 street banners and replace the hardware for an estimated 33% of the street banners, the total cost would be approximately \$9,700; installation would be completed in-house by Public Works. Should Council wish to install additional street banners in new locations, the cost would increase based on quantity.

The estimated costs for redesigning and renewing the street banners (PST included) are as follows:

• Printing of Street Banners/New Hardware	-	\$9,700.00
• Prizes for Winning Designs (\$500 x 2)	-	\$1,000.00
• Graphic Designer to Convert Designs to Print-Ready Format	-	\$1,500.00
• Printing Layout	-	\$150.00

****TOTAL**

- **\$12,350.00**

****NOTE:** Should Council wish to install additional street banners in new locations, the cost would increase by ~\$450/banner.

With regards to the funding mechanism for the renewal and redesign of the street banners, Staff have identified two potential options:

1. Sponsorship Program

A Street Banner Sponsorship Program generally involves local businesses sponsoring an individual banner, with the sponsorship reflected in a small pouch at the bottom of the banner which notes the name of the sponsoring business. Such a program may reduce the net cost, depending upon the sponsorship value amount and the degree of business uptake. However, it should be noted that initiating a Street Banner Sponsorship Program would require additional resources to administer (i.e. marketing, business engagement and inquiries, processing payments), as opposed to funding the street banners through internal funding methods. The sponsorship value required to generate a net profit after offsetting the additional resource costs will likely diminish uptake, which may make the initiative more, rather than less, cost effective.

2. Internally Funded

The renewal and redesign of the street banners could be funded by the City through prior year's surplus. This option would not attract the same degree of demand on resources while avoiding some of the complicating situations that may arise in terms of competition for a particular spot (or lack thereof), changes in business name or location, proximity of a sponsored banner to a competing business, and so forth.

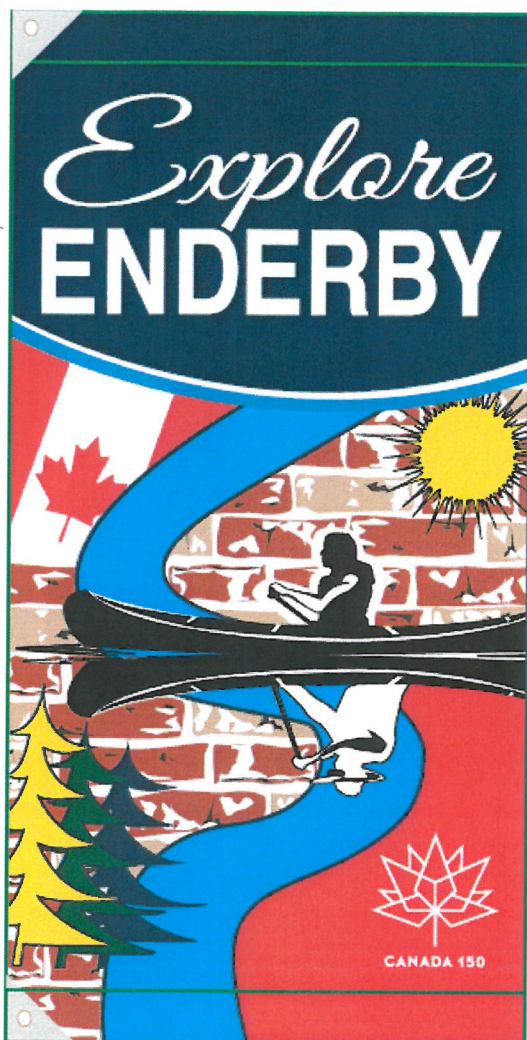
For the reasons described above, Staff are recommending that Council fund the renewal and redesign of the street banners through prior year's surplus. Should Council wish to pursue the Street Banner Sponsorship Program model, Staff will prepare a Terms of Reference for the Program and report back to Council with a proposal on how to resource the initiative and price the sponsorship value.

Respectfully Submitted,

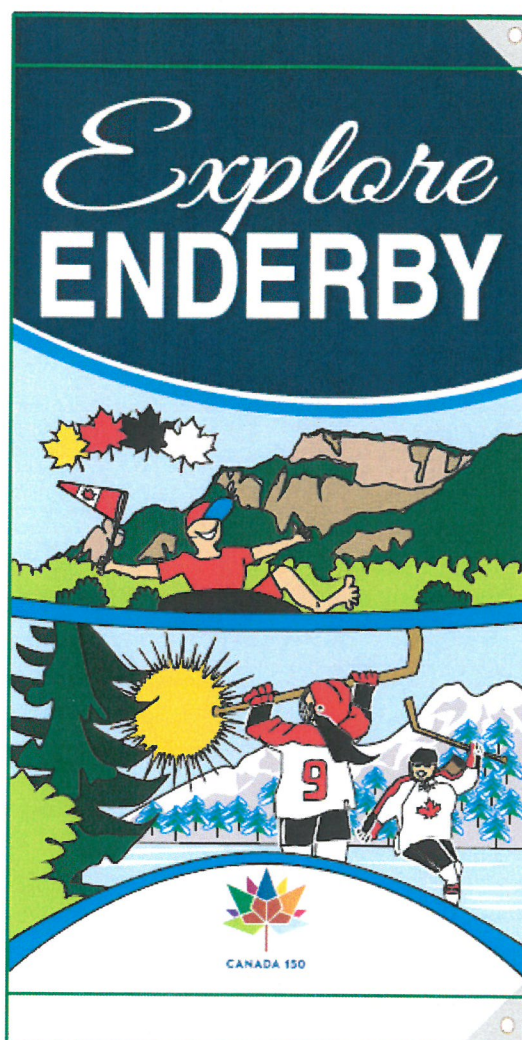


Kurt Inglis
Planner

Schedule 'A'



Side 1



Side 2

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: November 16, 2023
Subject: Wagon Rides - Road Closure Application

RECOMMENDATION

THAT Council approves the City of Enderby Event Coordinator's Road Closure application which proposes to close Belvedere Street from Cliff Avenue to Speers Lane on Saturday December 2, 2023 from 9:30 am – 1:30 pm for the purposes of a wagon ride staging area;

AND THAT Council exempts the applicant from the requirement to petition affected businesses as part of the proposed road closure, subject to the following conditions:

- i. The applicant must ensure that the barricades associated with the road closure are able to be removed temporarily to allow large commercial vehicles from MacPherson Lane to enter Belvedere Street southbound for the purposes of egressing to George Street; and
- ii. The applicant must provide advance notice of the road closure to businesses in closest proximity to the road closure area.

BACKGROUND

The City of Enderby Event Coordinator has submitted a Road Closure application (attached) which proposes to close Belvedere Street from Cliff Avenue to Speers Lane on Saturday December 2, 2023 from 9:30 am – 1:30 pm for the purposes of a wagon ride staging area. The wagon rides are part of the Christmas festivities occurring on Saturday December 2, 2023.

The *Temporary Road Closures for Community Events Policy* has delegated authority to Staff to approve a Temporary Road Closure Application on behalf of Council, subject to the applicant meeting all of the requirements of the Policy. All first-time events must be approved by Council. Given that this would be considered a first-time event under the City's *Temporary Road Closures for Community Events Policy*, Council approval is required and the applicant would also be required to petition affected business owners within a one-block radius of the proposed road closure. The applicant is requesting that Council provides an exemption from the petition requirement.

After reviewing the Road Closure application, Staff's only concern is that the proposed road closure would restrict the ability of large commercial vehicles (typically associated with the Bottle Depot) on MacPherson Lane from entering Belvedere Street southbound for the purposes of egressing to George Street; large commercial vehicles on MacPherson Lane are not able to enter Belvedere Street

northbound easily, given the location of hydro poles along Belvedere Street, and thus they must rely on the proposed road closure area in order to egress to George Street. Given this, Staff are recommending that Council approves the Road Closure application and exempts the applicant from the requirement to petition affected businesses, with the exemption being subject to the following conditions:

- i. The applicant must ensure that the barricades associated with the road closure are able to be removed temporarily to allow large commercial vehicles from MacPherson Lane to enter Belvedere Street southbound for the purposes of egressing to George Street; and
- ii. The applicant must provide advance notice of the road closure to businesses in closest proximity to the road closure area.

The above conditions would mitigate the potential impacts to the business that would be most affected by the proposed road closure, while also ensuring that all businesses in close proximity are aware of the proposed road closure.

Respectfully Submitted,



Kurt Inglis
Planner

Policy Title	Temporary Road Closures for Community Events
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Adopted: August 13, 2012	<u>Authorized By:</u> Mayor and Council Regular Meeting of August 13, 2012	Replaces: Not applicable
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PURPOSE:

The City will consider approving the temporary closure of municipal roads for a community event.

POLICY:

Temporary road closures will only be considered for community events which are sponsored by a recognized organization.

The Chief Administrative Officer or designate is granted the authority to approve a Temporary Road Closure Permit on behalf of Council, subject to the applicant meeting all the requirements of this policy. First time events must be approved by City Council.

A completed Schedule A, "Application for Temporary Road Closure," shall be submitted to City Hall at least 21 days prior to the closure. The application must include a map of the proposed road closure and emergency access through the closure. Applications for first-time or relocated events requiring Council approval must be submitted two months prior to the closure.

The organizer shall notify and consult with business owners within a one-block radius of the proposed road closure and residents adjacent to the proposed road closure. The organizer agrees to take reasonable steps to mitigate disruption for affected business owners and residents. Failure to adequately notify and consult affected businesses and residents may result in revocation of permit or refusal of future applications. Unless exempted by Council, all first-time or relocated event applications must include a petition signed by a majority of affected business owners agreeing to the proposed event.

The applicant for a Temporary Road Closure must submit proof of public liability and property damage insurance in a form acceptable to the City. The applicant may request that insurance requirements be waived based on the risk profile of the event. Such waiver does not affect any other responsibility of the applicant to obtain insurance.

The applicant shall be responsible for all traffic management, including the provision, set up, and removal of signs and barricades on the same day as the road closure.

The applicant shall be responsible for ensuring that all food service establishments, including but not limited to mobile vending units, food services at temporary events, and sellers of home-prepared foods, shall have the appropriate authorization or permit from Interior Health.

The applicant shall be responsible for emptying municipal garbage receptacles and cleaning up litter from the road closure area on the same day as the closure.

As a condition of permit, the City of Enderby will not be liable or otherwise responsible for any scheduling conflict, revocation, refusal, maintenance closure or other damage or harm related to the issuance of this permit.

Schedule A
Application for a Temporary Road Closure for a Community Event

Is this a first-time or relocated event?

Yes

No

Name of Sponsoring Organization Christmas Committee / City of Enderby

Name of Contact Person Valerie Byrne

Telephone or Email _____

Name of Event Enderby's Traditional Christmas / Wagon Ride

Date(s) of Closure Dec 2nd 2023

Start time for Closure 9830am End time for Closure 1830pm

Location of Closure Bepedee Street from Macpherson Lane / Speers Lane to Cliff Ave

Required Attachments

- ☒ Map showing closure and emergency access route
☐ Petition of affected business owners (if applicable)
☐ Certificate of insurance (if applicable)

map attached

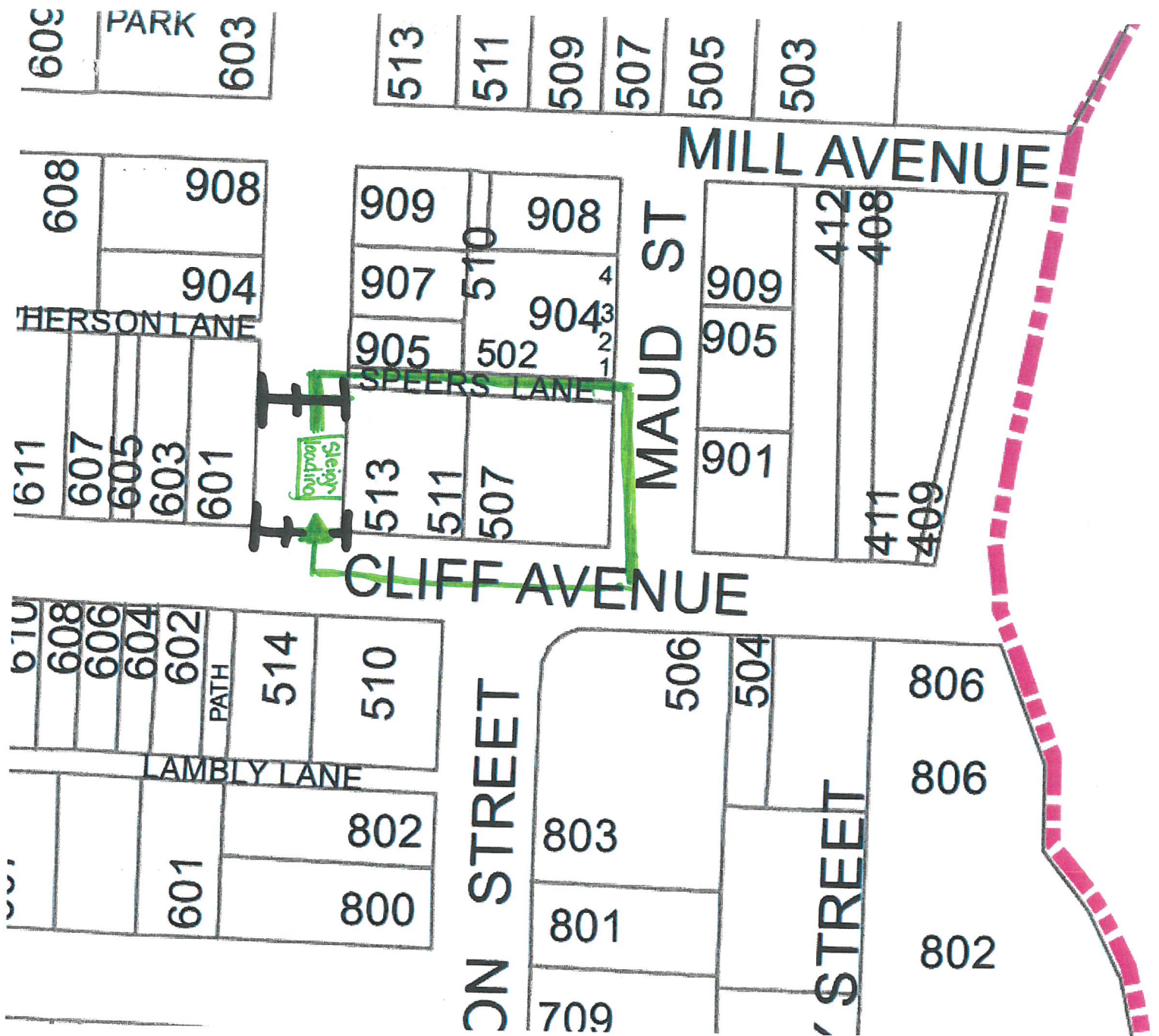
Indemnity: The applicant agrees to indemnify and save harmless the City of Enderby from and against any and all claims, including but not limited to harm, damage, injury, or loss to body or property caused by, arising from, or connected with any act or omission of the applicant or any agent, employee, customer licensee or invitee of the applicant, and against and from all liabilities, expense costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the property, facilities, or services of the City. The applicant will be required to obtain and keep in force throughout the period of use insurance in a form specified by the City of Enderby unless waived in writing.

Authorized Signatory _____ Date _____

Do Not Complete – For Administrative Purposes

Approved by _____ Date _____

Certificate of Insurance	Yes	No	N/A
Map	Yes	No	N/A
Petition of Affected Business Owners	Yes	No	N/A



Green = Route

Black = Barricades marking closure area

NOVEMBER 3, 2023

BULLETIN

**PROVINCE INTRODUCES SIGNIFICANT RENOVATIONS
TO LOCAL GOVERNMENT ENABLING LEGISLATION**

The provincial government on November 1st gave first reading to Bill 44 – 2023 *Housing Statutes (Residential Development) Amendment Act, 2023*. There's no reason to think this Bill won't make it to the legislative finish line and become law in BC, fairly quickly, in substantially its current form. In that case, we'll see some of the most significant changes to the local government planning and land use management regime since 1985.

As a very general observation, the Province with Bill 44 is doing something it rarely does: instead of just giving local governments authority to make and enforce land use management rules for their communities, it is imposing very specific requirements on how that authority must be exercised, and instead of authorizing and in some cases requiring significant pre-adoption notice and hearing requirements, it is set to actually prohibit public hearings for some bylaws.

Here is a very rough summary of some of the key features in Bill 44:

- Adopting an official community plan will be mandatory, not optional
- An OCP will have to contemplate 20 years of housing supply instead of 5 years
- OCPs must be kept consistent with housing needs reports, which must be received every 5 years starting at the end of 2028
- Local governments will be obliged to use their zoning authority to accommodate at least the number of housing units required to meet anticipated housing needs, without relying on density bonuses (which are now being referred to as "conditional density rules")
- Local governments will also be obliged, in their zoning bylaws, to allow additional housing units on most land zoned for detached and duplex dwellings, especially within urban containment boundaries and near bus stops, and again, these additional housing units must not be allowed via a "conditional density rule"
- Ancillary land use management powers such as development permits and heritage designations must not be used to unreasonably prohibit or restrict the creation of housing units otherwise required to be permitted
- The province may make regulations respecting, among other things, the siting, size, dimension, location or type of housing units

- Public hearings will be prohibited in connection with the zoning bylaws that are necessary to comply with the new requirements for allowing additional housing units, or for zoning bylaws permit residential development and are consistent with the OCP
- And on the topic of OCP consistency, there is a transitional provision removing the OCP consistency requirement for certain zoning bylaws that a local government will be required to adopt to comply with some of its new obligations to authorize what the government is calling “small scale multi-unit housing”

We’ll take a closer look at Bill 44, and related legislative initiatives, at our upcoming firm seminar.

Guy Patterson

WHEN DOES B.C.'s NEW EMERGENCY MANAGEMENT LEGISLATION COME INTO EFFECT?

AGENDA

The new *Emergency and Disaster Management Act* (the Act) has now replaced the *Emergency Program Act* in B.C.

While many powers and duties under the Act are now functional, some components of the Act will become functional once regulations are made to provide further details. Regulations will be phased in over time. The Ministry of Emergency Management and Climate Readiness will be conducting further engagement and consultation to inform how these regulations are developed.

The tables below provide a list of key components that are now functional and key components (grouped by topic) that will become effective after regulations are made.

Note: this list is not exhaustive and does not include some minor technical components.

Now functional

Component of the Act	Reference in the Technical Paper - B.C.'s Modernized Emergency Management Legislation	Reference in the Act
Definitions, including definitions of "emergency", "security threats" and "critical incident"	Page 2	Section 1(1)
Guiding principles for emergency management, including the concept of emergency management phases (mitigation, preparation, response, and recovery)	Page 6	Sections 2 and 3
General powers of the minister (e.g., a power to establish standards and procedures for the performance of a duty under the Act)	N/A	Division 1 of Part 2
The role and duties of the provincial emergency management organization (i.e., the Ministry of Emergency Management and Climate Readiness) and the provincial administrator	Appendix 1	Division 2 of Part 2

Requirement for government ministers to prepare and maintain a business continuity plan.	N/A	Sections 45 and 53
Power to enter into different types of agreements with Indigenous governing bodies	Page 11	Part 3
Power to enter into emergency measures agreements	N/A	Division 4 of Part 2
Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies on the areas to be described in the local authorities' emergency management plans for the purposes of consultation and cooperation during the response and recovery phases	Page 12	Section 179(7)
Power to enter into a multijurisdictional emergency management organization	Page 15	Section 21
Rules for declarations of states of provincial emergency and states of local emergency	Page 9	Division 1 of Part 5 and Division 1 of Part 6
Rules for declarations of provincial recovery periods and local recovery periods	Page 9	Division 2 of Part 5 and Division 2 of Part 6
Response and recovery powers	Appendix 2	Divisions 3-7 of Part 5 and Divisions 3-7 of Part 6
Power for the minister to order mitigation and preparation measures, make exceptions to requirements under the Act and impose duties on persons who are not otherwise regulated under the Act	Page 7	Sections 56-58
Ability for various entities to request the Ministry of Emergency Management and Climate Readiness to assist in coordinating the deployment of volunteers in response to a critical incident or an emergency	Page 8	Section 32

and for the Ministry of Emergency Management and Climate Readiness to deploy, or authorize the deployment of, certain volunteers		
Reporting requirements (e.g., following the use of response or recovery powers, following states of provincial or local emergency, or on spending beyond the base budget of the Ministry of Emergency Management and Climate Readiness)	Page 15	Sections 10 and 24 Division 8 of Part 5 and Division 8 of Part 6
Requirement for the minister to initiate a review of the Act and regulations within five years of the Act receiving Royal Assent	Page 16	Section 174
Other administrative matters, such as protection against legal proceedings, information sharing rules and conflict of laws rules	Various pages	Various sections

Functional after regulations are made

Emergency management planning by lead ministers <ul style="list-style-type: none"> Assigning government ministers as lead ministers responsible for specific hazards Requirements for lead ministers to prepare and maintain risk assessments and emergency management plans for hazards they are responsible for
Emergency management planning by local authorities <ul style="list-style-type: none"> Requirements to: <ul style="list-style-type: none"> prepare and maintain risk assessments for hazards within their jurisdiction prepare, maintain and implement emergency management plans prepare and maintain business continuity plans Further details finalizing the framework for multijurisdictional emergency management organizations
Emergency management planning by critical infrastructure owners <ul style="list-style-type: none"> Establishing definitions of "critical infrastructure", "critical infrastructure sector" and "critical infrastructure owner" Requirements to:

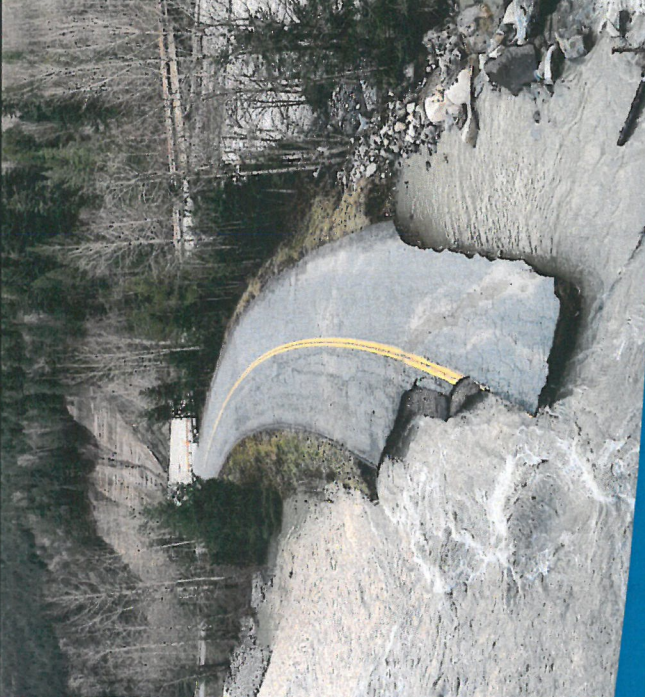
<ul style="list-style-type: none"> ○ prepare and maintain risk assessments for hazards that may affect the critical infrastructure ○ prepare, maintain and implement emergency management plans ○ prepare and maintain business continuity plans ● Reporting requirements
<p>Emergency management planning by public sector agencies</p> <ul style="list-style-type: none"> ● Establishing a definition of “public sector agency” ● Requirements to: <ul style="list-style-type: none"> ○ prepare and maintain risk assessments for specific hazards ○ prepare, maintain and implement emergency management plans ○ prepare and maintain business continuity plans
<p>Consultation and coordination with local authorities</p> <ul style="list-style-type: none"> ● Establishing requirements for consultation and coordination with local authorities on various emergency management planning documents
<p>Government continuity plans</p> <ul style="list-style-type: none"> ● Requirement for the Legislative Assembly, the Executive Council (i.e., Cabinet), the office of the Lieutenant Governor and the Courts to prepare government continuity plans
<p>Requirement for the Ministry of Emergency Management and Climate Readiness to make information public on potential emergencies</p> <ul style="list-style-type: none"> ● Details on what specific information must be made public
<p>Compensation and post-emergency financial assistance</p> <ul style="list-style-type: none"> ● New rules for the payment of compensation and financial assistance
<p>Compliance and enforcement</p> <ul style="list-style-type: none"> ● Details to supplement and complete the compliance and enforcement rules from the Act, such as those pertaining to cost recovery and administrative monetary penalties
<p>Other administrative matters</p> <ul style="list-style-type: none"> ● Establishing certain definitions, including definitions for “specialized measure”, “emergency system”, “treaty area” ● Miscellaneous administrative matters ● Repealing some current regulations made under the <i>Emergency Program Act</i> ● Bringing into force some consequential amendments to other statutes and regulations

More information

Online: gov.bc.ca/emergencymanagementact

Email: modernizeEM@gov.bc.ca

The information in this document is for your convenience and guidance and is not a replacement for the legislation.



B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

Contents

Minister's Message.....	3	Assessing Risks and Planning for Emergencies	13
About This Document	4	Risk Assessments.....	13
Consultation and Co-Development.....	5	Emergency Management Plans.....	13
Legislative Design: Highlights.....	6	Cultural Safety and Consideration of Disproportionate Impacts	14
Guiding Principles	6	Local Authorities	14
Holistic Framework	7	Multijurisdictional Emergency Management Organizations.....	15
Four Phases of Emergency Management.....	7	Business Continuity Plans.....	15
Co-Management	7	Accountability and Transparency	15
Critical Infrastructure	7	Reporting Requirements	15
Volunteers.....	8	Annual Meetings Regarding Agreements	16
Compliance and Enforcement.....	8	Five-Year Review.....	16
Climate Change	8	Preparing for B.C.'s New Emergency Management Legislation	16
What Constitutes an Emergency.....	8	Phasing-In.....	16
Improved Tools for Response and Recovery	8	Supports	17
Response and Recovery Powers	8	Appendix 1: Roles in Emergency Management.....	18
States of Emergency.....	9	Appendix 2: Response and Recovery Powers.....	19
Recovery Periods	9	2.1: Powers Available at Any Time	19
Financial Assistance	9	2.2: Powers During Declared State of Emergency or Recovery Period	20
Indigenous Governing Bodies and B.C.'s Legislation	10		
Recognition of Authority	10		
Agreements.....	11		
Consultation and Cooperation.....	12		
Indigenous Knowledge.....	13		

Minister's Message

Climate-related emergencies are impacting our province at an unprecedented rate. In recent years, people in British Columbia have endured some of the most challenging emergency conditions in our lifetimes. In addition to a global COVID-19 pandemic, we faced a catastrophic wildfire season, including a disastrous fire in Lytton and other severe wildfires, a devastating heat dome, and widespread catastrophic flooding due to an atmospheric river event in 2021 alone.

During this time, our government also began working to modernize B.C.'s emergency management legislation with an aim to incorporate key components of emergency management that are absent from the existing Emergency Program Act, such as an acknowledgement of the linkage between climate change and increasing emergencies, all four phases of emergency management, and recognition of the inherent rights of Indigenous Peoples. The work formally started in October 2019 with the release of a public discussion paper.

In December 2022, Emergency Management BC, the provincial agency responsible for coordinating the provincial government's approach to emergencies, was transformed to become a new standalone ministry: the Ministry of Emergency Management and Climate Readiness. This new ministry emphasizes our government's commitment to enhance disaster preparedness and mitigation for effective response. The modernization of B.C.'s emergency management legislation mirrors this commitment.

On behalf of our government, I am pleased to share that our work to design and draft a modernized statute to replace the Emergency Program Act is now complete. This legislation was co-developed with First Nations, making this the first major land-based statute to be co-developed to ensure strong alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act.

Our government plans to introduce this legislation in fall 2023. Prior to that, my ministry will work closely with Indigenous partners, local authorities, and

other vital actors in emergency management to ensure communities across the province are well prepared to operate under this new legislative framework.

B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction in 2018 and has been taking deliberate steps to learn from and align with this global strategy so that our province can be more prepared and resilient. While the completion of this statute will be a major milestone in our work, there is still considerable work ahead. We will continue co-development and engagement on associated regulations pertaining to planning responsibilities for the provincial and local governments, critical infrastructure, compliance and enforcement, and compensation and financial assistance programs. We also recognize that with the increasing frequency and severity of emergencies in B.C., we'll need to evaluate and revisit this new framework to ensure the statute and regulations meet the needs of all British Columbians. That's why the legislation includes a requirement for a five-year review.

I would like to express deep gratitude to all who have participated in the process of modernizing our emergency management legislation. Whether it was sharing your input in response to the 2019 discussion paper, attending in-person or online engagement sessions, or sharing your time, expertise, and perspective as an Indigenous partner during the co-development of the statute, you have helped build a framework for a more prepared, resilient, and compassionate British Columbia.



The Honourable Bowinn Ma
Minister of Emergency Management and
Climate Readiness B.C.



About This Document

Please note: this document, including its appendices, describes proposed legislation. The government plans to introduce the modernized emergency management legislation described in this document in fall 2023. The legislation requires the support of the legislature and royal assent before it becomes law.

While this document is intended to raise awareness of the proposed legislation, it is not a substitute for the legislation.

2018
U.N. Sendai Framework adopted by British Columbia



2019
Discussion paper released and public engagement commenced



2020
What We Heard Report released



2020 - 2022
Initial work to prepare draft statute



2022 - 2023
Co-development of statute with First Nations partners



2023 - 2024
Planned consultation and co-development of regulations

Consultation and Co-Development

In 2018, B.C. took a significant step towards modernizing emergency management in the province by adopting the United Nations [Sendai Framework for Disaster Risk Reduction](#). This framework was developed in 2015 and outlines international best practices for managing emergencies. In 2019, the Declaration on the Rights of Indigenous Peoples Act became law, providing another foundation for the new legislation.

In 2019, the Province committed to a broad public engagement process over multiple phases to ensure partner feedback was considered in drafting new legislation. Throughout 2019, Emergency Management BC (EMBC) held meetings with First Nations, Indigenous organizations, local governments, Crown corporations and agencies, provincial and federal ministries, non-profit groups, and other groups with a role to play in emergency management.

Engagement centered on how best to deliver new legislation that would work well for B.C., and a discussion paper entitled [Modernizing B.C.'s Emergency Management Legislation](#) articulated an early vision for that. This included reflecting lessons learned from the unprecedented flood and wildfire seasons in 2017 and 2018 and addressing all four phases of emergency management (mitigation, preparation, response, and recovery). It also sets out how we aim to move to disaster risk reduction – by understanding risks, preventing disasters where we can and lessening the impacts where we can't.

The discussion paper invited comments and feedback from key partners and any other interested agencies, organizations, and individuals. EMBC conducted some 172 meetings, webinars, and teleconferences with partners and stakeholders, and received 239 written submissions from the public, other ministries and levels of government, communities, First Nations, Indigenous organizations,

businesses and industries, as well as from non-profit and volunteer organizations and emergency management practitioners.

Feedback on the discussion paper informed the [What We Heard Report](#), which was released on Aug. 31, 2020. This report summarized feedback received from our partners and outlined plans for the legislative path forward. To incorporate some additional learnings from the initial phase of the COVID-19 pandemic, partners were invited to respond to the What We Heard Report during a final feedback period which ran to Sept. 30, 2020.

Work to turn these intentions into draft legislation continued during 2021 and, throughout 2022 and 2023, the focus shifted to co-developing the new legislation with First Nations partners. This included frequent discussions with technical teams representing the First Nations Leadership Council and member Nations of the Alliance of BC Modern Treaty Nations, policy consultations with First Nations, Indigenous leadership organizations and service providers, and sharing the draft legislation. Legislative co-development goes beyond traditional consultation. Work to co-develop the modernized emergency management legislation followed the [Interim Approach](#) to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act developed by B.C.'s [Declaration Act Secretariat](#).

During this time, we remained engaged with local authorities and other partners.

In anticipation of the new statute being introduced in the fall 2023 legislative session, the Ministry of Emergency Management and Climate Readiness will be reconnecting with partners to discuss plans for regulations to be made under the statute. All regulations will be co-developed using the same distinctions-based approach that guided the design and drafting of the statute.

Legislative Design: Highlights

B.C.'s new emergency management legislation will:

- include provisions that address all **four phases** of emergency management: mitigation, preparation, response, and recovery;
- promote **co-management**, where the provincial government, local governments, and Indigenous governing bodies are all decision-makers;
- include roles for **critical infrastructure owners and volunteers**;
- outline **guiding principles** for emergency management;
- require assessment of the risks created by **climate change**;
- update the concept of what constitutes an **emergency**;
- provide improved **tools for response and recovery**;
- recognize the **authority of Indigenous governing bodies** in relation to emergency management;
- include options for **agreements** between Indigenous governing bodies and other decision-makers;
- require the Province, local governments, and critical infrastructure owners to **consult and cooperate** with Indigenous governing bodies;
- include **Indigenous knowledge** in emergency management plans;
- improve **cultural safety** and ensure that planning is attentive to the **disproportionate impacts** of emergencies across our population; and,
- include reporting requirements to enhance **accountability and transparency**.

More information on these highlights is provided in the sections that follow.

What is an Indigenous governing body?

The emergency management legislation will adopt the definition used under the Declaration on the Rights of Indigenous Peoples Act. **Indigenous governing body** means an entity that is authorized to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.

Guiding Principles

Emergency management is most successful when the various decision-makers and actors involved in each phase can form effective relationships and common understandings.

With that in mind, B.C.'s modernized legislation will include a series of principles. These include:

- practicing disaster risk reduction;
- acknowledging and respecting the authority of all decision-makers;
- working towards harmonization and coordination;
- collaborating on matters of mutual interest;
- recognizing the importance of investing in measures to reduce risk and promote resiliency;
- recognizing the relationship between climate change and increasing hazards and emergencies;
- promoting cultural safety;
- recognizing that the inherent right of self-government of Indigenous Peoples includes law-making authority in the emergency management sphere; and,
- recognizing the importance of Indigenous advice, input, and stewardship.

Holistic Framework

Four Phases of Emergency Management

While B.C.'s current Emergency Program Act is heavily focused on our response to emergencies, emergency management is generally understood to consist of four phases:

- **Mitigation**, which focuses on the identification, removal, or reduction of hazards, to either reduce the likelihood of emergencies or to reduce their potential impacts;
- **Preparation**, which focuses on building knowledge and capacity in anticipation of emergencies;
- **Response**, which focuses on taking measures to respond to an emergency, including to prevent or reduce the impacts of the emergency; and,
- **Recovery**, which focuses on taking measures to restore health, safety, and well-being after an emergency.

The new legislation will include provisions that address each of these phases. For instance:

- the minister will be authorized to order mitigation and preparation measures;
- lead provincial government ministers, local governments, and critical infrastructure owners will be required to:
 - prepare risk assessments for all foreseeable hazards; and,
 - prepare emergency management plans informed by those risk assessments;
- the provincial government and local authorities will have access to response and recovery powers outlined in the legislation;

Co-Management

B.C.'s modernized legislation will recognize the concurrent and overlapping roles of decision-makers within the provincial government, local authorities, and Indigenous governing bodies. With the new legislative framework in mind, [Appendix 1](#) outlines the obligations, powers, and roles of various actors in relation to emergency management. The legislation focuses on the government-to-government relationship between the Province and Indigenous governing bodies and does not regulate emergency measures taken by Indigenous governing bodies. For example, while the minister is empowered to cancel states of emergency or recovery periods declared by local governments, the proposed legislation will not authorize the minister to take similar measures in relation to Indigenous governing bodies.

Critical Infrastructure

While the Emergency Program Act does not address critical infrastructure, B.C.'s modernized legislation will require critical infrastructure owners to prepare and maintain risk assessments, emergency management plans, and business continuity plans. Critical infrastructure will be defined in regulations made under the new statute.

Volunteers

Volunteers play important roles in all phases of emergency management. They are also integral to the health, safety, and well-being of British Columbians when it comes to critical incidents involving search and rescue or similar operations.

The modernized legislation will provide liability protection for volunteers following official guidance. For instance, this includes guidance or direction provided by the provincial government or a local authority in relation to mitigating, preparing for, responding to, or recovering from emergencies or critical incidents.

The legislation will also authorize the provincial government to establish standards, protocols, and procedures for volunteers.

Compliance and Enforcement

Similar to most provincial legislation, including the existing Emergency Program Act, the new legislation will include offence provisions. Another concept carried forward from the Emergency Program Act is the authority to recover costs from persons who, through their acts or omissions, cause, or threaten to cause, an emergency.

A new feature of the modernized legislation will be the inclusion of a framework for administrative monetary penalties. These will be authorized by the new statute but will be given shape in future regulations.

Climate Change

In addition to acknowledging the connection between climate change and emergency management, given increasing hazards and emergencies, B.C.'s modernized legislation will require risk assessments to consider how climate change may affect any given hazard.

In turn, as the emergency management plans of the provincial government, local authorities, and critical infrastructure owners will be informed by risk assessments, this focus on climate risk will be a feature of mitigation and preparation work in B.C.

What Constitutes an Emergency

Like under the Emergency Program Act, the definition of "emergency" will refer to conditions that may be imminent, ongoing, or that have occurred, and that require the prompt coordination of action or special regulation of persons or property. The definition will continue to include events attributable to accidents, fire, explosions, technical failures, or forces of nature.

Additionally, the definition used in the modernized legislation will expressly speak to transmissible diseases and environmental toxins, and be expanded to also include rioting, security threats, and terrorist activity. The definition will also be updated to include impacts to objects or sites of heritage value when those objects or sites require protection from the types of hazardous events described above.

Improved Tools for Response and Recovery

Response and Recovery Powers

Most emergency response powers from the Emergency Program Act are carried forward, and the new legislation includes some common-sense tools that reflect lessons learned from recent emergencies. These include:

- an authority for the minister to order assistance (e.g., to require a municipality to host evacuees from another municipality);
- powers for the minister, Lieutenant Governor in Council, and local authorities to control or prohibit events and business activities; and,
- clear authority for the minister to acquire, hold stocks of, and distribute emergency resources.

Response and Recovery Powers (continued)

Certain powers will not be carried forward in the modernized legislation: for example, the power to do “all acts” necessary in the event of an emergency will not be continued for municipalities and regional districts.

A detailed review of the response and recovery powers included in the new legislation—including information on who can exercise them and on when they can be exercised—can be found in [Appendix 2](#).

States of Emergency

Under the current legislation, a state of provincial emergency (declared by the minister or by the Lieutenant Governor in Council) lasts for 14 days before it must be extended. A state of local emergency (declared by a local authority) lasts for seven days before it must be extended.

Under the new legislation, states of emergency can still be extended but there are changes to the default durations. While there is no change to a state of provincial emergency declared by the minister (this remains 14 days), a state of provincial emergency declared by the Lieutenant Governor in Council will last for 28 days. Extensions to states of provincial emergency must be made by the Lieutenant Governor in Council. A state of local emergency lasts for 14 days before it must be extended with the approval of the minister. As under the Emergency Program Act, states of emergency can be cancelled before they automatically expire. Under the new legislation, the Lieutenant Governor in Council will be authorized to cancel a state of provincial emergency, and a state of local emergency declared by a municipality or regional district may be cancelled by either the minister or the local authority that made the declaration. If a Modern Treaty Nation declares a state of local emergency, only the Modern Treaty Nation may cancel the state of emergency.

Recovery Periods

The concept of a “recovery period” will be introduced in the new legislation as a way of recognizing that some of the powers provided under the legislation are still necessary after the response phase of an emergency ends. For example, to facilitate the safe removal of debris that results from an emergency, it may be necessary to prevent people from entering the area where debris-removal operations are underway.

With this change, a renewable 90-day recovery period can be declared at which point a related state of provincial emergency or a state of local emergency will be cancelled. A declaration of a provincial recovery period can be made by the Lieutenant Governor in Council. When a local authority makes a declaration of a local recovery period (or requests an extension of an existing local recovery period), the written approval of the minister will be required.

Financial Assistance

Like the Emergency Program Act, the new legislation will authorize financial assistance in relation to losses from emergency events. The Ministry of Emergency Management and Climate Readiness will be working through 2023 and 2024 to consult broadly on design considerations for a modernized financial assistance program. Until regulations are made to give shape to a modernized program, the existing program parameters that apply for the purposes of the Emergency Program Act will be continued.

Indigenous Governing Bodies and B.C.'s Legislation

Recognition of Authority

The new legislation will recognize that the inherent right of self-government of Indigenous Peoples includes law-making authority in relation to emergency management.

The legislation will include a framework—centered around agreements, consultation and cooperation, and valuing Indigenous knowledges—to promote respect, relationships that work well, and coordination in the approaches that decision-makers, including Indigenous governing bodies, take to emergency management.

Indigenous governing bodies

The new legislation will use the concept of Indigenous governing bodies. This aligns with the Declaration on the Rights of Indigenous Peoples Act and reflects that Indigenous Peoples have the right of self-determination. Provincial or local governments do not designate, appoint, or have tests to recognize Indigenous governing bodies; rather, the determination as to which entities are Indigenous governing bodies is wholly made by the Indigenous Peoples who authorize them to act on their behalf. For the purposes of this legislation, Indigenous Peoples might authorize existing governmental entities (such as a tribal council, chief and council of an Indian Act Band, the governing entity of a self-governing Nation, or another existing entity) or Indigenous Peoples may choose to authorize new entities for the specific purpose of emergency management.

Modern Treaty Nations

The legislation is also designed to recognize the unique relationship between the provincial government and the Modern Treaty Nations, which are the Nations that have entered into modern final agreements (treaties) with the Province and Canada. Currently these are the Nisga'a Nation, Tsawwassen Nation, Tla'amin Nation and the Maa-nulth Nations (the Huu-ay-aht, Ka'yu:'k't'h/Che:k'tles7et'h, Toquaht, Uchucklesaht and Yuułu'p̓iṭh First Nations). Treaties identify treaty lands owned and governed by each Modern Treaty Nation. Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands.

The new legislation will define Modern Treaty Nations as local authorities in relation to their treaty lands. However, given the unique government-to-government relationship Modern Treaty Nations have with the Province, sections of the legislation that give the Minister the ability to order a local authority to take certain actions, approve extensions of local states of emergency or cancel local emergency orders will not apply. Similarly, the legislation will not require Modern Treaty Nations to complete risk assessments or emergency management plans, but will allow the minister to request that these best practices for emergency management be followed.

Beyond their treaty lands, Modern Treaty Nations will have the same rights as other Indigenous governing bodies. This means that throughout their broader treaty areas (broader areas not limited to their treaty lands) these Nations can approach the Province to enter into agreements and must be consulted on any other agreements being considered.

Traditional territories and treaty areas

The Province understands traditional territory to refer to the geographic area identified by an First Nation as the land they and their ancestors traditionally occupied and used. Geographic descriptions of treaty areas (referenced above) will be included in a regulation made under the new statute.

Traditional territories and treaty areas will be important concepts in the legislation. The consultation and cooperation obligations of government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be determined according to traditional territories and treaty areas. Agreements with Indigenous governing bodies will also be made on the basis of the traditional territory or treaty area of the First Nations Peoples represented by an Indigenous governing body.

The legislation was designed to accommodate the reality that the traditional territories identified by different First Nations Peoples may overlap, and overlap will not create impediments to the proper functioning of the legislation.

Agreements

The new legislation will enable different types of agreements with Indigenous governing bodies.

Collaborative emergency management agreements

Currently, B.C. is a party to one tripartite collaborative emergency management agreement (CEMA) with the Tsilhqot'in Nation and the Government of Canada.

This agreement will continue, and the modernized legislation will authorize CEMAs for other interested Indigenous governing bodies. While not named specifically in the legislation, CEMAs can be used to create structures for collaboration and to accomplish other objectives, such as promoting cultural safety or formalizing plans to work together to achieve shared goals and objectives.

Coordination agreements

The legislation will authorize coordination agreements to be made between the minister and an Indigenous governing body. Other entities, such as local governments, can also be parties to coordination agreements.

Coordination agreements can be made for the purpose of coordinating the exercise of statutory response and recovery powers held by the Province or by local authorities with the exercise of an Indigenous governing body's rights-based authority. For example, through agreement, the Province may exercise a power differently to make space for the exercise of inherent rights within traditional territories.

An agreement could also be made to promote the harmonization and coordination of plans, policies, and programs related to the response and recovery phases of emergency management.

Provisions of a coordination agreement could affect the statutory response and recovery powers held by the Province or by a local authority by:

- requiring that a power be exercised or a duty performed;
- requiring the Province or a local authority to refrain from exercising a power or performing a duty;
- setting limits or conditions on the exercise of a power or the performance of a duty;
- imposing requirements for the exercise of a power or the performance of a duty; or,
- requiring consultation and cooperation to occur in relation to the exercise of a power or the performance of a duty.

For example, a coordination agreement might provide that if a state of emergency has been declared provincially or locally, the Province or the local authority (as applicable) will make orders to prohibit entry by the public onto certain land so that measures can be taken to protect a site of heritage value. Or an Indigenous governing body may intend to take full conduct of emergency management matters for

a group of homes occupied by members of a First Nations community, so an agreement might provide that the Province or the local authority will not make orders that affect those homes or their occupants.

Joint and consent-based decision-making agreements

The Declaration on the Rights of Indigenous Peoples Act includes agreements for joint and/or consent-based decision making. The new emergency management legislation will authorize these agreements for the purposes of the new emergency management legislation. This means that the minister will, with the approval of Cabinet, be authorized to negotiate and enter into agreements that provide for statutory powers and statutory powers of decision under the emergency management legislation to be exercised either jointly (between the decision-maker named in the legislation and an Indigenous governing body) or on a consent basis (where the consent of an Indigenous governing body is required).

Consultation and Cooperation

Under the Declaration on the Rights of Indigenous Peoples Act, the government must take all measures necessary to ensure the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In recognition of the rights outlined in UNDRIP, the new emergency management legislation will provide that consultation and cooperation is required in all phases of emergency management.

Consultation and cooperation requirements begin in the early stages of emergency management. Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector

agencies will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. For municipalities and regional districts this includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district. As part of consulting, regulated entities will need to consider both any comments received from an Indigenous governing body and the rights of the First Nations Peoples on whose behalf the Indigenous governing body is authorized to act. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Through this process, the entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified. While the relevant areas and Indigenous governing bodies must be described in local authority emergency management plans, how agreement on these matters is resolved will not be prescribed, but best practice is to confirm agreement in writing.

Municipalities and regional districts may wish to begin these discussions before the legislation is introduced, as early identification of Indigenous governing bodies and agreement concerning areas for consultation and cooperation will position all decision-makers—including Indigenous governing bodies, local authorities, and the Province—in a good position for collaborative and effective emergency management. Local authorities are welcome to [contact the Ministry of Emergency Management and Climate Readiness](#) with questions or requests for assistance with this process. Whenever a local authority reaches agreement with an Indigenous governing body concerning areas for consultation and cooperation, the details of that agreement must be shared with the Ministry of Emergency Management and Climate Readiness.

There will also be a requirement for the Ministry of Emergency Management and Climate Readiness to make reasonable efforts to reach agreements with Indigenous governing bodies regarding areas for consultation and cooperation. However, if agreements have already been reached between local authorities and Indigenous governing bodies, the parameters in those agreements will apply to consultation and cooperation required of the Province and no further agreements will be necessary. The requirement for the Ministry of Emergency Management and Climate Readiness to seek agreements will be phased in to avoid overlap with efforts to reach agreements at the local level.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. Table 2.2 in Appendix 2 includes a list of the response and recovery powers that require consultation and cooperation prior to issuing an order or emergency instrument.

It is expected that there will be areas with overlapping traditional territory, where multiple Indigenous governing bodies will identify an interest in consultation and cooperation. These requirements are not exclusive, and one geographic area can be the subject of agreements with multiple Indigenous governing bodies.

Further guidance and support from the Ministry of Emergency Management and Climate Readiness will assist with the implementation of consultation and cooperation requirements.

Assessing Risks and Planning for Emergencies

Indigenous Knowledge

Indigenous Peoples have stewarded the lands now called British Columbia since time immemorial, including through all types of hazardous events, such as flooding and wildfires. Indigenous knowledge based on these millennia of accumulated experience can provide wisdom and insight into how we manage emergencies now. The United Nations Office for Disaster Risk Reduction has recognized that Indigenous knowledge is a valuable contributor to planning and decision-making in emergency management. B.C.'s new legislation will recognize the value and importance of Indigenous knowledge.

Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to include any available Indigenous knowledge in risk assessments and emergency management plans. The legislation will include protections for Indigenous knowledge. This means that if Indigenous knowledge is provided in confidence, it must only be disclosed if certain conditions are met.

Risk Assessments

Understanding the risks we face is a key part of being prepared, and it's the first priority of the United Nations Sendai Framework for Disaster Risk Reduction. Under the new legislation, lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to prepare and maintain risk assessments. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

Risk assessments will gauge the degree of risk posed by a hazard, including the likelihood the hazard may lead to an emergency and the potential scope and scale of that emergency. Risk assessments will include a focus on people who may be disproportionately impacted by emergencies. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this. There will also be special attention paid to animals and places that may be more vulnerable.

To ensure that emergency management is done with a future focus, risk assessments will incorporate expected climate change or extreme weather events.

Risk assessments will also be based on science, available Indigenous and local knowledges, and the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

Emergency Management Plans

Lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to have emergency management plans that address all four phases of emergency management. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

For each phase, plans will describe appropriate measures that may be taken. Plans will also include descriptions of the roles, powers, and duties of key persons, requirements for emergency resources, procedures for engaging emergency systems, and plans for training and exercise programs. As with risk assessments, plans will need to reflect measures to mitigate the effects of emergencies on people, animals, places, and things that are vulnerable or on people who may be disproportionately impacted by emergencies. Measures to promote cultural safety must also be described. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this.

The plans of municipalities and regional districts will need to include plans for evacuating and caring for people and animals (e.g., pets, livestock, or animals in zoos or rehabilitation facilities). As agreements are reached with Indigenous governing bodies on areas for consultation and cooperation, these details will need to be reflected in municipal and regional district plans; for more information, see [Consultation and Cooperation](#), above.

Plans will be based on completed risk assessments and on the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

Cultural Safety and Consideration of Disproportionate Impacts

In developing the legislation, the Ministry of Emergency Management and Climate Readiness heard about the importance of recognizing the disproportionate impacts of emergencies on different people, places, or things within the province. We also heard the need for emergency management to help combat discrimination, including racism, and to ensure that services are culturally safe.

To respond to this feedback, risk assessments and emergency management plans will need to consider factors such as the physical proximity of people, animals, places, or things to hazards. They will also need to be sensitive to environmental factors such as the types of structures in which people

reside or work, and other considerations like age, disability, socioeconomic status, or susceptibility to discrimination in relation to factors like racialized status, gender identity, or sexual orientation. Emergency management plans will include actions to reduce those disproportionate impacts and promote cultural safety. To do this effectively, local governments will likely want to engage with members of their community.

Cultural safety is an outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the emergency response system. It results in an environment free of racism and discrimination, where people feel safe when receiving services.

Local Authorities

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist.

The government intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas for which the making of plans is most critical. The Ministry of Emergency Management and Climate Readiness will

be consulting with regional districts on the design of this regulation before local authority planning requirements come into effect.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

When a lead government minister, municipality, regional district, critical infrastructure owner, or public sector agency is required to prepare or revise a risk assessment or emergency management plan, they will be required to consult and coordinate with municipalities and regional districts according to rules that will be made in future regulations or, in the case of a municipality or regional district, with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or revising their risk assessment or plan.

While the legislation will not impose legal requirements for the Modern Treaty Nations to have risk assessments or emergency management plans, the legislation will authorize the minister to request that they take these steps.

Multijurisdictional Emergency Management Organizations

Hazards and emergencies do not align with jurisdictional boundaries and collaboration can greatly enhance effective planning, response, and recovery. Across the province there are many instances of successful ongoing collaborations between local governments and First Nations. Under the new legislation, requirements such as risk assessments and emergency management planning can be met collaboratively. The creation of a multijurisdictional emergency management organization (MJEMO) will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective. MJEMOs will also be able to undertake response or recovery actions as a single body. MJEMOs can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government. Further details on the implementation of MJEMOs will be included in the upcoming local authority regulation.

Business Continuity Plans

The legislation will require government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies to have business continuity plans. These plans will need to describe ways of ensuring the continued delivery of services during an emergency. Similar plans will be required for the Legislative Assembly, Cabinet, the office of the Lieutenant Governor in Council, and the courts. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

Accountability and Transparency

This legislation is important: It helps shape our collective efforts to promote safety and well-being through the four phases of emergency management, it includes a range of powers that can temporarily suspend our normal way of life in times of crisis, and it repositions the relationships of the Province, local governments, and critical infrastructure owners with Indigenous governing bodies. When legislation is capable of doing these things, it makes sense that it should include features to ensure accountability and transparency.

Reporting Requirements

The legislation will include a variety of new reporting requirements:

- Annually, the **minister** must provide the Speaker of the Legislative Assembly with a report on expenditures made using the statutory appropriation. This report will outline any spending that occurs outside of the base budget allocated to the Ministry of Emergency Management and Climate Readiness.
- As and when required by the minister, **local governments** must prepare a report on any matter and provide that report to the provincial administrator.¹
- Within five business days of the Province exercising a response or recovery power under the legislation, the **minister** must provide a report to the Speaker of the Legislative Assembly. Further, if consultation and cooperation was required in relation to the power exercised, but due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the Province exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision.
- Within 120 days of the expiry or cancellation of a state of provincial emergency or provincial recovery period, the **provincial administrator** must prepare a report describing the nature of the emergency and the response or recovery powers exercised. Within five business days of receiving the report, the **minister** must provide a copy to the Speaker of the Legislative Assembly.
- Within 120 days of the expiry or cancellation of a state of local emergency or local recovery period, a **local government** must prepare a report describing the nature of the emergency and the response or recovery powers exercised, and provide that report to the provincial administrator. Further, if consultation and cooperation was required in relation to the power exercised, but due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the local government exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision. The minister may request a report on a state of local emergency or local recovery period, comparable to the reports required from local governments, from a Modern Treaty Nation.

¹ The provincial administrator will be a person within the Ministry of Emergency Management and Climate Readiness designated by the minister to administer B.C.'s emergency management legislation.

Annual Meetings Regarding Agreements

The provincial administrator will be required to invite Indigenous governing bodies that are parties to agreements made under the legislation to meet with the Ministry of Emergency Management and Climate Readiness at least once per calendar year to discuss the effectiveness of the agreements.

These meetings will also provide opportunities to build and maintain relationships and to discuss how other features of the legislation, such as consultation and cooperation, have been working.

Five-Year Review

This legislation will introduce some significant changes to the way emergency management is practiced in B.C. It has been built on the strength of several years of engagement with partners and stakeholders and reflects some intensive co-development work to ensure that it aligns with the United Nations Declaration on the Rights of Indigenous Peoples and is responsive to the valuable input we received from Indigenous organizations and First Nations.

With the degree of change introduced by this legislation, it will be important to take stock of what worked well and what may need improvement in the future. For this reason, the legislation will include a requirement for the minister to initiate a review of the Act and regulations within five years of the Act receiving royal assent. The review must involve local governments and be done in consultation and cooperation with Indigenous governing bodies, including the Modern Treaty Nations. It must also consider the rights of Indigenous Peoples.

When the review is completed, the minister must issue a public report.

Preparing for B.C.'s New Emergency Management Legislation

Phasing-In

Implementation of the new emergency management legislation will take place over time. Different requirements will be effective at different times, with some becoming effective when new regulations are made. Most of the legislation will become effective when it receives royal assent. This phasing is designed to make new tools available early in the transition while providing more time before new requirements must be met.

The legislation will also include transitional provisions to help ensure the move from the Emergency Program Act to the new legislation is smooth. For example, there will be transitional provisions to provide certainty around any states of local or provincial emergency that may be in place when the new legislation becomes effective.

Key things that will become effective when the legislation receives royal assent include:

- Definitions and guiding principles
- The role of the provincial emergency management organization (i.e., the Ministry of Emergency Management and Climate Readiness)
- Authority to enter into agreements with Indigenous governing bodies
- Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies for the purposes of consultation and cooperation during the response and recovery phases, and to consult and cooperate accordingly
- Increased timelines for states of emergency
- Authority to declare recovery periods
- All response and recovery powers that are available during a declared state of emergency or recovery period
- Annual and post-emergency reporting requirements

The government intends to focus on six core subject areas for regulations over the next two years, with new regulations targeted for fall 2023 and mid-2024. The Ministry of Emergency Management and Climate Readiness will be conducting further engagement and co-development to draft the new regulations.

These subject areas include:

1. **General:** A collection of smaller concepts required to supplement the legislation (e.g., establishing definitions or rules for parts of the legislation that contemplate regulations for this purpose).
2. **Provincial government ministries:** Regulations will include the assignment of hazards to provincial ministries. Requirements for lead ministers to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
3. **Local authorities:** Regulations will supplement and complete rules from the statute as they pertain to the roles and responsibilities of local authorities. The regulation will also finalize the framework for multijurisdictional emergency management organizations. Requirements for local authorities to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
4. **Critical infrastructure:** Regulations will define critical infrastructure and will supplement and complete rules from the statute as they pertain to the roles and responsibilities of critical infrastructure owners. Requirements for critical infrastructure owners to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
5. **Compensation and financial assistance:** Regulations will set out parameters for the payment of compensation and financial assistance. Until new compensation and financial assistance regulations become effective, disaster financial assistance will continue to be administered under the Compensation and Disaster Financial Assistance Regulation made under the Emergency Program Act.
6. **Compliance and enforcement:** Regulations will supplement and complete compliance and enforcement rules from the statute, such as those pertaining to cost recovery and administrative monetary penalties.

Please note: this document describes proposed legislation which requires the support of the legislature and royal assent before it becomes law

Supports

The release of this technical paper is just one of many actions planned by the Ministry of Emergency Management and Climate Readiness to help prepare B.C.'s emergency management community for the modernized legislation.

Additional support will be made available over the summer and early fall. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities:

<https://www2.gov.bc.ca/gov/content/safety/emergency-management/emergency-management/legislation-and-regulations/modernizing-epa>

You can subscribe to the page to be notified of updates.

If you have questions about the legislation, you can email ModernizeEM@gov.bc.ca.



B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

Appendix 1: Roles in Emergency Management

Ministry of Emergency Management and Climate Readiness

- Provide oversight, leadership, and coordination of activities
- Prepare, maintain, and implement the comprehensive emergency management plan (CEMP)
- Make information public on potential emergencies
- Can exercise statutory response and recovery powers, and must report accordingly

Provincial Ministries

- Prepare risk assessments for hazards
- Prepare and maintain emergency management plans
- Take measures outlined in the CEMP
- Prepare a business continuity plan

Municipalities and Regional Districts

- Prepare risk assessments for hazards within their jurisdiction
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan
- Can exercise statutory response and recovery powers, and must report accordingly

First Nations Peoples

- Have inherent authority to make laws relating to emergency management
- Take actions, in reliance on this inherent authority, in their traditional territories
- Authority is respected by other partners
- Through Indigenous governing bodies, may enter into agreements

Nisga'a Nation / Modern Treaty Nations

- May choose to prepare risk assessments and emergency management plans
- Can exercise statutory response and recovery powers
- As Indigenous governing bodies, may enter into agreements

Critical Infrastructure Owners

- Prepare risk assessments for the hazards that may affect critical infrastructure
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan

Volunteer Organizations

- May apply to be authorized as public safety providers
- Volunteers may then be deployed by the Province

Appendix 2: Response and Recovery Powers

The following tables:

- summarize the powers that will be available under the modernized legislation for emergency response and recovery;
- describe who will be authorized to exercise the powers;
- describe when the powers can be exercised; and,
- indicate when consultation and cooperation is required.

Unless otherwise indicated in **Table 2.2**, powers held by a provincial decision-maker (the minister, the provincial administrator, or the Lieutenant Governor in Council) require a provincially-declared state of emergency or recovery period, as applicable, to be in place. Powers held by a non-provincial decision-maker (a municipality, regional district, or Modern Treaty Nation) require a locally-declared state of emergency or recovery period, as applicable, to be in place.

Note that the term "local authority," used under the Emergency Program Act, will also be used in B.C.'s modernized emergency management legislation. One difference is that the Modern Treaty Nations will be distinct forms of local authorities for the purposes of the new legislation. Under the new legislation, while municipalities, regional districts, and Modern Treaty Nations are all local authorities, the powers available to each differ in some cases. For simplicity, the tables below refer to each of these entities separately, rather than using the collective term "local authority."

Table 2.1: Powers Available at Any Time

	Description of Power	Power Available To	Power Available at Any Time ²
1	<p>Require a public sector agency, municipality, regional district, or critical infrastructure owner to take one or more of the following actions:</p> <ul style="list-style-type: none"> ■ provide information ■ consult and coordinate ■ take one or more emergency measures ■ provide resources or the use of land ■ comply with directions 	Minister	✓
2	<p>In circumstances where a person who is authorized to exercise response or recovery powers is unable to adequately respond or recover, require a municipality or regional district to take one of the following actions either within its own jurisdiction or within another jurisdiction:</p> <ul style="list-style-type: none"> ■ take one or more emergency measures ■ provide resources or the use of land ■ comply with directions 	Minister	✓

² Not Restricted to Declared State of Emergency or Declared Recovery Period.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (1/8)

		Description of Power	Power Available To	Power Available During:			Consultation and Cooperation Required Before Making Order or Emergency Instrument
				Declared State of Emergency	Declared Recovery Period		
3		Do all acts and implement all procedures necessary to respond to an emergency	Minister	✓			
			Modern Treaty Nations	✓			
4		Require a person to provide information	Minister	✓			
5		Identify essential goods, services, property, or facilities and, in relation to those things, do any of the following: <ul style="list-style-type: none"> ■ establish price controls ■ ration or provide for their distribution or use ■ provide for their restoration 	Minister	✓			
			Lieutenant Governor in Council			✓	
			Municipalities and Regional Districts	✓		✓	
			Modern Treaty Nations	✓		✓	
6		Identify essential goods, services, property, or facilities and, in relation to those things, prohibit or limit seizures or evictions	Minister	✓			
			Lieutenant Governor in Council			✓	
			Modern Treaty Nations	✓			
7		Authorize a qualified person to provide a service or give assistance	Minister	✓			
			Lieutenant Governor in Council			✓	
			Municipalities and Regional Districts	✓		✓	
			Modern Treaty Nations	✓		✓	

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (2/8)

Consultation and
Cooperation Required
Before Making
Order or Emergency
Instrument

Power Available During:

Declared State of
Emergency

Power
Available To

Description of Power

Declared Recovery
Period

8	Require a qualified person to provide a service or give assistance	Minister	✓			
		Municipalities and Regional Districts	✓			
		Modern Treaty Nations	✓			
9	Provide for the provision and maintenance of necessities	Minister	✓			
		Lieutenant Governor in Council		✓		
		Municipalities and Regional Districts	✓	✓		
		Modern Treaty Nations	✓	✓		
10	Appropriate, use, or control the use of goods	Minister	✓			✓
		Lieutenant Governor in Council		✓		✓
		Municipalities and Regional Districts	✓	✓		✓
		Modern Treaty Nations	✓	✓		
11	Use or control the use of land	Minister	✓			✓
		Lieutenant Governor in Council		✓		✓
		Municipalities and Regional Districts	✓	✓		✓
		Modern Treaty Nations	✓	✓		

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (3/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
12	Authorize entry into structures or onto land to take emergency measures	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
13	Prohibit entry into structures or onto land so that emergency measures can be taken	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
14	Authorize or require alterations, removal, or demolition of trees, crops, structures, or landscapes	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (4/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
15	Authorize or require the construction, alteration, removal, or demolition of works	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
16	Require structures to be assessed for damage	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
17	Require the evacuation of persons or authorize the evacuation of persons or animals	Minister ³	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		

³ Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (5/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order of Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
18	Authorize the removal of goods	Minister ³	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		
19	Control or prohibit travel	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
20	Control or prohibit business activities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

³ Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (6/8)

Consultation and
Cooperation Required
Before Making
Order or Emergency
Instrument

Power Available During:

Declared State of
Emergency

Power
Available To

Description of Power

Declared Recovery
Period

21	Control or prohibit events	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
22	Require a person to stop doing an activity, or put limits or conditions on doing an activity	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
23	Assume control over one or more fire services and designate the fire commissioner to exercise authority over those services	Minister responsible for the Fire Services Act	✓		
24	Make exemptions from requirements under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
25	Modify requirements under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency; they cannot be made during a recovery period.

Please note: this document describes proposed legislation which requires the support of the legislature and royal assent before it becomes law

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (7/8)

Consultation and
Cooperation Required
Before Making
Order or Emergency
Instrument

Power Available During:
Declared State of
Emergency

Declared Recovery
Period

Power
Available To

Description of Power

26	Establish limits on how enactments apply ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
27	Establish powers or duties that replace or add to those in an enactment ⁴	Lieutenant Governor in Council (during state of local emergency)	✓	✓	
28	Establish terms and conditions in relation to things done using powers 24 through 27 ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
29	Authorize issuers of licences, permits, or other authorizations made under enactments to modify, add, or remove limits or conditions, or the term, of the licences, permits, or other authorizations ⁴	Lieutenant Governor in Council (during state of local emergency)	✓	✓	
30	Suspend or change (without shortening) time periods under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.



Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (8/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
31	Provide that a failure to comply with a regulation made using powers 24 through 30 is to be treated as a failure to comply with the enactment modified using those powers ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
32	Prohibit entry into structures or onto land so that emergency measures for recovery can be taken, or to protect persons or objects or sites of heritage value	Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts		✓	✓
		Modern Treaty Nations		✓	
33	Adopt a bylaw to borrow money to pay response or recovery expenses	Municipalities and Regional Districts	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

Issued: July 4, 2023
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Corrected minor error in Table 2.2 of Appendix 2, where power 24 was omitted and power 26 was duplicated (as power 25).
Corrected page number references in the table of contents.