Consolidated By-law 77-2008
The Corporation of the City of Oshawa

This consolidated by-law is made available for information and convenience purposes only. For accuracy By-law 77-2008 along with amending By-laws 31-2020, 32-2022, 26-2023 and 22-2024 should be reviewed.

Being a by-law formulating a plan for protecting property and the health, safety and welfare of the inhabitants of The Corporation of the City of Oshawa.

Whereas the City shall develop and implement an emergency management program pursuant to the provisions of the *Emergency Management and Civil Protection Act,* R.S.O. 1990, chapter E. 9, as amended, (the "Act").

Now Therefore the Council of the Corporation of the City of Oshawa enacts as follows:

1. Short Title

1.1 The short title of this By-law is the “Emergency Management By-law”.

2. Severability

2.1 If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

3. Compliance with Other By-laws and Regulations

3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

3.2 To the extent of a conflict between this By-law and any other by-law or policy, or to the extent of a conflict between the exercise of delegated authority under this By-law and the exercise of any other authority delegated by Council, this By-law and the exercise of authority delegated under this By-law shall prevail, despite the fact that any other delegated authority provides that it prevails in the event of a conflict. (31-2020)

4. Gender and Number

4.1 In this By-law, unless the contrary indication is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

5. Definitions

5.1 In this By-law:

(a) “Administrative Powers” includes all matters required for the management of the Corporation, including staffing and the provision of services. (31-2020)

(b) "City" means The Corporation of the City of Oshawa.

(c) "City of Oshawa Emergency Master Plan ("Oshawa Emergency Plan")" means the framework document developed pursuant to the *Emergency Management and Civil Protection Act,* R.S.O. 1990, chapter E. 9 outlining responses to any type of emergency, and includes policy for emergency management, emergency plans structure, response strategies, concept of operations, and roles and responsibilities.

(d) "Council" means the elected municipal council of the City

"Emergency" or "Emergencies" shall have the same meaning as that in the *Emergency* Management *and Civic Protection Act*, R.S.O. 1990, c. E.9 and shall mean a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise. (31-2020)

(e) "Legislative Powers" includes all matters where Council acts in a legislative and quasi-judicial function, including enacting by-laws, setting policies, and exercising decision making authority. (31-2020)

(f) "Region" means The Regional Municipality of Durham.

6. Emergency Management Program

6.00. Delegation of Authority for Emergencies (31-2020)

6.00.1 A declaration of emergency under the *Emergency Management and Civic Protection Act*, R.S.O. 1990 shall not be required for a situation to be considered an Emergency for the purpose of the Mayor or Chief Administrative Officer exercising delegated authority in accordance with this By-law.

6.01. Delegation of Authority to the Mayor for Emergencies (31-2020)

6.01.1 Subject to the provisions in Section 6.01.2, any restrictions on such delegation of authority identified in the *Municipal Act*, 2001, other legislation, or common law, Council hereby delegates authority for its Legislative Powers under the *Municipal Act*, 2001 and under any other legislation to the Mayor, exclusively for use in Emergencies;

6.01.2 The authority delegated to the Mayor in Section 6.01.1 may only be exercised in accordance with the following criteria:

6.01.2.1 It is necessary to utilize the authority to address the situation in a timely manner.

6.01.2.2 In the opinion of the Mayor and the Chief Administrative Officer, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.

6.01.2.3 The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.

6.01.2.4 The exercise of the delegated authority only applies to the areas of the City of Oshawa where it is necessary.

6.01.2.5 The exercise of the delegated authority is effective only for as long as is reasonably necessary subject to Section 6.01.4.

6.01.3 The Mayor, through the Chief Administrative Officer, shall advise Council of any exercise of delegated authority within 24 hours of the date of exercise of the authority.

6.01.4 The delegation of authority to the Mayor under Section 6.01.1 shall only be effective for 30 days from the first exercise of the authority in

response to an Emergency, unless Council authorizes an extension of such delegated authority.

6.01.5 Within 30 days of the Mayor's first exercise of authority delegated under Section 6.01.1 in response to an Emergency, the Chief Administrative Officer on behalf of the Mayor shall prepare a report to Council for submission to the next scheduled meeting providing:

6.01.5.1 The justification for having exercised the delegated authority.

6.01.5.2 An outline of the actions taken with the delegated authority.

6.01.5. 3 Any recommendations arising from the Emergency.

6.01.6 Without limiting the generality of Section 6.01.1, the Mayor is delegated authority for the following legislative matters exclusively for use in Emergencies:

6.01.6.1 Authorize the temporary suspension or changes to City bylaws or policies;

6.01.6.2 Authorize policies, practices, and procedures to address the Emergency where such policies, practices, and procedures were not previously considered; and,

6.01.6.3 Cancelling or rescheduling all Council, standing and other committee meetings.

6.01.7 The Councillor designated as the Deputy Mayor in accordance with the Procedure By-law shall act in place of the Mayor when the Mayor is absent, unavailable, or refuses to act, or the office of the Mayor is vacant, and the Deputy Mayor shall have all the powers and duties of the Mayor for the purposes of this By-law.

6.02. Delegation of Authority to the Chief Administrative Officer for Emergencies (31-2020)

6.02.1 Subject to the provisions in Section 6.02.2, any restrictions on such delegation of authority identified in the *Municipal Act*, 2001, other legislation, or common law, Council hereby delegates authority for Administrative Powers under the *Municipal Act*, 2001 and under any other legislation to the Chief Administrative Officer, exclusively for use in Emergencies.

6.02.2 The authority delegated to the Chief Administrative Officer in Section 6.02.1 may only be exercised in accordance with the following criteria:

6.02.2.1 It is necessary to utilize the authority to address the Emergency in a timely manner.

6.02.2.2 In the opinion of the Mayor and the Chief Administrative Officer, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.

6.02.2.3 The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.

6.02.2.4 The exercise of the delegated authority only applies to the areas of the City of Oshawa where it is necessary.

6.02.2.5 The exercise of the delegated authority is effective only for as long as is reasonably necessary subject to Section 6.02.4.

6.02.3 The Chief Administrative Officer shall advise Council of any exercise of delegated authority within 24 hours of the date of exercise of the authority.

6.02.4 The delegation of authority to the Chief Administrative Officer under Section 6.02.1 shall only be effective for 30 days from the first exercise of the authority in response to an Emergency, unless Council authorizes an extension of such delegated authority.

6.02.5 Within 30 days of the Chief Administrative Officer's first exercise of authority delegated under Section 6.02.1 in response to an Emergency, the Chief Administrative Officer shall prepare a report to Council for submission to the next scheduled meeting providing:

6.02.5.1 The justification for having exercised the delegated authority.

6.02.5.1 An outline of the actions taken with the delegated authority.

6.02.5.1 Any recommendations arising from the Emergency.

6.02.6 Without limiting the generality Section 6.02.1, the Chief Administrative Officer is delegated authority for the following administrative matters exclusively for use in Emergencies:

6.02.6.1 Cancel, revise, or temporarily suspend events, programs, and services;

6.02.6.2 Close or reallocate facilities, infrastructure, or other assets;

6.02.6.2 Authorize Emergency purchases in accordance with the Purchasing Policy and Capital Budget Management and Control Policy, including the authority to undertake noncompetitive purchasing and exceed budget;

6.02.6.3 Provide for alternative service delivery methods, including determining the manner in which payments can be made and received; and,

6.02.6.4 Determine staffing needs, including the ability for Staff to work remotely, authorize temporary hiring or layoffs, and the reallocation of Staff.

6.02.7 The person appointed as Fire Chief shall act in place of the Chief Administrative Officer when the Chief Administrative Officer is absent, unavailable, or refuses to act, or the office of the Chief Administrative Officer is vacant, and the Fire Chief shall have all the powers and duties of the Chief Administrative Officer for the purposes of this By-law."

6.1 The City shall develop, implement and maintain an emergency management program pursuant to the provision of the Act and consistent with the standards set out by Emergency Management Ontario (EMO), which shall govern the manner in which the City's employees respond to an emergency.

6.2 The City's emergency management program shall include a municipal emergency plan, training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities, public education on risks to public safety and on public preparedness for emergencies, and any other element required by the standards for emergency management programs set out under the Act or by EMO.

6.3 The CEMC may revise, update or add to the municipal emergency plan, if necessary, and shall cause a copy of the municipal emergency plan and all revisions and/or addendums to be deposited with the Chief of EMO.

6.4 The municipal plan shall conform to the Durham Region Emergency Master Plan.

6.5 The municipal emergency plan shall be made available to the public for inspection during ordinary business hours.

7. Emergency Management Structure

7.1 A formal emergency management structure shall be established within the City comprising,

(a) a Community Emergency Management Coordinator (CEMC),

(b) a Municipal Control Group (MCG), and

(c) a Community Emergency Management Program Committee (CEMPC).

8. Community Emergency Management Coordinator

8.1 The Fire Chief is hereby designated as the CEMC for the City

8.2 The CEMC shall be responsible for the development and implementation of the emergency management program, including but not limited to,

(a) drafting and updating all nuclear and non-nuclear plans and procedures,

(b) coordination of emergency plans of all City departments and partner agencies,

(c) development and conducting of emergency management training programs and exercises,

(d) development and implementation of public education programs,

(e) coordinating, planning, administering and managing operations related to the **EOC,** and

(f) coordinating the City's response to all emergencies within the City.

9. Municipal Control Group

9.1 The MCG consists of the following or a designated alternate: (32-2022)

(a) Mayor (Executive Authority);

(b) Chief Administrative Officer (Designated Operations Officer);

(c) Director, Legislative Services/City Clerk (Designated Control Officer); (26-2023)

(d) Fire Chief (CEMC);

(e) Deputy Fire Chiefs (x3); (22-2024)

(f) [Deleted] (22-2024)

(g) Director, Recreation Services; (26-2023)

(h) Commissioner, Community and Operations Services; (26-2023)

(i) Commissioner, Corporate and Finance Services; (26-2023)

(j) Commissioner, Economic and Development Services; (26-2023)

(k) Commissioner, Safety and Facilities Services; (26-2023)

(l) Director, Operations Services; and,

(m) Manager, Corporate Communications (Emergency Information Officer);

The MCG may consult on an as needed basis, other supporting groups, City departments or agencies as required and as authorized by the Chief Administrative Officer (Designated Operations Officer).

9.2 The MCG shall control all operations during an emergency, including but not limited to,

(a) assessing the short, medium and long-term emergency operating requirements of the City,

(b) recommending the declaration, extension and/or the termination of a state of emergency,

(c) making policy decisions,

(d) setting operational priorities, assigning resources and issuing instructions to City departments,

(e) resolving inter-departmental and/or inter-organizational disputes, and

(f) ensuring coordination of communications with all other levels of government, external agencies and the public.

10. Community Emergency Management Program Committee

10.1 The CEMPC shall be chaired by the CEMC and shall consist of the following or a designated alternate: (32-2022)

(a) Fire Chief/C.E.M.C. (Chair);

(b) Deputy Fire Chiefs (x3); (22-2024)

(c) [Deleted] (22-2024)

(d) Manager, Corporate Communications;

(e) Chief Fire Prevention Officer;

(f) Chief Communications Officer; (22-2024)

(g) Director, Operations Services;

(h) Director, Recreation Services; (26-2023)

(i) Director, Legislative Services/City Clerk; (26-2023)

(j) Director, Planning Services;

(k) Director, Information Technology Services;

(l) Director, Finance Services;

(m) Durham Regional Transit Representative;

(n) Durham Regional Police Services Representative;

(o) Durham Emergency Medical Services Representative;

(p) Oshawa Power Representative;

(q) General Motors Representative;

(r) Lakeridge Health Oshawa Representative; and

(s) Central Lake Ontario Conservation Authority Representative.

The CEMPC may consult on an as needed basis other supporting groups, City Departments or agencies as required and as authorized by the CEMC.

10.2 The CEMPC shall act as a coordinating body to facilitate municipal level coordination and cooperation regarding the emergency management program, including but not limited to:

(a) reviewing and providing policy advice with respect to the state of emergency management in the City,

(b) drafting plans, procedures and operational guidelines,

(c) training and exercises,

(d) public education, and

(e) any other matter required by the Act.

10.3 Subcommittees and working groups of the CEMPC may be established as required.

11. Declaration of an Emergency

11.1 In accordance with the provisions of the act, the Mayor may declare that an emergency exists throughout the City or in any part of the City, and may take such action as is reasonable and necessary to protect the health, safety and property of the City's residents.

11.2 The Mayor shall notify the Minister of Community Safety and Correctional Services immediately upon the declaration of a municipal emergency.

11.3 All City employees are designated as emergency workers in the event of a municipal emergency and may be called out to assist with the implementation of the municipal emergency plan.

11.4 City employees may take action in accordance with the municipal emergency plan where an emergency exists as determined by the CEMC but has not yet been declared to exist.

12. Repeal

12.1 By-law 74-99 is hereby repealed.

13. Effective Date

13.1 This By-law is in effect on the date of its passing.

By-law passed this twenty-third day of June, 2008.