

Lower Nicola Indian Band
Bylaw No. 13

A bylaw of the Lower Nicola Indian Band to provide for the establishment and operation of an Emergency Program enacted pursuant to section 8.1(1)(a) of the Indian Act.

WHEREAS the Lower Nicola Indian Band of B.C., Canada has determined the need to establish and maintain an Emergency Planning and response organization;

NOW THEREFORE the Council of the Lower Nicola Indian Band enacts as follows:

- 1 In this bylaw, unless the context otherwise requires:
 - a. "Lower Nicola Indian Band" shall mean reserves as defined under the Indian Act, as amended, and includes the following:

Nicola Mameet Indian Reserve Number 1, Joeyaska Indian Reserve Number 2, Hamilton Creek Indian Reserve Number 7, Pipecul Indian Reserve Number 3, Logan's Indian Reserve Number 6, Zoht Indian Reserves Number's 4, 5, and 14, and Speous Indian Reserve Number 8 of the Band.
 - b. "Emergency Response Coordinator" means the person appointed by the Chief and Council for the purpose of responding to emergencies.
 - c. "Disaster" means a calamity caused by accident, by an act of war or insurrection or by forces of nature, that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property.
 - d. "Emergency" means a present or imminent event that requires prompt coordination or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property.
 - e. "Emergency Plan Coordinator" shall mean the person appointed by the Chief and Council of the Lower Nicola Indian Band.

COMMITTEE

2. There shall be established an Emergency Planning Committee consisting of all department heads who shall also function as the Emergency Response Team.

FUNCTIONS

3. The Emergency Planning Committee shall be responsible for:
 - a. exercise of overall responsibility of planning and coordinating of emergency measures of the Lower Nicola Indian Band;
 - b. submission to the Chief and Council of estimates of expenditures for the maintenance and operation of the Emergency Plan;

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FUNCTIONS - continued

3. c. submission to the Chief and Council at least once per year of progress report of activities;
- d. submission to the Chief and Council for approval of a Band emergency plan.

APPOINTMENTS AND DUTIES

4. The Lower Nicola Indian Band hereby appoints the Executive Director as Emergency Response Coordinator. The Emergency Response Coordinator shall ensure the adequate coordinated response is carried out by assuming control of the Emergency Operations Center and its staffing during the declared emergency.
5. The Lower Nicola Indian Band hereby appoints the Fire Chief of the Lower Nicola Indian Band as the Emergency Plan Coordinator and in his/her absence, the Assistant Fire Chief of the Lower Nicola Indian Band is hereby appointed and shall act as the Emergency Plan Coordinator.
6. The Emergency Plan Coordinator shall have the following duties and responsibilities:
 - a. acts as Chairperson of the Emergency Operations Control Group established under this bylaw;
 - b. initiates and coordinates the development of an emergency plan for the Lower Nicola Indian Band in cooperation-operation with all government agencies, municipal government departments and volunteer organizations within the Lower Nicola Indian Band;
 - c. provides emergency plans from guidelines laid down by the Emergency Operations Control group;
 - d. submits regular reports to the Emergency Plan Executive Board to keep them fully informed of progress;
 - e. correlates all activities of those persons and/or organizations involved within the Lower Nicola Band and designated for Emergency Operations;
 - f. ensures that a continuous program of training for local Emergency Operations Control Group personnel is carried out, either by local training classes or attendance at provincial or federal training schools;
 - g. cooperates with the Mutual Aid areas and the Provincial Emergency Program on all matters pertaining to the planning and operation;
 - h. submits a projected budget to cover costs of emergency operations within the Lower Nicola Indian Band;
 - i. acts as advisor to the Coordinator and to the Regional and Municipal governments during emergencies and disasters.
7. Each department or voluntary organizations within the Lower Nicola Indian Band shall be responsible to develop and execute the emergency plan of the service he or she represents, train employees and volunteers and make a comprehensive study of existing resources.

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8. In the case of an emergency, the Emergency Plan Coordinator shall determine the jurisdiction or jurisdictions within which the Emergency exists or has occurred.
9. In the case of an emergency, the Lower Nicola Indian Band, shall have the primary responsibility for response to the emergency occurring within their jurisdictions together with associated costs, including the recovery of said costs from the Provincial and/or Federal emergency funding resources.
10. The Chief and Council of the Lower Nicola Indian Band and the Emergency Coordinator are hereby authorized to declare a state of local emergency on the Lower Nicola Indian Band lands under this bylaw.
11. On making of the declaration and for the duration of the state of local emergency, the Emergency Response Coordinator may do all acts and take all necessary proceedings including the following:
 - a. put into operation an emergency plan or program, in accordance with the provisions of this bylaw;
 - b. request the use of any real personal property considered necessary to prevent, combat, or alleviate the effects of an emergency or disaster;
 - c. authorize or require any qualified person to render aid of a type he/she is qualified to provide;
 - d. control or prohibit travel to or from any area of the Lower Nicola Indian Band;
 - e. provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate-ordinate emergency medical, welfare, and other essential services in any part of the Lower Nicola Indian Band lands;
 - f. authorize the recruitment of persons needed to meet an emergency;
 - g. authorize expenditures relative to subsections 1.1.a to 1.1.g.
12. The Chief and Council may, from time to time, appropriate and expend moneys required to meet the ordinary operating expenses of the Emergency Plan, within the boundaries of the Lower Nicola Indian Band.
13. This Bylaw shall come into force and take effect on the day of the final passing thereof.
14. This Bylaw may be cited as "Lower Nicola Indian Band Emergency Plan Program".

I hereby certify the foregoing to be an original and correct copy of Bylaw No. 13 cited as "Lower Nicola Indian Band Emergency Plan Bylaw No. 13, as duly passed by a quorum of the Chief and Council of the Lower Nicola Indian Band on the 19th day of January, 1998.



Councillor Garry Lafferty