

BY-LAW # 1992.001

OF THE BATCHEWANA FIRST NATION OF OJIBWAYS RANKIN RESERVE 15D,  
GOULAIS BAY RESERVE 15A AND OBADJIWON RESERVE 15E.

A BY-LAW FOR THE FORMULATION AND IMPLEMENTATION OF AN EMERGENCY  
MEASURES ORGANIZATION AND EMERGENCY MEASURES PLAN.

ENACTED ON THE 06 DAY OF June, 1992

Whereas the Emergency Preparedness Act, assented to 27th April 1988, pursuant to sections 7 & 8 provides that within a Ministers area of accountability a civil emergency plan may be developed and an agreement may be entered into with a province respecting such a plan; and that Chapter 1 - 6, subsection 81 of the Indian Act empower the Council of a Band to prepare such a plan.

This by-law provides for the formulation and implementation of an emergency measures organization and the preparation of an emergency plan and programme.

Now therefore the Council of the Batchewana First Nation of Ojibways enacts as follows;

1. In this by-law,
  - a. "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.
  - b. "Emergency" means a present or imminent event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property.
  - c. "Emergency Plan" means a written document setting forth the ways and means necessary for the provision of necessary services during an emergency or disaster and the procedures under the manner in which employees of the band and other persons will respond to the emergency.
  - d. "Employee of the Band" means any salaried officer, clerk, workman, servant or other person in the employ of the band or of a local board and includes any person or class of person designated as an employee by the Minister.
  - e. "Mutual Aid" means reciprocal assistance given by one municipality or band to another during an emergency, involving manpower, equipment and facilities.
2. The "Emergency Measures Officer" shall mean the person appointed by the Council of the Batchewana First Nation of Ojibways to organize Emergency Measures in the Batchewana First Nation of Ojibways.
3. The Emergency Measures Organization of the Batchewana First Nation of Ojibways shall be comprised of the Emergency Measures Control Committee, band departments and all voluntary emergency services within the Band.

*Certified True Copy*  
*Reston*  
"Call Helen Reston, a Commissioner,  
etc., District of Sudbury, for the  
Government of Canada.  
Expires October 28, 1994."

4. There is hereby established an Emergency Measures Control Committee which shall consist of the Chief, Band Administrator, at least one member of Council who shall be appointed annually by resolution, and Emergency Measures Officer.
5. The Emergency Measures Control Committee shall be responsible for:
  - a. exercise of overall responsibility of planning and co-ordinating of emergency measures in the Batchewana First Nation of Ojibways;
  - b. submission to Council of estimates of expenditures for the maintenance and operation of the Emergency Measures Organization;
  - c. submission to Council at least once per year of a progress report of activities;
  - d. submission to Council, for approval, of a band emergency plan.
6. Subject to Section 5 of this by-law and subject of any directions of Council, the Emergency Measures Control Committee is hereby designated and appointed to be a special committee of the Council and shall be responsible for the carrying out of any emergency measures or emergency activities or works in furtherance of the Ontario Emergency Plans Act or this by-law, and to that end, shall have and is hereby granted and delegated to it the duties and powers of the Council except the power to borrow money, to pass a by-law or enter into any contracts. Provided however, such delegation of the duties and powers of the Council is expressly limited to only the powers of Council necessary to carry out its rights, responsibilities, or duties under the Ontario Emergency Plans Act.
7. The Head of Council, (Chief) shall act as Chairman of the Emergency Measures Organization established under this by-law.
8. The emergency Measures Officer shall have the following duties and responsibilities:
  - a. stimulate and co-ordinate the development of an emergency plan for the community in co-operation with the departments and agencies of the municipality or band;
  - b. provide emergency plans from guidelines laid down by the Emergency Measures Control Committee;
  - c. submit regular reports to the Emergency Measures Control Committee to keep them fully informed of progress;
  - d. correlate all activities of those persons and/or organizations involved within the Batchewana First Nation of Ojibways and designated for Emergency Measures Organizations;
  - e. ensure that a continuous program of training for local Emergency Measures Organization personnel is carried out, either by local training classes or attendance at Provincial or Federal Schools;

- f. co-operate with the Mutual Aid Area on all matters pertaining to planning and operation;
  - g. submit a projected budget to cover costs of emergency measures operation within the band;
  - h. act as advisor to the Band during emergencies or disasters.
9. Each Band department or voluntary organizations of the Band shall make such plans and carry out such activities as are necessary to ensure a capability to meet their responsibilities in disaster.
  10. The Council may, from time to time, appropriate and expend monies required to meet the ordinary operating expenses of the said organization.
  11. The Council shall co-operate with other Councils of other municipalities and bands for the purpose of jointly establishing and operating an Area Emergency Measures Organization upon appropriate agreement with the Province of Ontario so to do, as provided for in Section 12 of this by-law.
  12. The Batchewana First Nation of Ojibways may enter into agreement with the Province of Ontario or any other governmental agency as authorized by the provisions of the Ontario Emergency Measures Act or regulations thereunder.
  13. In the case of emergency or disaster, the Chief, or in his absence a Senior Councillor, is hereby authorized to declare a State of Local Emergency within the Reserves of the Batchewana First Nation of Ojibways, and upon such declaration being made, the entire Emergency Measures Organization shall exercise all powers conferred upon them by the Emergency Measures Act of the Province of Ontario or this by-law and notify the Minister of Solicitor General of such declaration, as well as the Minister of Indian Affairs in Canada.
  14. On the making of the declaration for the duration of the State of Local Emergency the Chief, or in his absence, the Senior Councillor, may do all acts and take all necessary proceedings including the following:
    - a. put into operation an emergency plan or program;
    - b. authorize or require a local authority to put into effect an emergency plan or program for the Batchewana First Nation of Ojibways;
    - c. acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
    - d. authorize or require any qualified persons to render aid of a type they are qualified to provide;
    - e. control or prohibit travel to or from an area of the Batchewana First Nation of Ojibways Reserves;

- f. provide for the restoration of essential facilities and the distribution of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate welfare, and other essential services in any part of the Batchewana First Nation of Ojibways Reserves;
  - g. procure food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of the Batchewana First Nation of Ojibways Reserves for the duration of the state of emergency;
  - h. cause the evacuation of persons and the removal of livestock and personal property from any area of the Batchewana First Nation of Ojibways Reserves that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
  - i. cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order of reach the scene of an emergency or disaster, or to attempt to forestall their occurrence or to combat their progress.
15. In the absence of the Chief or Senior Councillor, a majority of the member of Council are hereby authorized to declare a State of Local Emergency in the Batchewana First Nation of Ojibways Reserves under this by-law.
16. This by-law shall come into force and take effect on the day of the final passing thereof.

THIS BY-LAW IS HEREBY MADE AT A DULY CONVENED MEETING OF THE COUNCIL OF THE BATCHEWANA FIRST NATION THIS 06 DAY OF June 1992.

VOTING IN FAVOUR OF THIS BY-LAW ARE THE FOLLOWING MEMBERS OF COUNCIL:

\_\_\_\_\_  
(MEMBER OF COUNCIL)

*Adeline Cochrane*  
\_\_\_\_\_  
(MEMBER OF COUNCIL)

*Arnold Spett*  
\_\_\_\_\_  
(MEMBER OF COUNCIL)

*Jean Dupette*  
\_\_\_\_\_  
(MEMBER OF COUNCIL)

*V. Spette*  
\_\_\_\_\_  
(MEMBER OF COUNCIL)

*Albert Sault*

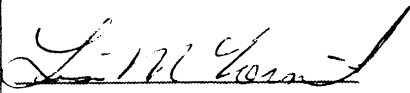
*J. A. B.*


Being the majority of those members of the Council of the Batchewana First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5(five) members.

Number of members of the Council present at the meeting: 5.

I, Harvey Bell Chief of the Batchewana First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian and Northern Development at the District Office pursuant to subsection 82(1) of the Indian Act, this 07 day of JULY, 1992.

  
(Witness)

  
(Chief)

FIRST READING April 30/92  
SECOND READING April 8/92  
THIRD READING July 6/92