

What is a municipal emergency declaration under the Emergency Management and Civil Protection Act?

When a large emergency happens (eg. tornado, flood, train derailment, etc), all municipalities have a plan in place to respond, support and protect those affected. Part of that response may include declaring an emergency for all or part of the municipality. The authority to do this can be found in the Emergency Management and Civil Protection Act.

The Emergency Management and Civil Protection Act says “The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area”

Here are some facts and myths about municipal emergency declarations:

MYTH	FACT
A municipality declares an emergency to get money from other levels of government, such as the Province.	Provincial funding <u>may</u> be available if certain criteria are met, but no municipal emergency declaration is required to access it. It is solely the discretion of the Minister of Municipal Affairs and Housing to activate disaster relief funding programs
A municipality gets automatic support and resources from other levels of government when it declares an emergency	Provincial and Federal support must be requested. Federal support is a resource of last resort and should only be requested when all other resources have been exhausted.
If the Mayor is not available, the CAO can declare an emergency in the municipality	Only the head of council or their designate can declare an emergency. It MUST be an elected official
When a large-scale emergency happens, or a municipality activates its emergency operations centre or a reception or evacuation centre, the municipality MUST declare an emergency	Due to years of training, exercises and preparedness, many municipalities can respond to large emergencies without needed to declare an emergency. Many supports and services from different levels of government, such as emergency social services from Hastings County, Ministry support or support from NGOs such as Red Cross are all available to municipalities without an emergency declaration
Emergency declarations end as soon as the danger is over, and people are safe.	Municipal emergency declarations may remain in place after the acute emergency response phase is over as some of the emergency decision making powers may still be needed in the longer recovery phase. They have no expiry timeframe. Provincial and Federal emergency declarations DO have expiry dates and must be reviewed at prescribed intervals.

So why would a municipality declare an emergency?

- Direct work to be done immediately on municipal infrastructure in direct response to the emergency
- Overlook municipal purchasing policies to obtain equipment or services in response to the emergency
- Enact special authority under municipal by-laws, such as a delegation of authority by-law
- Restrict access to or close municipal buildings and offices
- Use volunteers and protect them under the Workplace Safety and Insurance Act
- Request Federal support and resources, such as military support.
- Request support through municipal mutual support agreements if they have them in place

A municipal head of council can't:

- Circumvent provincial legislation, such as the Occupational Health and Safety Act
- Order private business to close
- Ignore collective bargaining agreements
- Order someone to leave their home (areas in imminent danger may be evacuated, but you cannot be forced to leave your home)

Termination of a Municipal Emergency Declaration

As the emergency situation starts to resolve and the municipality starts to move into a recovery/restoration phase, they will discuss the termination of the emergency declaration. They would consider this **only** if they are no longer using the resources they requested under the declaration, and there is no longer a need to make decisions urgently or quickly. The head of council or council as a whole can terminate an emergency declaration. **This will not affect their ability to continue to request or access provincial funding.**