

Authority: Emergency and Protective Services Committee Report No. 2(1),
March 4, 5 and 6, 1998
Intended for first presentation to Council: March 4, 1998
Adopted by Council: March 6, 1998

CITY OF TORONTO

BY-LAW No. 47-1998

To provide for the formulation and implementation of a plan for the provision of emergency services during emergencies affecting the City of Toronto.

WHEREAS the Province of Ontario has enacted the *Emergency Plans Act*, which permits the formulation of or the authorization of the formulation of an emergency plan by the council of a municipality;

AND WHEREAS the *Emergency Plans Act* authorizes the head of the council of a municipality to declare that an emergency exists in the municipality or in any part thereof and authorizes the head of council to take such action or deliver such orders as considered necessary and not contrary to law, to implement the emergency plan in the municipality;

AND WHEREAS the *Emergency Plans Act* permits an emergency plan to authorize employees of the municipality to take action under the plan where an emergency exists but has not yet been declared to exist;

AND WHEREAS the aim of an emergency plan is to make provision for the extraordinary arrangements and measures that may have to be taken to safeguard the property, health, safety and welfare of the inhabitants of a municipality faced with an emergency, in those situations where the provincial emergency plan is unlikely to be implemented or until it is implemented;

AND WHEREAS the old municipalities, as defined in the *City of Toronto Act, 1997*, have previously enacted by-laws establishing a framework for responding to emergencies and for the formulation of emergency plans;

AND WHEREAS the Council of the City of Toronto considers it necessary and expedient to enact a by-law to establish the framework for the City to respond to an emergency and to authorize a Toronto Emergency Planning Committee to formulate an emergency plan;

Now, therefore, the Council of the City of Toronto HEREBY ENACTS as follows:

1. Definitions

In this by-law,

- (a) "Act" means the *Emergency Plans Act*;
- (b) "Chief of Police" means the Chief of Police of the Toronto Police Service;

- (c) “Chief Operations Officers” means the persons designated to coordinate the emergency operations of the Municipal Control Group and the Municipal Support Group;
- (d) “Committee” means the Toronto Emergency Planning Committee;
- (e) “Corporation” means the City of Toronto;
- (f) “Council” means the Council of the City of Toronto;
- (g) “EPSC” means the Emergency and Protective Services Committee of the City of Toronto;
- (h) “emergency” means a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property;
- (i) “Mayor” means the Mayor of the City of Toronto;
- (j) “Municipal Control Group” means the members of the Committee, referred to in section 10 of this by-law, responsible for the management of an emergency;
- (k) “Municipal Support Group” means the members of the Committee, referred to in section 11 of this by-law, responsible for providing support to the Municipal Control Group during an emergency;
- (l) “plan” means a plan formulated pursuant to this by-law governing the provision of necessary services during an emergency and the procedures for employees of the Corporation and other persons to respond to such emergency; and
- (i) “Urban Area” has the meaning as defined in the City of Toronto Act, 1997.

EMERGENCY PLANNING COMMITTEE

2. Composition of the Committee

(1) The persons from time to time holding the following positions in the Corporation, or their successors, shall be members of the Committee:

- (a) the Mayor,
- (b) the Chair of the EPSC,
- (c) the Chief Administrative Officer,
- (d) the Commissioner responsible for works and emergency services,
- (e) the Commissioner responsible for community and neighbourhood services,

- (f) the Commissioner responsible for planning and urban development services,
- (g) the Commissioner responsible for economic development, culture and tourism,
- (h) the Commissioner responsible for corporate services,
- (i) the Medical Officer of Health,
- (j) the Fire Chief,
- (k) the senior official responsible for ambulance services, and
- (l) the City Solicitor.

(2) With the consent of the appropriate agency, board, commission, corporation or organization, the persons from time to time holding the following positions with the following agencies, boards, commissions, corporations and organizations, or their successors, or designated as representatives of the following agencies, boards, commissions, corporations and organizations, shall be members of the Committee:

- (a) the Chief of Police,
- (b) the Coordinator, Emergency Measures Planning, Toronto Police Service,
- (c) the Chief General Manager, Toronto Transit Commission,
- (d) a representative of the Toronto and Region Conservation Authority,
- (e) a representative of the Toronto Harbour Commissioners,
- (f) a representative of the Toronto Hydro-Electric Commission,
- (g) a representative of the Toronto District Heating Corporation,
- (h) a representative of Consumers Gas,
- (i) a representative of Bell Canada,
- (j) a representative of the Insurance Bureau of Canada,
- (k) a representative of St. John's Ambulance,
- (l) a representative of English-language Public District School Board No. 12, and
- (m) a representative of English-language Separate District School Board No. 40.

3. The Role of the Committee

(1) The Committee is responsible for:

- (a) the formulation and development of the plan for all departments of the Corporation and agencies and local boards under the jurisdiction of Council; and
- (b) the co-ordination of any procedures for implementation of the plan developed by such departments, agencies and local boards for the purpose of integration with the plan.

(2) The Committee shall make reasonable efforts to ensure that the departments, agencies and local boards referred to in subsection (1):

- (a) have adequate procedures to implement the plan and that those procedures are developed and amended as required and are provided to the Committee on a regular basis; and
- (b) maintain adequate emergency planning and training programs and that these programs are continued in a coordinated and consistent way for the purpose of maintaining up-to-date procedures.

(4) The Committee is authorized, with the consent of the relevant agency, board, commission, corporation or organization, to train, or to provide for the training of, employees of an agency, board, commission, corporation or organization to perform their assigned responsibilities under the plan.

(5) The Committee shall report to the EPSC,

- (a) on the plan formulated pursuant to this by-law or any revision thereto, and
- (b) on all steps taken by the Municipal Control Group pursuant to a declaration of emergency made under subsection 7(1) of this by-law.

(6) A report made pursuant to clause (5)(b) of this section shall be made as soon as reasonably possible after the termination of a declaration of emergency and, in any event, no later than 90 days therefrom.

4. The Role of the Mayor

(1) The Mayor shall be the chair of the Committee and shall have the responsibility and authority to direct its operations, co-ordinate its activities and convene its meetings, and shall report on its behalf to the EPSC and Council pursuant to the requirements of this by-law.

(2) The Mayor may delegate to one or more members of the Committee all or part of the authority conferred upon him or her under subsection (1).

5. Quorum and Designation

(1) A majority of the members of the Committee is necessary to constitute a quorum.

(2) Any member of the Committee may designate another individual to attend meetings of the Committee convened under subsection 4(1) and any such designate shall have all the powers of the member of the Committee for the purposes of such meetings.

6. Requirements for the Plan

Every plan formulated pursuant to this by-law shall include a provision that the Municipal Control Group and the persons set out in column 1 of Table A shall, with the permission of the relevant agency, board, commission, corporation or organization and subject to the overall direction of the Chief Operations Officers, be responsible for and is authorized in the event of an emergency to co-ordinate the provision of emergency services by the agency, board, commission, corporation or organization as set out opposite their respective names in column 2 of Table A, throughout the Urban Area.

TABLE A

Column 1	Column 2
The Commissioner responsible for works and emergency services	All public utilities
The Commissioner responsible for community and neighbourhood services	All welfare and social services agencies, including the Red Cross and Salvation Army
The senior official responsible for ambulance services	All ambulance and other emergency transportation agencies, including St. John's Ambulance

DECLARATION OF AN EMERGENCY

7. The Role of the Mayor

(1) The Mayor may, in accordance with the provisions of the Act, declare that an emergency exists in the Urban Area or in any part thereof, and may take such action and make such orders as he or she considers reasonable and necessary and not contrary to law to declare in effect and implement a plan formulated pursuant to this by-law and to protect property and the health, safety and welfare of the inhabitants of the emergency area.

(2) The Mayor shall ensure that the Solicitor General of the Province of Ontario is notified forthwith of a declaration made pursuant to subsection (1).

8. Contents of Declaration

A declaration made under subsection 7(1) shall contain,

- (a) a statement of the circumstances which caused it to be made, and
- (b) a designation of the part or parts of the Urban Area to which the declaration applies.

9. The Role of Council

(1) The Mayor shall, forthwith after making a declaration under subsection 7(1), give notice of such declaration to all members of Council, to the members of the Committee and to the City Clerk, and shall summon a special meeting of Council in accordance with applicable procedures.

(2) The Mayor may declare the termination of an emergency at any time prior to the convening of the meeting of Council referred to in subsection (1).

(3) In the event the Mayor has not yet declared the termination of an emergency, Council, at a meeting convened pursuant to subsection (1), shall consider and decide whether or not to declare the termination of an emergency declared by the Mayor or whether the Mayor's declaration should be allowed to continue for a period of up to fifteen days.

(4) Where Council decides to declare the termination of an emergency, the Mayor will notify the Solicitor General and the public, as required.

(5) Where Council decides not to declare the termination of an emergency, it shall, within every subsequent fifteen-day period during which such declaration continues, or at a special meeting convened by the Mayor in accordance with applicable procedures, whether or not to declare the termination of the emergency or allow the Mayor's declaration to continue for a further period of up to fifteen days.

(6) In the event the Mayor has declared the termination of an emergency prior to the convening of a meeting pursuant to subsection (1), Council, at such meeting, shall consider a report of the Municipal Control Group made pursuant to section 14 of this by-law.

MUNICIPAL CONTROL AND SUPPORT GROUPS

10. Municipal Control Group

The Municipal Control Group shall be composed of the following members of the Committee:

- (a) the Mayor,
- (b) the Chief Administrative Officer,
- (d) the Commissioner responsible for works and emergency services,
- (e) the Commissioner responsible for economic development, culture and tourism,
- (f) the Commissioner responsible for community and neighbourhood services,
- (g) the Medical Officer of Health,
- (h) the Fire Chief, and
- (i) the senior official responsible for ambulance services.
- (j) the Chief of Police, and
- (k) the Coordinator, Emergency Measures Planning, Toronto Police Service.

11. Municipal Support Group

The Municipal Support Group is composed of those members of the Committee who are not members of the Municipal Control Group.

12. Designation

Any member of the Municipal Control Group or the Municipal Support Group may designate another individual to act in his or her stead as a member of the Municipal Control Group or the Municipal Support Group, as the case may be.

13. Authority of Municipal Control Group

In the event of an emergency declared under this by-law or under the Act, the Municipal Control Group is authorized to:

- (a) initiate, co-ordinate, direct and otherwise bring about the implementation of a plan formulated pursuant to this by-law,
- (b) expend funds required to obtain and distribute emergency materials, equipment and supplies, notwithstanding the requirements of any by-law governing the commitment of funds and the payment of accounts; and
- (c) obtain volunteer support from public agencies and other persons as considered necessary and to indemnify such agencies, their personnel, and other persons engaged in work that has been authorized pursuant to this by-law or any other law, from liability for any acts or omissions resulting from any actions taken pursuant to this by-law or any other law.

14. Report by Municipal Control Group

The Mayor shall report to Council on behalf of the Municipal Control Group for its meetings held pursuant to section 9 of this by-law on the action taken by the Municipal Control Group pursuant to a declaration of emergency up to the time of such report.

15. Chief Operations Officers

The Chief Administrative Officer and the Chief of Police shall be the Chief Operations Officers of the Municipal Control and Support Groups, with the responsibility and authority to direct their operations, co-ordinate their activities and convene their meetings.

ACTIONS OF EMPLOYEES

16. Authorization to Act

Notwithstanding any other provision of this by-law, employees of the Corporation are authorized to take such action under the plan as is reasonable and necessary where an emergency exists but has not yet been declared to exist.

17. Deemed Employees

Employees of local boards, agencies, public utilities and all other persons participating in the implementation of a plan under the direction of the Municipal Control Group or of municipal employees acting thereunder, shall for the purposes of the Act be deemed to be employees of the Corporation to the extent to which Council is authorized to do so.

ADMINISTRATION

18. Public Inspection of Plan

(1) Every plan formulated pursuant to this by-law shall be made available to the public for inspection and copying at the office of the City Clerk during ordinary business hours.

(2) Any plan formulated pursuant to this by-law, or any amendments to such plan, shall be filed forthwith with the City Clerk.

(3) In the event of any dispute with respect to the contents of the plan, the information contained in the plan held by the City Clerk shall be deemed to be correct.

19. The Role of the Emergency and Protective Services Committee

The EPSC shall be responsible for reporting to Council on all matters relating to the planning and co-ordination of responses to emergencies affecting the Urban Area or any part or parts thereof.

20. Repeal

The following by-laws of the old municipalities, as defined in the *City of Toronto Act, 1997*, are hereby repealed:

- (a) Borough of East York By-law Nos. 32-86 and 38-93, as amended,
- (b) City of Etobicoke By-law Nos. 1983-149, 1984-122 and 1991-108,
- (c) City of North York By-law Nos. 29460 and 32486
- (d) City of Scarborough By-law Nos. 20952 and 23087,
- (e) City of Toronto, Municipal Code, Chapter 43, Emergency Planning,
- (f) City of York By-law Nos. 276-84 and 2002-90 and
- (g) The Municipality of Metropolitan Toronto By-law No. 31-96.

21. Use of Emergency Plan

Notwithstanding any other provision of this by-law, the emergency plan developed pursuant to Municipality of Metropolitan Toronto By-law No. 31-96 shall constitute the plan for the purposes of this by-law, and shall be applied, with any necessary modifications, in the event of an emergency, until such time as the Committee formulates a plan pursuant to this by-law.

22. Effective Date

This by-law shall come into force on the date of its enactment.

ENACTED AND PASSED this 6th day of March, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)