

Authority: Community Services Committee Report No. 3, Clause No. 1,
as adopted by City of Toronto Council on May 18, 19 and 20, 2004
Enacted by Council: May 20, 2004

CITY OF TORONTO

BY-LAW No. 360-2004

**To repeal City of Toronto Municipal Code Chapter 59, and to adopt a new Chapter 59,
Emergency Planning.**

WHEREAS at its meeting held on March 4, 5 and 6, 1998, pursuant to authority contained in the provincial *Emergency Plans Act*, the Council of the City of Toronto enacted By-law No. 47-1998 establishing the framework for the City to respond to an emergency and to authorize a Toronto Emergency Planning Committee to formulate an emergency plan; and

WHEREAS at its meeting held on October 3, 4 and 5, 2000, the Council of the City of Toronto enacted By-law No. 871-2000, adopting a municipal code for the City of Toronto and codified By-law No. 47-1998, as amended, as Chapter 59, Emergency Planning, of the Code; and

WHEREAS the provincial government has amended the *Emergency Plans Act* which necessitates amendments to Chapter 59 of the Code; and

WHEREAS as a result of the experiences of the City of Toronto and the Toronto Emergency Planning Committee in preparing for and responding to emergencies occurring in the City of Toronto, it is desirable to further amend Chapter 59 of the Code;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 59 of the Code is repealed and Schedule "A" to this by-law substituted therefor.
2. This by-law comes into force on the date of its enactment.

ENACTED AND PASSED this 20th day of May, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

ARTICLE I
Definitions

§ 59-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT — The *Emergency Management Act*.

CHIEF OF POLICE — The Chief of Police of the Toronto Police Service.

CHIEF OPERATIONS OFFICER — The person designated to co-ordinate the emergency operations of the Control Group.

CONTROL GROUP — The members of the Committee, referred to in § 59-8 of this chapter, responsible for the management of an emergency.

COMMITTEE — The Toronto Emergency Management Program Committee.

CSC — The Community Services Committee of the Council of the City of Toronto or any successor committee responsible for emergency planning issues.

EMERGENCY — A situation or an impending 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.

MAYOR — The Mayor of the City of Toronto.

MINISTER — The Minister of Community Safety and Correctional Services of the Province of Ontario or any successor minister of the Province of Ontario responsible for emergency planning and response issues.

PLAN — A plan governing the provision of necessary services during an emergency and the procedures under, and the manner in which, employees of the Corporation and other persons respond to the emergency and which meets all requirements for a plan as identified in the Act.

PROGRAM — A program for emergency management consisting of:

- (A) The Plan.
- (B) Training programs and exercises for employees of the Corporation and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery situations.
- (C) Public education on risks to public safety and on public preparedness for emergencies.

- (D) Any other elements required by the standards for the development and implementation of a program and the formulation and implementation of a plan set out in regulations made under the Act.

URBAN AREA — The meaning as defined in the *City of Toronto Act, 1997*.

ARTICLE II
Emergency Management Program Committee

§ 59-2. Composition of Committee.

- A. The persons from time to time holding the following positions in the Corporation, or their successors, shall be members of the Committee:
- (1) The Mayor.
 - (2) The Chair of the CSC.
 - (3) The Chief Administrative Officer.
 - (4) The Commissioner of Works and Emergency Services.
 - (5) The Commissioner of Community and Neighbourhood Services.
 - (6) The Commissioner of Urban Development Services.
 - (7) The Commissioner of Economic Development, Culture and Tourism.
 - (8) The Commissioner of Corporate Services.
 - (9) The Chief Financial Officer and Treasurer.
 - (10) The Medical Officer of Health.
 - (11) The Fire Chief and General Manager.
 - (12) The Chief and General Manager of Emergency Medical Services.
 - (13) The City Solicitor.
 - (14) The Manager, Office of Emergency Management.

- B. 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:
- (1) The Chief of Police.
 - (2) The Chief General Manager, Toronto Transit Commission.
 - (3) A representative of the Toronto and Region Conservation Authority.
 - (4) A representative of the Toronto Port Authority.
 - (5) A representative of the Toronto Hydro Corporation.
 - (6) A representative of the Enwave District Energy Limited.
 - (7) A representative of Enbridge Gas Distribution.
 - (8) A representative of Bell Canada.
 - (9) A representative of the Insurance Bureau of Canada.
 - (10) A representative of St. John Ambulance.
 - (11) A representative of Toronto District School Board.
 - (12) A representative of Toronto Catholic District School Board.
 - (13) A regional representative of the Ontario Hospital Association.
 - (14) A representative of the Toronto District Health Council.

§ 59-3. Role of Committee.

- A. The Committee is responsible for:
- (1) the formulation and development of the Plan and the Program for all departments of the Corporation and agencies and local boards under the jurisdiction of Council;
 - (2) 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;
 - (3) the conduct of training programs and exercises to ensure the readiness of employees of the Corporation and other persons to act under the Plan; and

- (4) conducting an annual review of the Plan and, if necessary, revising the Plan for submission to Council.
- B. The Committee shall report to the CSC:
- (1) on the Plan and Program formulated pursuant to this chapter or any revision thereto which, subject to any amendments deemed appropriate by the CSC, shall be submitted to Council for consideration and adoption by by-law; and
 - (2) on all steps taken by the Control Group pursuant to a declaration of emergency made under § 59-6A of this chapter.
- C. A report made pursuant to Subsection B(2) 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.

§ 59-4. Role of Mayor.

- A. 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 CSC and Council pursuant to the requirements of this chapter.
- B. 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 A.

§ 59-5. Quorum and designation

- A. A majority of the members of the Committee is necessary to constitute a quorum.
- B. Any member of the Committee may designate another individual to attend meetings of the Committee convened under § 59-4A, and any such designate shall have all the powers of the member of the Committee for the purposes of such meetings.

ARTICLE III

Declaration and Termination of Emergency

§ 59-6. Role of Mayor.

- A. 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 the Plan and to protect property and the health, safety and welfare of the inhabitants of the emergency area.
- B. The Mayor shall ensure that the Minister and the Members of Council and the Committee are notified forthwith of a declaration made pursuant to Subsection A.

- C. The Mayor may declare the termination of an emergency at any time and shall ensure that the Minister and the Members of Council and the Committee are notified forthwith of such declaration.
- D. The Mayor shall ensure that Members of Council are kept informed of the progress of the Corporation's response to an emergency whether or not an emergency has been declared to exist.

§ 59-7. Contents of declaration.

A declaration made under § 59-6A 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.

**ARTICLE IV
Control Group**

§ 59-8. Control Group.

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

- A. The Mayor.
- B. The Chief Administrative Officer.
- C. The Commissioner of Works and Emergency Services.
- D. The Commissioner of Economic Development, Culture and Tourism.
- E. The Commissioner of Community and Neighbourhood Services.
- F. The Medical Officer of Health.
- G. The Fire Chief and General Manager.
- H. The Chief and General Manager of Emergency Medical Services.
- I. The Chief of Police
- J. The Chief General Manager, Toronto Transit Commission.
- K. The Manager, Office of Emergency Management.

§ 59-9. Designation

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

§ 59-10. Authority of Control Group.

In the event of an emergency, whether or not declared under this chapter or under the Act, the Control Group is authorized to:

- A. Initiate, co-ordinate, direct and otherwise bring about the implementation of a plan formulated pursuant to this chapter.
- 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.
- 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 chapter or any other law, from liability for any acts or omissions resulting from any actions taken pursuant to this chapter or any other law.

§ 59-11. Chief Operations Officer.

The Chief Administrative Officer shall be the Chief Operations Officer of the Control Group, with the responsibility and authority to co-ordinate its activities and convene its meetings.

ARTICLE V
Actions of Employees

§ 59-12. Authorization to act.

Notwithstanding any other provision of this chapter, 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.

§ 59-13. 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 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.

ARTICLE VI
Administration

§ 59-14. Public inspection of plan

- A. The Plan shall be made available to the public for inspection and copying at the office of the City Clerk during ordinary business hours.
- B. The Plan or any amendments to the Plan, shall be filed immediately with the City Clerk and shall be submitted to the Chief, Emergency Management Ontario identified in the Act.
- C. 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.

§ 59-15. Role of Community Services Committee.

The CSC 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.