

Authority: Executive Committee Item EX28.13, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

BY-LAW 1233-2017

To amend City of Toronto Municipal Code Chapter 59, Emergency Management, to modify the structure for emergency response.

Whereas under sections 2.1 and 3 of the *Emergency Management and Civil Protection Act*, the City must adopt an emergency program and plan; and

Whereas, as part of its adoption of an emergency program and plan, Council previously enacted Municipal Code Chapter 59, Emergency Management, to establish the structure for the City's emergency preparation and response; and

Whereas Council wishes to amend Municipal Code Chapter 59 to modify the structure for emergency preparation and response and has authorized such modifications;

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code is amended by deleting Chapter 59 and replacing it with Schedule A to this by-law

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

CHAPTER 59

EMERGENCY MANAGEMENT

ARTICLE 1
Definitions

§ 59-1.1. Definitions.

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

ACT - The *Emergency Management and Civil Protection Act*, or any successor legislation.

CONTROL GROUP - The Toronto Emergency Management Program Committee Control Group identified in § 59-2.1.

EMERGENCY - A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease, an accident or other health risk or an act whether intentional or otherwise or an emergency as otherwise defined in the Act from time to time.

EMERGENCY MANAGEMENT - The process for planning, decision-making and assigning resources for mitigation, preparation, response and recovery from emergencies.

EXECUTIVE COMMITTEE - The Executive Committee of Council of the City of Toronto or any successor standing committee of City Council responsible for emergency management and planning issues.

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 management, planning and response issues.

MITIGATION - Activities and practices designed to prevent or avoid an emergency or to minimize its impact.

OFFICE OF EMERGENCY MANAGEMENT or OEM - The Toronto Office of Emergency Management or any successor administrative division or unit of the City of Toronto responsible for the overall co-ordination of the emergency management function for the City.

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

PREPARATION - Activities taken to prepare for an emergency including the preparation of a plan and a program.

PROGRAM - A program for emergency management consisting of:

A. The Plan.

- B. Training programs and exercises for employees of the City of Toronto and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities.
- 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.

RECOVERY - Actions taken both during and after the end of an immediate emergency and the response phase of an emergency, to restore normal conditions.

RESPONSE - Actions taken and activities designed to address the short-term effects of an emergency, including immediate response, resource co-ordination and communications.

TORONTO EMERGENCY MANAGEMENT PROGRAM COMMITTEE or TEMPC - The Toronto Emergency Management Program Committee referred in § 59-2.1.

WORKING GROUP - The Emergency Management Working Group referred to § 59-2.2.

ARTICLE 2

Emergency Management Structure

§ 59-2.1. Composition of the TEMPC and the Control Group.

The TEMPC and the Control Group shall be composed of the persons from time to time holding the following positions:

- A. The Mayor.
- B. The Deputy Mayor.
- C. The City Manager.
- D. The Deputy City Managers.
- E. The Fire Chief and General Manager of Fire Services.
- F. The Chief and General Manager of Toronto Paramedics Services.
- G. The Medical Officer of Health.
- H. The Director of Strategic Communications.
- I. The Executive Director of Human Resources.
- J. The General Manager of Transportation Services.
- K. The General Manager of Toronto Water.
- L. The General Manager of Shelter, Support and Housing Administration.
- M. The City Solicitor.
- N. The Chief Financial Officer.

- O. The Chief Building Official and Executive Director of Toronto Building.
- P. The General Manager of Parks, Forestry and Recreation.
- Q. The General Manager of Solid Waste Management.
- R. The General Manager of Facilities Management.
- S. The Chief Information Officer.
- T. The Director of Insurance and Risk Management.
- U. The Director of Office of Emergency Management.
- V. The City Clerk.
- W. The Chief Resilience Officer.
- X. The Executive Director of Engineering and Construction Services.
- Y. With the consent of the appropriate organization:
 - (1) The Chief of Police.
 - (2) The Chief General Manager of the Toronto Transit Commission.
 - (3) The Chief Executive Officer and Secretary Treasurer of the Toronto Region Conservation Authority.
 - (4) The Executive Vice-President of Toronto Hydro.

§ 59-2.2. Composition of the Working Group.

The Working Group shall be composed of those persons selected by the TEMPC from time to time.

ARTICLE 3 **Emergency Management Functions**

§ 59-3.1. Roles and responsibilities in the emergency management structure.

- A. The respective roles and the responsibilities of the TEMPC, the Control Group and the Working Group during the phases of emergency management are as set out in the Plan.
- B. In carrying out their respective functions, the TEMPC, the Control Group and the Working Group may request advice and assistance from external agencies, boards, commissions and organizations as each considers necessary.
- C. Each member of TEMPC shall notify the Mayor and the Director of OEM upon becoming aware of the existence of an emergency that the Plan identifies as one that requires notification of the TEMPC, and the Director of OEM shall, in turn, notify the members of TEMPC of the existence of the emergency.

- D. Subject to any restrictions on such delegation identified in the City of Toronto Act, 2006, other legislation or at common law, City Council hereby delegates to the TEMPC its authority under section 2.1 of the Act to adopt the Program, and to make changes to it, and the TEMPC shall report annually to the Executive Committee in each calendar year on any such adoption or changes made during the preceding calendar year.

ARTICLE 4

Procedure for Emergency Management Functions

§ 59-4.1. Meetings of the TEMPC and the Control Group.

- A. The TEMPC shall meet as the Chair considers necessary, but not less than four times a year.
- B. The Control Group shall meet as the Chair considers necessary and otherwise in accordance with the emergency levels and related mobilization procedures identified in the Plan.
- C. The Mayor shall be the Chair of the TEMPC and the Control Group and shall be responsible for directing their operations, co-ordinating their activities and convening their meetings and shall, with the assistance of OEM, report on their behalf to the Executive Committee and Council as required by this chapter.
- D. In the absence or unavailability of the Mayor, the City Manager shall be the Chair of the Control Group.

§ 59-4.2. Meetings of the Working Group.

- A. The Working Group shall meet as the Chair considers necessary, but not less than four times a year.
- B. The Director, OEM, shall be the Chair of the Working Group 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 TEMPC and the Control Group as required by this chapter.

§ 59-4.3. Quorum and delegation.

- A. Subject to Subsection B, a majority of the members of the TEMPC, the Control Group and the Working Group are required to constitute quorum and all decisions within each body shall be determined by majority vote.
- B. When the Control Group is engaged in the response and recovery phases of an emergency, no quorum is required and members of each body shall attempt to make decisions by consensus, but if, in the opinion of the Chair, no consensus can be reached, a majority vote of the members present shall determine all decisions.

- C. With the exception of the authority delegated to the Mayor under § 59-6.1A, any member of any of the TEMPC, the Control Group and the Working Group may designate another individual or individuals to carry out some or all of his or her functions under this chapter, including attending a meeting or meetings of those bodies, and any such designate shall have all the powers and responsibilities of the member.
- D. In the absence of the Chair of any of the TEMPC, the Control Group or the Working Group and any designation of an individual to replace the Chair under Subsection C, the members of each body shall designate one of its members in attendance to act as Chair until the Chair or his or her designates are present.

§ 59-4.4. Reporting relationships.

- A. The Director, OEM, shall report to the TEMPC or the Control Group at all of their regularly scheduled meetings on the activities of the Working Group undertaken since the previously scheduled meeting of the TEMPC or the Control Group, on any matters considered appropriate for consideration by the TEMPC or the Control Group or as requested by the TEMPC or the Control Group.

ARTICLE 5

Declaration and Termination of Emergency

§ 59-5.1. Role of Mayor.

- A. The Mayor may declare that an emergency exists in the City of Toronto or in any part of it and may take such action and make such orders as he or she considers necessary and not contrary to law to 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 members of City Council and the Control Group are notified within a reasonable time of a declaration made under Subsection A, and shall ensure that the Minister is also notified.
- C. The Mayor may declare the termination of an emergency at any time and shall ensure that members of City Council and the Control Group are notified forthwith of such declaration, and shall ensure that the Minister is also notified.
- D. The Mayor shall ensure that members of City Council are kept informed of the progress of the response to an emergency, whether or not an emergency has been declared.

§ 59-5.2. Contents of declaration.

A declaration made under § 59-5.1A 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 City of Toronto to which the declaration applies.

ARTICLE 6

Delegation of Authority to Mayor**§ 59-6.1. Mayor's powers in emergencies.**

- A. Subject to the provisions of Subsections B and D, any restrictions on such delegation identified in the *City of Toronto Act, 2006*, other legislation or at common law, City Council delegates its statutory authority under the *City of Toronto Act, 2006*, and under any other legislation, to the Mayor, exclusively for use in emergencies.
- B. The authority delegated to the Mayor in Subsection A may only be exercised in accordance with the following criteria:
- (1) It is necessary to utilize the authority to address the situation in a timely manner.
 - (2) In the opinion of the Mayor, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.
 - (3) The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.
 - (4) The exercise of the delegated authority only applies to the areas of the City of Toronto where it is necessary.
 - (5) The exercise of the delegated authority is effective only for as long as is reasonably necessary.
- C. The Mayor, through OEM, shall advise the members of City Council of any exercise of authority delegated under this article within 24 hours of the date of exercise of the authority.
- D. The delegation of authority to the Mayor under Subsection A shall only be effective for 30 days from the first exercise of the authority in response to an emergency, unless City Council authorizes an extension of such delegated authority.
- E. Within 30 days of the Mayor's first exercise of the authority delegated under Subsection A in response to an emergency, the Mayor shall prepare a report to City Council for submission to the next scheduled meeting of the Executive Committee providing:
- (1) The justification for having exercised the delegated authority.
 - (2) An outline of the actions taken with the delegated authority.
 - (3) Any recommendations arising from the emergency.
- F. To the extent of a conflict between this article and any chapter of the City of Toronto Municipal Code, any other City by-law or the delegation of authority by City Council to any person or body, or to the extent of a conflict between the exercise of the authority delegated under this article and the exercise of any other authority delegated by City Council, this article and the exercise of authority delegated under this article prevail,

despite the fact that any other delegated authority provides that it prevails in the event of conflict.

ARTICLE 7

Additional Authority in an Emergency

§ 59-7.1. 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 the Plan and undertake such other activities as they consider necessary to address the emergency.
- B. Expend funds for the purposes of responding to and recovering from the emergency, including obtaining and distributing 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 under this chapter or any other law, from liability for any acts or omissions resulting from any actions taken under this chapter or any other law.

§ 59-7.2. Authorization to act.

- A. Notwithstanding any other provision of this chapter, City employees are authorized to take such action under the Plan consistent with their usual duties as is reasonable and necessary where an emergency exists but has not yet been declared to exist.
- B. The authority conferred under this chapter may be exercised in order to address emergencies affecting the City's property or other City interests outside the boundaries of the City.

ARTICLE 8

Administration

§ 59-8.1. 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.

§ 59-8.2. Role of Executive Committee.

The Executive Committee shall be responsible for reporting to Council on all matters relating to the planning and co-ordination of responses to emergencies affecting the City of Toronto or any part or parts of it.