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c 30 Emergency Plans Act, 1983

Ontario

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CHAPTER 30

**An Act to provide for the Formulation
and Implementation of Emergency Plans**

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “council of a municipality” includes the board of an improvement district;
- (b) “Crown employee” means a Crown employee within the meaning of the *Public Service Act*; R.S.O. 1980,
c. 418
- (c) “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;
- (d) “emergency area” means the area in which an emergency exists;
- (e) “emergency plan” means a plan formulated under section 3, 6 or 8;
- (f) “employee of a municipality” means an employee as defined in paragraph 46 of section 208 of the *Municipal Act*; R.S.O. 1980,
c. 302
- (g) “head of council” includes a chairman of the board of an improvement district;
- (h) “local board” means a local board as defined in the *Municipal Affairs Act*; R.S.O. 1980,
c. 303
- (i) “local services board” means a Local Services Board established under the *Local Services Boards Act*; R.S.O. 1980,
c. 252

- (j) "member of council" includes a trustee of the board of an improvement district;
- (k) "municipality" means a city, town, village, township and improvement district and includes a district, regional and metropolitan municipality and the County of Oxford.

Administra-
tion of Act

2. The Solicitor General is responsible for the administration of this Act.

Municipal
emergency
plan

3.—(1) The council of a municipality may pass a by-law formulating or providing for the formulation of an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency.

Moneys

(2) A by-law passed under subsection (1) may provide for moneys associated with the formulation and implementation of the emergency plan.

Co-ordina-
tion by
county

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1).

Emergency
plan may be
required

(4) The Lieutenant Governor in Council may designate municipalities that shall have an emergency plan respecting the type of emergency specified in the designation and, where so designated, a municipality shall formulate or provide for the formulation of the emergency plan.

Declaration
of emergency

4.—(1) 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 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.

Declaration
as to
termination
of emergency

(2) The head of council or the council of a municipality may at any time declare that an emergency has terminated.

Solicitor
General to be
notified

(3) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2).

Premier may
declare
emergency
terminated

(4) The Premier of Ontario may at any time declare that an emergency has terminated.

5. Where the council of a district, regional or metropolitan municipality or the County of Oxford has an emergency plan, an emergency plan of an area municipality in the district, regional or metropolitan municipality or the County of Oxford, as the case may be, shall conform to the emergency plan of the district, regional or metropolitan municipality or the County of Oxford, as the case may be, and has no effect to the extent of any inconsistency.

Where
emergency
plan to have
no effect

6.—(1) It is the responsibility of,

- (a) each minister of the Crown presiding over a ministry of the Government of Ontario; and
- (b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council,

Emergency
plans of
provincial
government
bodies

to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which Crown employees and other persons will respond to the emergency.

(2) The Lieutenant Governor in Council shall appoint an Emergency Planning Co-ordinator who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the formulation and implementation of emergency plans under this section and section 8 and ensuring that such plans are co-ordinated in so far as possible with emergency plans of municipalities and the Government of Canada and its agencies.

Emergency
Planning
Co-ordinator

7.—(1) The Premier of Ontario may declare that an emergency exists throughout Ontario or in any part thereof and may take such action and make such orders as he considers necessary and are not contrary to law to implement the emergency plans formulated under section 6 or 8 and to protect property and the health, safety and welfare of the inhabitants of the emergency area.

Declaration
of emergency

(2) For the purposes of subsection (1), the Premier of Ontario may exercise any power or perform any duty conferred upon a minister of the Crown or a Crown employee by or under an Act of the Legislature.

Power of
Premier

(3) Where a declaration is made under subsection (1) and the emergency area or any part thereof is within the jurisdiction

Emergency
powers

of a municipality, the Premier of Ontario may, where he considers it necessary, direct and control the administration, facilities and equipment of the municipality to ensure the provision of necessary services in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier.

Assistance

(4) The Premier of Ontario may require any municipality to provide such assistance as he considers necessary to an emergency area or any part thereof that is not within the jurisdiction of the municipality, and may direct and control the provision of such assistance, and the Lieutenant Governor in Council may authorize the payment of the cost thereof out of the Consolidated Revenue Fund.

Premier may designate minister

(5) Where the Premier of Ontario makes a declaration under subsection (1), he may designate a minister of the Crown to exercise the powers conferred on the Premier by subsections (1), (2), (3) and (4).

Counties, local boards and local services boards included

(6) For the purposes of this section, "municipality" includes a local board of a municipality, a county and a local services board.

Lieutenant Governor in Council to formulate plan

8. The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council.

What plan may provide

9. An emergency plan may,

- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize Crown employees to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
- (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;

- (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or his inability to act;
- (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency;
- (e) provide for obtaining and distributing materials, equipment and supplies during an emergency; and
- (f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency.

10. An emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be.

Public access to plans

11.—(1) No action or other proceeding for damages lies or shall be instituted against a member of council, an employee of a municipality, a minister of the Crown or a Crown employee for doing any act or neglecting to do any act in good faith in the implementation or intended implementation of an emergency plan or in connection with an emergency.

Protection from personal liability

(2) Notwithstanding subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted.

Crown not relieved of liability
R.S.O. 1980, c. 393

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality.

Municipality not relieved of liability

(4) For the purposes of this section, "municipality" includes a local board of a municipality and a county and "member of council" includes a member of a local board and of the council of a county.

Counties and local boards included

Right of
action

12. Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, "municipality" includes a local board of a municipality, a county and a local services board.

Agreements

13.—(1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the formulation and implementation of emergency plans.

Idem

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada and with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency.

Idem

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency, and for the purposes of this subsection, "municipality" includes a county.

By-law
deemed to
continue in
force

14. A by-law formulating or providing for the formulation of an emergency plan passed by the council of a municipality before this Act comes into force shall, to the extent that it conforms to this Act, be deemed to continue in force.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Emergency Plans Act, 1983*.