

Disclaimer: This document has been created by staff at the First Nation Land Management Resource Centre (FNLMRC); it is general information only and not to be construed as legal advice for any specific factual situation. It is recommended that you consult your lawyer regarding the wording to declare an emergency in a particular case.

Band Council Resolution Declaration of a Local State of Emergency

WHEREAS there is **EVENT NAME** on or within close proximity to the _____ First Nation;

AND WHEREAS there is imminent threat to life or property;

AND WHEREAS this **EVENT NAME** requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;

NOW THEREFORE:

COUNCIL DECLARES that there is a state of emergency on reserve lands;

IT IS HEREBY ORDERED THAT the _____ First Nation employees, servants and agents are empowered by this duly signed Band Council Resolution and the _____ First Nation Land Code Law _____) to do all acts and implement all procedures that are considered necessary to prevent or to alleviate the effects of the emergency, including:

- Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster.
- Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to, or alleviate the effects of an emergency or disaster.
- Control or prohibit travel to or from any area designated in the declaration within the local authority's jurisdiction.
- Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain, and coordinate emergency medical, welfare and other essential services in any part of the local authority's jurisdiction.
- Cause the evacuation of persons and the removal of livestock, animals, and personal property from any area designated in the declaration within the local authority's jurisdiction that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property.

- Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the local authority to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster.
- Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the local authority to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster.
- Construct works considered by the local authority to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster.

ORDERED on this date, _____ by:

(Chief _____)
(Councillor _____)
(Councillor _____)
(Councillor _____)
(Councillor _____)
(Councillor _____)

THIS DECLARATION OF EMERGENCY remains in force for _____ days until _____ (insert date and time), unless cancelled by a subsequent Band Council Resolution before that date.