

BY-LAW NO. S-1

A BY-LAW OF THE MUNICIPALITY OF NACKAWIC RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN EMERGENCY RESPONSE PLAN

Whereas the Municipality of Nackawic deems it necessary to prepare an Emergency Response Plan, to effect mutual support in dealing with emergency measures and which requires the Town of Nackawic to prepare a plan to form part of the Emergency Measures Response Plan, the Council of the Town of Nackawic, under authority vested in it by Section 7(1) of the Municipalities Act of New Brunswick, and Section 9 of the Emergency Measures Act of New Brunswick enacts as follows:

1. Title

This by-law may be cited as the "Emergency Response Plan By-Law".

2. Definitions

In this by-law, unless the context otherwise requires,

"Co-ordinator" means a person appointed by Council to prepare and coordinate an Emergency Response Plan for the Town and to fulfill other duties as may be prescribed by Council.

"Emergency" means a present or imminent event in respect of which the Minister or the Town, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property, the environment or the health, safety or welfare of the civil population.

"Emergency Measures Organization Committee" hereafter called the **"EMO" Committee** means a committee established pursuant to Section 3.02(b) to advise Council on matters of emergency preparedness and to undertake planning and coordination of emergency measures.

"Emergency Response Plan" means any plan, program or procedure prepared by the Province of New Brunswick, or the town of Nackawic, as the case may be, that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property and the environment in the event of such occurrence.

"Protective Services Committee" means a committee established pursuant to Section 3.01 which advises Council on the development of an Emergency Response Plan.

"Emergency Operations Centre" means a building, structure, or place designated by the EMO Committee as being the operations centre for administering, planning and coordinating emergency measures.

"Minister" means the Minister of Local Government for the Province of New Brunswick.

“State of Local Emergency” means a state of local emergency declared by the Town pursuant to Section 11(2) of the Emergency Measures Act of New Brunswick or renewed pursuant to Section 18(2) of the Emergency Measures Act of New Brunswick.

“Town” means the town of Nackawic, a municipality in the county of York and the Province of New Brunswick.

3. Committees

3.01 Protection Services Committee

- (a) The Protective Services Committee shall be appointed by Council.
- (b) The Emergency Measures Co-ordinator or his designate shall represent the EMO Committee on the Protective Services Committee.
- (c) The duties and composition of the Protective Services Committee are outlined in the Towns Policy Manual by resolution of Council.
- (d) The Protective Services Committee shall review the annual estimates of the EMO Committee and in turn submit the estimates or report to Council together with such recommendations, advice or additional information as the Protective Services Committee considers appropriate.

3.02 Emergency Measures Organization Committee

- (a) The EMO Committee members shall be appointed by Council.
- (b) The Emergency Measures Co-ordinator shall be responsible for the daily operations of the EMO Committee and shall assign various tasks to the members of the Emergency Measures Organization Committee.

4. Declaration of a State of Local Emergency

4.01 Before or upon the event of an emergency, the Mayor, or Deputy Mayor, or any two (2) Councillors may immediately call members of Council, upon verbal notice, to meet anywhere in the Town for the purpose of declaring a state of local emergency and identifying the nature of the emergency and the area in which it exists. A quorum shall consist of a simple majority of all the members of Council. As soon as a quorum is present, the meeting may be called to order. At such meeting only matters directly pertaining to the emergency may be considered by Council and business will be conducted according to the Town’s Procedural By-Law, where it does not conflict with this by-law.

4.02 In the circumstance where a quorum can not be reached in accordance with section 4 (a), the senior elected official present shall contact the New Brunswick Provincial Emergency Measures Organization and request the Minister of Local Government to declare a state of emergency in the Town.

4.03 The Council, when satisfied that an emergency exists or may exist in all or any part of the Town, may declare by resolution a state of local emergency.

- 4.04 When a state of local emergency has been declared, the Town shall:
- a) immediately cause the details of the declaration to be communicated or published by such means as it considers the most likely to make the contents of the declaration known to the civil population of the Town; and
 - b) immediately forward a copy of the declaration to the Minister.

For the purposes of this By-law only, once a state of local emergency has been declared and during the continuation of a state of local emergency, a quorum shall consist of a simple majority of Council.

5. General

- 5.01 In the event of a state of local emergency being declared, the Municipal Response Plan will be implemented by the EMO Committee in full or in part, according to the procedures outlined herein:
- a) Council will be automatically convened and shall not be adjourned until the state of local emergency is declared to be over;
 - b) The EMO Committee shall designate an Emergency Operations Centre.
 - c) Each member of Council shall advise the Emergency Operations Centre of his or her whereabouts during the continuation of the state of local emergency.
- 5.02 In the event that a state of local emergency has been declared, all employees, servants and agents of the Town will advise the Emergency Operations Centre of their whereabouts and will be required to carry out duties as ordered by the Co-ordinator of the EMO Committee. In this circumstance, unless Council otherwise stipulates, for service performed during the continuation of the emergency:
- a) department heads will receive no additional remuneration;
 - b) salaried persons, other than department heads, will receive a pro-rata hourly rate for each hour worked;
 - c) hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of regular working hours;
 - d) employees covered by a collective agreement will receive remuneration according to the terms of the collective agreement;
 - e) casual employees, as required during the emergency, will be paid the usual set rate per hour.
- 5.03 Then a state of local emergency is declared the EMO Committee may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein.

6. Powers

6.01 The Town may, during the state of local emergency, do everything necessary for the protection of property, the environment and the health or safety of persons therein, including, but not limited to, any or all of the following:

- a) to cause an Emergency Response Plan to be implemented;
- b) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
- c) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
- d) to control or prohibit travel to or from any area or on any road, street or highway;
- e) to provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- f) to cause the evacuation of persons and the removal of livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection thereof;
- g) to authorize any person properly identified as authorized by the Town to enter into any building or upon any land without warrant;
- h) to cause the demolition or removal of any building, structure, tree or crop where the demolition or removal is necessary or advisable for the purposes of reaching the scene of a disaster, of attempting to forestall its occurrence or of combating its progress;
- i) to procure or fix prices for food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment; and
- j) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

6.02 For the duration of the state of local emergency Council may authorize:

- a) the Nackawic Fire Chief to appoint auxiliary fire persons; and
- b) the appointment of any other persons as it deems necessary.

6.03 When this by-law is silent as to any action to be taken during the course of a state of local emergency, then the provisions of the Emergency Measures Act of New Brunswick shall apply.

7. Indemnity

7.01 No person shall have any claim against the Town or its agent for any claims for damages of whatsoever nature or kind, which may be caused at any time in the carrying out of the provisions of this by-law.

8. Penalties

8.01 Any person found violating any provisions of this by-law or who suffers or permits any act or thing to be done in contravention or violation of any provisions thereof, or neglects or fails to do any act or thing herein required, or obstructs the Town or any person in the performance of any action, matter or thing authorized by this by-law, or violates or fails to comply with any direction, order or requirement made pursuant to this by-law, commits an offence punishable under Part II of the *Provincial Offences Procedures Act* as a category "F" offence.

9. Severability

9.01 If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

10. Enforcement

10.01 When implementing an Emergency Response Plan pursuant to this by-law, any person properly identified as authorized by the Town has the right, at any time, to enter upon any property.

11. Repeal Provision

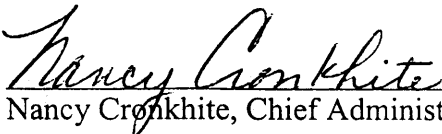
11.01 By-Law No. 48, A Community Disaster Planning By-Law, passed by Town Council on April 21, 1980, and amendments thereto, is hereby repealed.

11.02 The repeal of By-Law No. 48, A Community Disaster Planning By-Law, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF
NACKAWIC ON APRIL 18, 2006.



Robert G. Connors, Mayor



Nancy Cronkhite, Chief Administrative Officer



First Reading: April 3, 2006
Second Reading: April 18, 2006
Third Reading: April 18, 2006