

TOWN OF FLORENCEVILLE-BRISTOL

BY-LAW NO. 6

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN EMERGENCY MEASURES RESPONSE PLAN

The Council of the Town of Florenceville-Bristol, under the authority vested in it by the *Municipalities Act*, R.S.N.B. 1973, c. M-22 and the *Emergency Measures Act* of New Brunswick, and Regulations thereunder, enacts as follows:

1. TITLE

- 1.1. This by-law may be cited as the “Emergency Measures Response Plan By-Law.”

2. DEFINITIONS

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

- 2.1. “**DIRECTOR**” means a person appointed by the Town to prepare and coordinate an Emergency Measures Action Plan for the Town and to fulfill other duties as may be prescribed by council;
- 2.2. “**EMERGENCY**” means a present or imminent event in respect of which the Minister or 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;
- 2.3. “**EMERGENCY MEASURES ACTION COMMITTEE**” means a committee established to advise Council of matters of emergency preparedness and to undertake planning and coordination of emergency measures;
- 2.4. “**EMERGENCY MEASURES PLAN**” means any plan, program or procedure prepared by the Province or a municipality, 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 an occurrence;
- 2.5. “**EMERGENCY MEASURES PLANNING COMMITTEE**” means a committee established which advises Council on the Development of An Emergency Measures Action Plan;
- 2.6. “**EMERGENCY OPERATIONS CENTRE**” means a building, structure, or place designated by the Emergency Measures Action Committee as being the operations centre for administering, planning and coordinating emergency measures;

- 2.7. **“MINISTER”** means the Minister of Public Safety for the Province of New Brunswick;
- 2.8. **“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;
- 2.9. **“TOWN”** means the Town of Florenceville-Bristol, a municipality in the county of Carleton and the Province of New Brunswick;

3. STANDING COMMITTEE OF COUNCIL

- 3.1. A Standing Committee of Council, hereinafter called "the Committee," shall be appointed by Council, to consist of not fewer than two members of Council and the Town Administrator. Two members of the Committee shall constitute a quorum.
- 3.2. In addition to its other duties and powers under this by-law, the Committee shall be responsible for:
 - 3.2.1. Advising Council on the development of a municipal emergency plan.
 - 3.2.2. The appointment of a director of the municipal emergency measures organization and such others as may be required.
 - 3.2.3. The preparation and approval of the municipal emergency measures plan.
- 3.3. Subject to the approval of Council, the Committee may negotiate and recommend to Council, that the Town enter into agreements with other municipalities, with the Government of the province, with the Government of Canada, or with other agencies, or any or all of them, all within the terms of the Municipal Emergency Plan, for the purpose of:
 - 3.3.1. mutual aid: or
 - 3.3.2. for the formation of joint organizations: or
 - 3.3.3. for the employment of their members or resources.

4. DECLARATION OF A STATE OF LOCAL EMERGENCY

- 4.1. Before or upon the event of an emergency, the Mayor, or Deputy Mayor, or in their absence, 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 of carrying out business pertaining thereto. 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.

5. GENERAL

5.1. In the event of a state of local emergency being declared, the Municipal Emergency Measures Plan will be implemented by the Committee in full or in part according to the procedures outlined herein:

5.1.1. The Municipal Emergency Measures Committee, if it has not already done so, shall designate an emergency Operations Centre;

5.1.2. Council will be automatically convened and shall not be adjourned until the state of local emergency is declared to be over;

5.1.3. Each member of Council shall be advised by the Emergency Measures Action Committee when a state of local emergency has been declared and he or she shall endeavor to advise the Emergency Operations Centre of his or her whereabouts during the continuation of the state of local emergency.

5.1.4. In the event that a state of local emergency has been declared, all employees, servants and agents of the Town will be notified and will advise the Emergency Operations Centre of their whereabouts and will be required to carry out duties as ordered by the Director of the Emergency Measures Action Plan. In this circumstance, unless Council otherwise stipulates, for services performed during the continuation of the emergency.

6. REMUNERATION

6.1. Management, Staff and Department heads will receive a pro-rated hourly rate for each hour worked over and above regular time.

6.2. Hourly paid employees will receive time and one half their hourly rate for time worked in excess of eight hours per day.

6.3. Casual employees, as required during the emergency, will be paid the usual set rate per hour as established by Council.

7. POWERS

7.1. Upon the declaration of a state of local emergency, in addition to the powers and duties set out herein and without restricting the authority as set out, the coordinator and those persons authorized to carry out the duties assigned under the Emergency Measures Plan shall have the express powers set out as follows:

- 7.1.1. To acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
 - 7.1.2. To authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
 - 7.1.3. To control or prohibit travel to or from any area or on any road, street or highway;
 - 7.1.4. To provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and coordination of emergency medical, social and other essential services;
 - 7.1.5. 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;
 - 7.1.6. To authorize any person properly identified as authorized by the Minister, by the Emergency Measure Organization or by the Municipal Emergency Measures Organization to enter into any building or upon any land without warrant;
 - 7.1.7. To cause the demolition or removal of any building, structure, tree or crop where the building 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;
 - 7.1.8. To procure or fix prices for food, clothing, fuel, equipment. Medical or the essential supplies and the use of property, services, resources or equipment; and
 - 7.1.9. To order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section;
- 7.1. For the duration of the emergency, Council may appoint as auxiliary police persons who are recommended to it by the RCMP;
 - 7.2. For the duration of the emergency, Council may appoint as auxiliary firemen persons who are recommended to it by the Fire Chief;
 - 7.3. For the duration of the emergency, council may appoint any other persons as deemed necessary by the Director of the Municipal Emergency Measures Organization.
 - 7.4. When this by-law is silent as to any action to be taken during the course of a local state of emergency, then the provisions of the Emergency Measures Act of New Brunswick shall apply.

8. INDEMNITY

8.1. No person shall have any claim against the Town or its agents 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.

9. PENALTIES

9.1. 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 herein, 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.

10. SEVERABILITY

10.1. 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.

11. ENFORCEMENT

11.1. When implementing an Emergency Measure Action 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.

READ FIRST TIME: May 12, 2009

READ SECOND TIME: June 9, 2009

READ THIRD TIME AND ENACTED THIS 9 DAY OF June , 2009.

MAYOR

CLERK