

**BY-LAW NO. 10**

**A BY-LAW OF THE VILLAGE OF NEW MARYLAND  
RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF  
AN EMERGENCY RESPONSE PLAN**

*Consolidated December 2009*

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## BY-LAW NO. 10

### A BY-LAW OF THE VILLAGE OF NEW MARYLAND RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN EMERGENCY RESPONSE PLAN

Whereas it is deemed necessary to prepare an Emergency Response Plan, the Council of The Village of New Maryland, under the authority vested in it by *The Municipalities Act*, R.S.N.B 1973, c. M-22, Section 7 (1) and *The Emergency Measures Act*, S.N.B 1978, c. E-71, and Regulations thereunder, 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,

- a. **"Director"** means a person appointed by the Village to prepare and coordinate an Emergency Response Plan for the Village and to fulfill other duties as may be prescribed by Council;
- b. **"Emergency"** means a present or imminent event in respect of which the Minister or the Village, as the case may be, believes that prompt coordination 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;
- c. **"Emergency Response Plan Committee"** means a committee established pursuant to Section 3(a) to advise Council on matters of emergency preparedness and to undertake planning and coordination of emergency measures;
- d. **"Emergency Response Plan"** means the plan, prepared by the Village of New Maryland, 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;
- e. **"Emergency Operations Centre"** also referred to as the "EOC", means a building, structure or place designated by the Emergency Response Plan Committee as being the operations centre for administering, planning, coordinating and conducting emergency response actions;
- f. **"Minister"** means the Minister responsible for local governance;
- g. **"State of Local Emergency"** means a state of local emergency declared by the Village 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; and,

- h. **"Village"** means the Village of New Maryland, a municipality in the County of York and the Province of New Brunswick.

### **3. COMMITTEES**

- a. The Emergency Response Plan Committee shall be appointed by Council, and consist of at least one (1) member of Council and the Village CAO/Clerk.
- b. In addition to any other duties and powers under this by-law, the Emergency Response Plan Committee shall be responsible for:
  - (1) advising Council on the development of an Emergency Response Plan;
  - (2) advising Council on the appointment of members to an Emergency Response Plan Committee, which committee shall advise the Village on matters of emergency preparedness and undertake planning and coordination of the Emergency Response Plan;
  - (3) advising Council on the appointment of a Director of the Emergency Response Plan, whose responsibilities shall include the preparation of the Emergency Response Plan, and such other duties as may be required; and,
  - (4) the preliminary approval of the Emergency Response Plan before submission for approval of Council.
- c. Subject to the approval of Council, the Emergency Response Plan Committee may negotiate with, and recommend to Council, that the Village enter into agreements with other municipalities, with the Provincial Government, with the Government of Canada, with other agencies, or with all of them, within the terms of the Emergency Response Plan, for the purposes of:
  - (1) mutual aid;
  - (2) the formation of joint organizations; and/or,
  - (3) the employment of their members or resources.

### **4. DECLARATION OF A STATE OF LOCAL EMERGENCY**

- a. 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 Village for the purpose of declaring a state of local emergency and of carrying out business pertaining thereto, upon the recommendation of the EOC Director. 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 a meeting only matters directly pertaining to the emergency may be considered by Council and business will be conducted according to the Village's Procedural By-law where it does not conflict with this by-law.

- b. The Council may, when satisfied that an emergency exists, or may exist, in all or any part of the Village, declare by resolution, a state of local emergency.
- c. In case a quorum cannot be achieved, in Section 4(a), the senior elected official present shall contact the New Brunswick Provincial Emergency Measures Organization requesting the Minister responsible for local governance to declare a state of local emergency in the Village.
- d. When a state of local emergency has been declared, the Village shall 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 known to the civil population of the Village, and immediately forward a copy of the declaration to the Minister responsible for local governance.
- e. For the purposes of this by-law only, once a state of local emergency or a state of emergency has been declared and during the continuation of a state of local emergency or a state of emergency, any three (3) members of Council shall constitute a quorum.

## **5. GENERAL**

- a. In the event of a state of local emergency being declared, the Emergency Response Plan will be implemented by the Emergency Response Plan Committee in full or in part according to the procedures outlined herein:
  - (1) The Emergency Response Plan Committee, if it has not already done so, shall designate an Emergency Operations Centre;
  - (2) Council will be automatically convened and shall not be adjourned until the state of local emergency is declared to be over; and,
  - (3) Each member of Council shall be advised by the Emergency Response Plan Committee when a state of local emergency has been declared and he or she shall endeavour to advise the Emergency Operations Centre of his or her whereabouts during the continuation of the state of local emergency.
- b. In the event that a state of local emergency has been declared, all employees, staff and agents of the Village will advise the Emergency Operations Centre of their whereabouts and will be

required to carry out their duties as ordered by the Director of the Emergency Response Plan. In this circumstance, unless Council otherwise stipulates, for services performed during the continuation of the emergency:

- (1) salaried persons will receive a pro-rata hourly rate for each hour worked;
  - (2) hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of regular working hours;
  - (3) employees covered by a collective agreement will receive remuneration according to the terms of the collective agreement; and,
  - (4) casual employees, as required during the emergency, will be paid the usual set rate per hour.
- c. When a state of local emergency is declared, the Emergency Response Plan Committee, in coordination with the Emergency Operations Centre, may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use during the emergency, the payment for which shall be made by the Village.

## **6. POWERS**

- a. The Council may, during the state of local emergency, do everything necessary for the protection of property, the environment and the health and safety of persons therein, including, but not limited to, any and all of the following:
- (1) to cause an Emergency Response Plan to be implemented;
  - (2) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
  - (3) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
  - (4) to control or prohibit travel to and from any area or on any road, street or highway;
  - (5) 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;
  - (6) 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) to authorize any person properly identified as authorized by the Village to enter into any building or upon any land without warrant;
  - (8) 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 combatting its progress;
  - (9) 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,
  - (10) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.
- b. Council shall have the authority to appoint an Emergency Operations Centre Director.
  - c. For the duration of the state of local emergency, Council may appoint any other persons as deemed necessary by the Director of the Emergency Operations Centre.
  - d. 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.

## **7. INDEMNITY**

No person shall have any claim against the Village 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.

## **8. PENALTIES**

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 Village 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**

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**

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

**11. EFFECTIVE DATE**

This by-law comes into effect on the date of final enactment thereof.

**READ FIRST TIME BY TITLE: January 20, 1999**

**READ SECOND TIME BY TITLE: January 20, 1999**

**READ THIRD TIME IN ITS ENTIRETY  
AND ENACTED: February 17, 1999**

Mariet J. van Groenewoud  
**MAYOR**

Cathy Hoffman  
**CLERK**

**SEAL**