

**VILLAGE OF SUSSEX CORNER  
BY-LAW # 108 - 10**

**A BY-LAW RESPECTING THE ESTABLISHMENT AND  
IMPLEMENTATION OF AN EMERGENCY MEASURES  
ACTION PLAN**

Whereas it is deemed necessary to prepare an Emergency Measures Action Plan, the Council of the Village of Sussex Corner, under the authority vested in it by the *Municipalities Act* and the *Emergency Measures Act*, and Regulations thereunder, enacts as follows:

**1. TITLE**

- a) This by-law may be cited as the “Emergency Measures Action 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 Measures Action 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 Measures Planning Committee**” means a committee established to advise Council on the development of an Emergency Measures Action Plan;
- d) “**Emergency Measures Action Committee**” means a committee established to advise Council on matters of emergency preparedness and to undertake planning and coordination of emergency measures;
- e) “**Emergency Measures Action Plan**” means any plan, program or procedure prepared by the Province of New Brunswick, or the Village of Sussex Corner, 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;

- f) “**Emergency Operations Centre**” means a building, structure or place designated by the Emergency Measures Action Committee as being the operations centre for administering, planning, coordinating and conducting emergency response actions;
- g) “**Minister**” means the Minister of Public Safety of the Province of New Brunswick;
- h) “**State of Local Emergency**” means a state of local emergency declared by the Village pursuant to the *Emergency Measures Act* of New Brunswick;
- i) “**Village**” means the Village of Sussex Corner, a municipality in the County of Kings and the Province of New Brunswick.

### 3. COMMITTEES

#### Emergency Measures Planning Committee

- a) An Emergency Measures Planning Committee shall be appointed by Council, to consist of not fewer than two (2) members of Council. With two (2) members of the Committee shall constitute a quorum.
- b) In addition to any other duties and powers under this by-law, the Emergency Measures Planning Committee shall be responsible for:
  - 1) advising Council on the development of an Emergency Measures Action Plan;
  - 2) advising Council on the appointment of members to an Emergency Measures Action Committee, which committee shall advise the Village on matters of emergency preparedness and undertake planning and coordination of the Emergency Measures Action Plan;
  - 3) advising Council on the appointment of a Director of the Emergency Measures Organization whose responsibilities shall include the preparation of the Emergency Measures Action Plan, and such other duties as may be required;
  - 4) recommending the approval of the Emergency Measures Action Plan by Village Council.

### **Emergency Measures Action Committee**

- a) The Emergency Measures Action Committee, subject to the approval of Council, to consist of not fewer than two (2) members of Council and two (2) members of the public. With two (2) members of the Committee shall constitute a quorum. The EMAC may negotiate 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 any or all of them, within the terms of the Emergency Measures Action Plan, for the purposes of:
- 1) Mutual aid;
  - 2) The formation of joint organizations; or
  - 3) The employment of their members or resources.

With respect to the above, established and signed mutual aid agreements with neighboring jurisdictions and services will be utilized to mitigate and respond to an event when such action is deemed to be appropriate and in the interest of protecting life, property or the environment.

### **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 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. 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 specifically 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 can not be achieved, in Section 4(a), the senior elected official present shall contact the New Brunswick Emergency Measures Organization and request the Department of Public Safety declare a state of emergency.
- 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 of the declaration known to the civil population of the Village, and immediately forward a copy of the declaration to the Minister of Public Safety.

- 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 state of emergency, a simple majority of all of the members of Council shall constitute a quorum.

## **5. GENERAL**

- a) In the event of a state of local emergency being declared, the Emergency Measures Action Plan will be implemented by the Emergency Measures Action Committee, in full or in part, according to the procedures outlines herein:
  - 1) The Emergency Measures Action 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;
  - 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.
- b) In the event that a state of local emergency has been declared, all employees, servants and agents of the Village will endeavor to 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 Operations Centre. In this circumstance, unless Council otherwise stipulates, for services performed during the continuation of the emergency:
  - 1) Hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of regular working hours;
  - 2) 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 Measures Action 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.
- d) It should be noted that a Declaration of State of Local Emergency does not have to be declared to put into effect the Village's Emergency Measures Action Plan.

## 6. POWERS

- a) The Village 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 or all of the following:
- 1) To cause an Emergency Measures Action 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 considered necessary or advisable for the purposes of reaching the scene of a disaster, or attempting to forestall its occurrence or of combating 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) Village Council shall have the authority to appoint an Emergency Measures Coordinator. This person may also serve as the Director of the Emergency Operations Centre.

- c) For the duration of the state of local emergency, Village Council may appoint or authorize the appointment of:
  - 1) Auxiliary police personnel who are recommended by the Royal Canadian Mounted Police (RCMP) Officer in Charge or Non-Commissioned Officer in Charge;
  - 2) Auxiliary fire personnel who are recommended by the Chief of the Sussex Volunteer Fire Department; and
  - 3) 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 state of local emergency, then the provisions of the *Emergency Measures Act* shall apply.

## **7. INDEMNITY**

- a) No persons shall have any claim against the Village or its employees, servants or agents for any 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**

- a) Any person found violating any provision 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**

- a) 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 the by-law.

## **10. ENFORCEMENT**

- a) When implementing the Emergency Measures Action Plan pursuant to this by-law, any person properly identified as authorized by the Village, has the right at any time to enter into any building or upon any land without warrant.

**11. BY-LAWS REPEALED**

- a) All current Village by-laws, and amendments thereto, regarding Emergency Measures are hereby repealed including, but not limited to, the following:
  - 1) # 42-03 Establishment of an Emergency Measures Organization
  - 2) # 69-02 Amend Emergency Measures Organization By-law # 42-03
  - 3) # 84-03 Amend Emergency Measures Organization By-law # 42-03

**12. EFFECTIVE DATE**

- a) This by-law shall come into effect on the date of final enactment thereof.

READ A FIRST TIME	2010 02 16
READ A SECOND TIME	2010 02 16
READ A THIRD TIME AND ENACTED	2010 03 16

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CLERK

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MAYOR