

ROTHESAY EMERGENCY MEASURES BY-LAW

BY-LAW 1-16

The Council of the town of Rothesay, under the authority vested in it by the *Emergency Measures Act*, RSNB 2011 c. 147, and amendments and regulations thereunder and by Section 7(1) of the *Municipalities Act*, R.S.N.B. 1973, c. M-22, and amendments thereto, enacts as follows:

DEFINITIONS

In this By-law:

Act means the *Emergency Measures Act*, RSNB 2011 c. 147 and amendments and regulations thereunder;

Committee means an Emergency Measures Committee appointed by Council, to consist of not fewer than two (2) members of Council and the Town Manager. Two (2) members of the Committee shall constitute a quorum;

Council means the Mayor and Councillors of Rothesay;

Disaster means any real or anticipated occurrence such as disease, pestilence, fire, flood, tempest, explosion, enemy attack or sabotage, which endangers property, the environment or the health, safety or welfare of the civil population;

EMO Director means a person appointed by the Town to prepare and coordinate an Emergency Measures 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 municipality believes 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;

Emergency Measures Organization means the New Brunswick Emergency Measures Organization established under the Act;

Emergency Measures Plan means a plan, programs or procedures adopted by Rothesay Council 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;

Emergency Operations Centre (EOC) means the central command and control facility responsible for carrying out the principles of emergency preparedness and emergency management, or disaster management functions at a strategic level during an emergency, and ensuring the continuity of Rothesay operations;

Emergency Operations Group means a complement of Rothesay staff and representatives of first responder organizations, as appointed by the EMO Director to operate the Emergency Operations Centre who are responsible for the implementation of the Emergency Measures Plan in accordance with the procedures outlined therein;

Rothesay Emergency Measures Organization means the Rothesay Emergency Measures Organization pursuant to the Rothesay Emergency Measures Plan;

Minister means the Minister of Public Safety of the province of New Brunswick;

Municipality means the town of Rothesay;

Quorum means a majority of the full number of members of a council (*Municipalities Act*);

State of Local Emergency means a state of local emergency declared by the municipality, pursuant to Subsection 10(2) of the *Act*, or renewed pursuant to Subsection 18(2) of the same *Act*;

State of Emergency means a state of emergency declared by the Minister pursuant to Subsection 10(1) of the *Act*, or renewed pursuant to Subsection 17(2) of the same *Act*.

ADMINISTRATION

1. Council shall establish and maintain the Rothesay Emergency Measures Organization, pursuant to the Rothesay Emergency Measures Plan.
2. The EMO Director shall chair the Emergency Operations Group of the municipality.
 - a) In addition to any other powers and duties set out in this By-law, the EMO Director in co-operation with the Emergency Operations Group shall prepare all plans, programs and estimates of expenditures relating to the establishment, maintenance and operation of the Emergency Measures Plan which shall be submitted to the Council for approval.
3. The Emergency Measures Committee shall be responsible for advising Council on the development of emergency measures plans.
4. Subject to the approval of the Council and within the terms of the Emergency Measures Plan, the Emergency Operations Group may negotiate on behalf of the municipality with other municipalities; with the Government of New Brunswick; with the Government of Canada or other agencies, or any of them, for the purpose of mutual aid; for the formation of joint organizations; for the employment of their members or resources.

DECLARATION OF A STATE OF LOCAL EMERGENCY

5. Before or upon the occurrence of a local emergency, the Mayor, or Deputy Mayor or any two (2) members of the Council may call members of the Council to meet anywhere in the Town for the purpose of declaring a state of local emergency. As soon as a quorum is present, the meeting shall be called to order.
 - a) Only such matters as pertaining directly to the state of local emergency shall be considered by Council.
 - b) In the case where a meeting cannot be convened, the senior elected official present shall contact the New Brunswick Emergency Measures Organization requesting the Minister to declare a state of emergency in the municipality.
6. Rothesay Council may declare by resolution, as set out in **Schedule A**, a state of local emergency, when satisfied that an emergency exists, or may exist, in all or any part of the municipality.
7. Upon the declaration of a state of local emergency:
 - a) the EMO Director shall designate an Emergency Operations Centre and notify members of the Emergency Operations Group;

- b) every reasonable effort shall be made to notify all members of Council and each member of Council shall endeavour to keep the Emergency Operations Centre advised of his/her whereabouts during the state of local emergency;
- c) all employees, servants and agents of the municipality shall advise the Emergency Operations Centre of their whereabouts and shall carry out such duties as ordered by the EMO Director or the Emergency Operations Group.

PUBLICATION OF A STATE OF LOCAL EMERGENCY

8. When a state of local emergency has been declared by the municipality, the municipality shall immediately cause the details of the declaration to be communicated or published by those means that the municipality considers the most likely to make the contents of the declaration to be known to the civil population of the area affected, in the general form as outlined in **Schedule B**.

POWERS

9. Upon the declaration of a state of local emergency, in addition to the power and duties set out herein and without restricting the authority as set out, the EMO Director and those persons authorized to carry out the duties assigned under the Emergency Measures Plan shall have the express powers set out as follows:
- a) to cause the Emergency Measures Plan to be implemented;
 - b) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or by any means considered necessary;
 - c) to authorize or require any person to render the aid that the person is competent 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 coordination 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 Minister, or by the Emergency Measures Organization or by the Rothesay Emergency Measures Organization 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 if 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;
 - 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.

TERMINATION OF A STATE OF LOCAL EMERGENCY

10. A state of local emergency ends when:

- a) the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in his/her declaration of a state of emergency, or
- b) it is terminated by the Minister when, in his/her opinion, an emergency no longer exists in the area identified by the municipality in its declaration of a state of local emergency, or
- c) it is terminated by the municipality when, in its opinion, an emergency no longer exists in the area identified by the municipality in its declaration of a state of local emergency, or
- d) seven (7) days after the day on which it was declared.

11. When a state of local emergency has been terminated, the municipality shall immediately cause the details of the declaration to be communicated or published by those means that the municipality considers the most likely to make the contents of the declaration to be known to the civil population of the area affected, in the general form as outlined in **Schedule C**.

RENEWAL OF A STATE OF LOCAL EMERGENCY

12. A state of local emergency may be renewed by the municipality, with the approval of the Lieutenant-Governor in Council, if it has not been terminated in accordance with Section 11.

13. When a state of local emergency has been renewed, the municipality shall immediately cause the details of the declaration to be communicated or published by those means that the municipality considers the most likely to make the contents of the declaration to be known to the civil population of the area affected, in the general form as outlined in **Schedule D**.

INDEMNITY

14. No person shall have any claim against the municipality 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 or the *Act*.

PENALTIES

15. A person commits an offence punishable under Part II of the *Provincial Offences Procedures Act* as a Category "F" offence who:

- a) violates 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;
- b) neglects or fails to do any act or thing required under the provisions of this By-law;
- c) obstructs the municipality or any person authorized under this By-law in the performance of any action, matter or thing authorized by this By-law;
- d) fails to comply with any direction, order or requirement made pursuant to this By-law.

SEVERABILITY

16. 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.

ENFORCEMENT

17. When implementing an Emergency Measures Plan pursuant to this By-law, any person properly identified as authorized by the Minister, by the Emergency Measures Organization or by the Rothesay Emergency Measures Organization has the right at any time to enter on any property.

REPEAL PROVISIONS

18. By-law No.9-98, *Emergency Measures By-Law*, and amendments thereto, enacted on June 8, 1998 is hereby repealed.

19. The repeal of By-law No.9-98, *Emergency Measures By-Law*, of the town of Rothesay, 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.

EFFECTIVE DATE

20. This By-law comes into effect immediately on the date of enactment.

FIRST READING BY TITLE : 8 February 2016

SECOND READING BY TITLE : 14 March 2016

(Advertised as to content on Rothesay website in accordance with Municipalities Act, RSNB 1973 c. M-22) 22 March 2016

READING BY SECTION : 11 April 2016

THIRD READING BY TITLE AND ENACTED : 11 April 2016

W. J. Bishop
MAYOR

Mary Jane E. Burt
CLERK

MB
1/20/2016

SCHEDULE A

Declaration of a State of Local Emergency

(Section 10(2) of the Emergency Measures Act of New Brunswick)

WHEREAS the area herein described is or may soon be encountering an emergency that requires the increased powers of the Emergency Measures Act, RSNB c. 147 and the Rothesay Emergency Measures Plan, to prevent harm or damage to property, or the environment;

EMERGENCY AREA: The town of Rothesay, in the County of Kings in the Province of New Brunswick, in the area of: _____

NATURE OF THE EMERGENCY: _____

AND WHEREAS the undersigned is satisfied that an emergency or threat of an emergency exists in the above noted town;

THE UNDERSIGNED HEREBY DECLARES pursuant to Section 10(2) of the Emergency Measures Act of N.B., A State of Local Emergency in the Town noted above as of and from _____ o'clock in the _____ of the _____.

THIS DECLARATION OF A STATE OF LOCAL EMERGENCY shall exist until _____ o'clock in the _____ of the _____ day of _____, _____.

Dated at _____, in the County of Kings, Province of New Brunswick, on the _____ day of _____, _____.

Signed: _____ Position _____

Signed: _____ Position _____

DATE: _

*7/13
11/10/2016*

SCHEDULE B

Public Announcement following the Declaration of a State of Local Emergency

The Council of the town of Rothesay declares that a State of Local Emergency exists or may exist in

the area of _____

due to _____

(Enter a description of the nature of the emergency)

The public is advised that for the duration of the emergency, the local authority may take any action it deems necessary to deal with the event.

Signed: _____ Position _____

Signed: _____ Position _____

DATE: _____

*MJB
WSPR 2016*

SCHEDULE D

Public Announcement following renewal of a State of Local Emergency

The Council of the town of Rothesay has renewed the State of Local Emergency in the area of

due to _____

(Enter a description of the nature of the emergency)

The public is advised that for the duration of the emergency, the local authority may take any action it deems necessary to deal with the event.

DATE: _____

APPROVAL OF LIEUTENANT-GOVERNOR IN COUNCIL

Signed: _____ Position _____

Signed: _____ Position _____

DATE: _____

MJB
WASH 2/16

SCHEDULE C

Public Announcement following termination of a State of Local Emergency

The Council of the town of Rothesay has determined a State of Local Emergency **NO LONGER EXISTS** in the area of _____

due to _____

(Enter a description of the nature of the emergency)

and hereby **TERMINATES** the State of Local Emergency declared from at _____ o'clock in the _____ of the _____ day of _____, _____.

Signed: _____ Position _____

Signed: _____ Position _____

DATE: _____