



BY-LAW NO. 2-24

BY-LAW OF THE MUNICIPALITY OF ROTHESAY

RESPECTING THE KENNEBECASIS VALLEY EMERGENCY MEASURES ORGANIZATION

1. TITLE.....	2
2. DEFINITIONS.....	2
3. GENERAL.....	3
4. STATE OF LOCAL EMERGENCY.....	3
5. POWERS	5
6. INDEMNITY	6
7. PENALTIES	6
8. SEVERABILITY	6
9. ENFORCEMENT	6
10. EFFECTIVE DATE.....	6

This By-law is adopted under the authority of the New Brunswick Emergency Measures Act, 2011, Chapter 147.

1. TITLE

- a) This by-law may be cited as the “Rothesay Emergency Measures Organization By-law”.

2. DEFINITIONS

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

- a) “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;
- b) “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.
- c) “Emergency Measures Organization Committee” means a committee established pursuant to Section 3(e) which advises the KV EMO on the development of an Emergency Measures Plan;
- d) “Emergency Measures Plan” means any plan, program or procedure prepared by the Province of New Brunswick, or the town of Rothesay, 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;
- e) “Emergency Operations Centre” means a building, structure, or place designated by the KV EMO as being the operations centre for administering, planning and coordinating emergency measures;
- f) “Emergency Preparedness Team” means a team established pursuant to Section 3 (f) which mitigates, plans for and responds to emergencies or disasters within the municipality;
- g) “Kennebecasis Valley Emergency Measures Organization” means the joint Municipal Emergency Measures Organization established pursuant to the Emergency Measures Plan and Section 9.a) of the Emergency Measures Act of New Brunswick.
- h) “KV EMO Deputy Director” means the person responsible for managing the municipal emergency preparedness team and assuming the duties of the KV EMO Director in the absence of the Director.
- i) “KV 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;
- j) “Minister” means the Minister of Public Safety for the Province of New Brunswick;
- k) “State of Emergency” means a state of emergency declared by the Minister under subsection 10(1) or renewed under subsection 18(2) of the Emergency Measures Act of New Brunswick;
- l) “State of Local Emergency” means a state of local emergency declared by the Town pursuant to Section 10(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

- m) "Town" means the town of Rothsay, a municipality in the County of Kings and the Province of New Brunswick.

3. GENERAL

- a) The Town agrees to the formation of the KV Emergency Measures Organization (KV EMO) in cooperation with the Town of Quispamsis.
- b) Responsibility for the oversight of municipal emergency operations rests with the Mayor and Council. During an emergency, the Town is responsible for the direction and control of the municipal emergency response unless the incident would be better managed as a coordinated KV EMO event.
- c) The Fire Chief shall act as the KV EMO Director.
- d) The KV EMO Director may appoint a KV EMO Deputy Director for the Town.
- e) The Town shall appoint a minimum of two (2) staff members to the KV EMO Committee with obligations outlined in the KV EMO Emergency Management Program.
- f) The Town shall form and maintain an Emergency Preparedness Team who will collaborate on emergency preparedness strategies and initiatives designed to enhance preparedness, improve the ability to respond to emergencies, and mitigate the effects of an emergency or disaster within the town.
- g) In addition to its duties and powers under this By-law, the Emergency Preparedness Team shall be responsible for other duties listed in the KV EMO Emergency Management Program.
- h) The Emergency Preparedness Team may recommend to Council and the Council may accept such recommendation, that the Town enter into agreements with other municipalities, with the Government of New Brunswick, with the Government of Canada, or with other agencies, or with any or all of them, all within the terms of the Emergency Measures Plan, for the purpose of:
 - i) mutual aid; or
 - ii) the formation of joint organizations; or
 - iii) the employment of their members or resources;
- i) The Town shall provide a secure location for an Emergency Operations Centre (EOC) with back-up power and internet access to be used under the direction of the KV EMO Director, KV EMO Committee or Emergency Preparedness Team.
- j) The Town shall provide funding on an annual basis to support training, exercises and operations.
- k) The Town shall maintain a roster of qualified personnel with appropriate training to prepare for and respond to emergencies.

4. 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 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.

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

c) In case a quorum can not be reached, in section 4(a), the senior elected official present shall contact the New Brunswick Provincial Emergency Measures Organization through the KV EMO Director or designate requesting the Minister of Public Safety to declare a state of emergency in the Town.

d) When a state of local emergency has been declared, the Town 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 Town, 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 a state of emergency, any four (4) members of Council shall constitute a quorum.

f) A state of local emergency ends or may be renewed as described in sections 18(1), 18(2) and 18(3) of the Emergency Measures Act of New Brunswick.

g) In the event of a state of local emergency being declared, the Emergency Measures Plan will be implemented by the KV EMO in full or in part according to the procedures outlined herein:

i) the KV EMO, if it has not already done so, shall designate an Emergency Operations Centre;

ii) the Council may meet from time to time during the continuance of a state of local emergency as circumstances require, upon the call of the Mayor or the Deputy Mayor or any two members of the Council;

iii) each member of Council shall be advised by the KV EMO 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.

h) 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 Director of the KV EMO. In this circumstance, unless Council otherwise stipulates, for services performed during the continuation of the emergency:

i) department heads will receive no additional remuneration;

- ii) salaried persons, other than department heads, will receive a pro-rata hourly rate for each hour worked;
 - iii) hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of regular working hours;
 - iv) employees covered by a collective agreement will receive remuneration according to the terms of the collective agreement;
 - v) casual employees, as required during the emergency, will be paid the usual set rate per hour.
- i) When a state of local emergency is declared, the KV EMO may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein.

5. POWERS

a) The Town Council may, during the state of local emergency, do everything reasonably 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:

- i) to cause an Emergency Measures Plan to be implemented;
- ii) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
- iii) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
- iv) to control or prohibit travel to or from any area or on any road, street or highway;
- v) 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;
- vi) 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;
- vii) to authorize any person properly identified as authorized by the Town to enter into any building or upon any land without warrant;
- viii) 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;
- ix) 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
- x) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

b) For the duration of the state of local emergency Council may authorize:

- i) the Kennebecasis Regional Police Chief to appoint auxiliary police persons; and
 - ii) the Kennebecasis Valley Fire Chief to appoint auxiliary fire persons; and
 - iii) the appointment of any other persons as it deems necessary.
- c) 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.

6. INDEMNITY

- a) 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.

7. PENALTIES

- a) 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.

8. 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 this By-law.

9. ENFORCEMENT

- a) When implementing an emergency measures plan pursuant to this by-law, any person properly identified as authorized by the Minister, by the New Brunswick Measures Organization or by the Town has the right at any time to enter on any property.

10. EFFECTIVE DATE

This By-law is effective on third reading and enactment.

Rothsay Emergency Measures Organization By-law 2024

FIRST READING BY TITLE

17 June 2024

SECOND READING BY TITLE

17 June 2024

(Advertised as to content on Rothsay
website in accordance with Local Governance Act,
SNB 2017, c 18)

READING BY SECTION NUMBER

THIRD READING BY TITLE AND ENACTMENT

MAYOR

CLERK