

Emergency Measures Action Plan By-Law # 2013-10



Village of Harvey

BY-LAW NO. 2013-10

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

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Whereas the Municipality of Harvey deems it necessary to prepare an Emergency Measures Action Plan, to effect mutual support in dealing with emergency measures and which requires the Village of Harvey to prepare a plan to form part of the Emergency Measures Action Plan, the Council of the Village of Harvey, under authority vested in it by Section 7(1) of the Municipalities Act of New Brunswick, and Section 9 of the Emergency Measures Act of New Brunswick enacts as follows:

1. TITLE

- a) This by-law may be sited 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 Town 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 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;
- c) “**Emergency Measures Action Committee**” means a committee established pursuant to Section 3(b)(ii) to advise Council on matters of emergency preparedness and to undertake planning and coordination of emergency measures;
- d) “**Emergency Measures Action Plan**” means any plan, program or procedure prepared by the Province of New Brunswick, or the Village of Harvey, 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 Measures Planning Committee**” means a

committee established pursuant to Section 3(a) which advises Council on the development of an Emergency Measures Action Plan;

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 and coordinating emergency measures;

g) “**Minister**” means the Minister of Municipalities and Housing for the Province of New Brunswick;

h) “**State of Local Emergency**” means a state of local emergency declared by the Village 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;

i) “**Village**” means the Village of Harvey, a municipality in the county of York and the Province of New Brunswick;

3. COMMITTEES

a) An Emergency Measures Planning Committee shall be appointed by Council, to consist of not fewer than two (2) members of Council with the Mayor or legal alternative. Two (2) members of the Committee shall constitute a quorum.

b) In addition to its other duties and powers under this by-law, the Emergency Measures Planning Committee shall be responsible for:

i) advising Council on the development of an Emergency Measures Action Plan;

ii) 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 co-ordination of the Emergency Measures Action Plan;

iii) advising Council on the appointment of a director of the Emergency Measures Action Plan whose responsibilities shall include the preparation and coordination of the Emergency Measures Action Plan; and such others as may be required;

c) Members appointed to the Emergency Measures Planning Committee shall automatically be members of the Emergency

Measures Action Committee.

d) Subject to the approval of Council, the Emergency Measures Action Committee may negotiate, and recommend to Council, the Village enter into agreements with other municipalities, with the Government of the Province, with the Government of Canada, or with other agencies, or with any or all of them, all within the terms of the Emergency Measures Action Plan, for the purpose of:

- i) mutual aid; or
- ii) the formation of joint organizations; or
- iii) 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. 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 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 reached, in section 4(a), the senior elected official present shall contact the New Brunswick Provincial Emergency Measures Organization requesting the Minister of Municipalities and Housing to declare a state of 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 of the declaration known to the civil population of the Village, and immediately forward a copy of the declaration to the Minister of Municipalities and Housing.

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 two (2) 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 outlined herein:

i) The Emergency Measures Action Committee, if it has not already done so, shall designate an Emergency Operations Centre;

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

iii) 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 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, servants and agents of the Village 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:

i) Council members will receive no additional remuneration;

ii) Department Heads members will receive no additional remuneration.

c) When a state of local emergency is declared the Emergency Measures Action Committee may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein.

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 or safety of persons therein, including, but not limited to, any or all of the following:

- i) to cause an Emergency Measures Action 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 Village 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 combatting 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 local RCMP Detachment Chief to appoint auxiliary police persons; and

ii) the Harvey Volunteer 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.

7. INDEMNITY

a) 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

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 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 this by-law.

10. ENFORCEMENT

a) When implementing an 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 upon any property.

11. BY-LAWS REPEALED

a) The Village of Harvey By-Law number 82-1 “Community Disaster Planning” and any amendments thereto are hereby repealed.

12. EFFECTIVE DATE

a) This By-Law comes into effect on the date of the final enactment thereof.

READ THE FIRST TIME: October 16th, 2013

READ THE SECONDS TIME: October 16th, 2013

READ THE THIRD TIME AND ENACTED: November 13th, 2013

Mayor

Clerk