

# BY-LAW 316 (CONSOLIDATED WITH AMENDMENTS)

## THE TOWN OF OROMOCTO EMERGENCY PLANNING BY-LAW

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### **Incorporating By-law Nos.:**

316 (April 22, 1999)

316-A (May 20, 1999)

The Council of the Town of Oromocto, under the 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. DEFINITIONS**

For the purpose of this By-Law:

- a. "Disaster Coordinator" means a person appointed by the Town to prepare and coordinate an Emergency Plan for the Town and who may delegate such others as may be required;
- b. "Emergency: means a present or imminent event in respect of which the Minister or the Town, as the case may be, 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;
- c. Emergency Measures Committee: means the whole Committee of Council, which shall review matters pertaining to the Municipality's emergency preparedness and will oversee the planning and coordination of emergency measures through Disaster Coordinator;
- d. "Emergency Plan" means any plan, programme or procedure prepared by the Province of New Brunswick, and/or the Town of Oromocto, as the case may be, that is intended to mitigate the effects of an emergency, as defined above;
- e. "Emergency Operations Centre" (EOC) means a building, structure, or place designated by the Emergency Measures Committee as being the operations centre for administering, planning and coordinating emergency measures;
- f. "Minister" means the Minister of Municipalities and Housing for the Province of New Brunswick;
- g. "State of Local Emergency" means a state of local emergency declared by the Town 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.
- h. "Town" means the Town of Oromocto, a municipality in the county of Sunbury and the Province of New Brunswick.

### **2. EMERGENCY MEASURES COMMITTEE**

In addition to its other duties and powers under this By-Law the Emergency Measures Committee shall:

- a. Appoint a Disaster Coordinator and such others as may be required;
- b. Approve a Municipal Emergency Plan;
- c. Authorize the Disaster Coordinator to submit twice yearly, a progress report of activities;
- d. Ensure that public self-help education programmes related to natural or manmade disasters are conducted;
- e. Ensure that a continuous programme of training for local Emergency measures Organization personnel is carried out either by local training classes or by attendance at Provincial or Federal training schools.

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- f. Ensure that the Emergency Plan is exercised periodically, preferably annually, to ensure that all members of the Emergency Operations Control Group, support staff and others involved in the plan understand the function and operating procedures of the EOC.

**3. 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) Councilors 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 by-laws of the municipality where they do 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 (annex "A" attached) a state of local emergency.
- c. In case a quorum cannot be reached, 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 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 population of the Town, and immediately forward a copy of the declaration to the Minister of Municipalities and Housing.

**4. GENERAL**

- a. Each member of Council shall advise the Emergency Operations Centre of his whereabouts during the continuation of the emergency.
- b. In the event that an emergency has been declared, all employees, servants and agents of the municipality will advise the Emergency Operations Centre of their whereabouts and will be required to carry out duties as outlined in the roles and responsibilities of the Town's Emergency Plan.
- c. In the event of an emergency, unless Council otherwise stipulates, for services performed during the continuation of the emergency; **(By-law No. 316-A/Enacted May 20, 1999)**
  - i) Department Heads and equivalent management personnel will receive no additional remuneration.
  - ii) Non-unionized employees, excepting management personnel, will receive time and one-half their regular hourly rate for time worked in excess of eight hours a day.
  - iii) Unionized employees will be remunerated in accordance with their current collective agreement.
  - iv) Casual employees as required during the emergency will be paid the usual set rate per hour.

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**5. POWERS**

- a. The Town 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 Plan to be implemented;
  - ii) to acquire or utilize or cause the acquisition of 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 of any street, road or highway;
  - v) 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;
  - 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 of food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment;
  - x) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section; and
  - xi) to appoint any other persons as it deems necessary.
- b. For the duration of the state of local emergency Council may authorize:
- i) the Detachment Commander of the municipal RCMP to appoint auxiliary police persons:
  - ii) the Fire Chief of the Oromocto Fire Department to appoint auxiliary fire fighters.
- c. Where this by-law is silent as to any action during the course of a local state of emergency, then the provisions of the Emergency Measures Act of New Brunswick shall apply.

**6. INDEMNITY**

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 provisions of this by-law.

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**7. 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 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, is liable on summary conviction to a fine of not less than \$120.0 (one hundred and twenty dollars) and not more than \$5,000.00 (five thousand dollars), the maximum fine that may be imposed for commission of an offence punishable under part II of the Provincial Offences procedures Act as a category "F" offence.

**8. REPEALED**

By-Law 253, "A Community Disaster Planning By-Law" and any amendments thereto are hereby repealed.

**READ FIRST TIME:** 18 January 1999

**READ SECOND TIME:** 18 March 1999

**READ THIRD TIME  
AND ENACTED:** 22 April 1999

*(Sgd) A Wayne Carnell*  
A Wayne Carnell  
ADMINISTRATOR/CLERK

*(Sgd) Fay L Tidd*  
Fay L Tidd  
MAYOR

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**ANNEX "A" to BY-LAW 316**

**DECLARATION OF A STATE OF LOCAL EMERGENCY**

**WHEREAS** the area herein described is in immediate or imminent danger that has resulted or may result in serious harm to the safety, health or welfare of the people, or in wide spread damage to property.

**EMERGENCY AREA DEFINED:**

The Town of Oromocto or the area with the Town of Oromocto bounded by:

North \_\_\_\_\_  
East \_\_\_\_\_  
South \_\_\_\_\_  
West \_\_\_\_\_

Within the County of Sunbury and Province of New Brunswick.

**NATURE OF EMERGENCY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AND WHEREAS** the undersigned is satisfied that an Emergency as defined in the Emergency measures act, 1996, exists or threatens the Town of Oromocto;

**AND WHEREAS** the Council of the Corporation has by resolution approved or in the absence of a sufficient number of Council members, the undersigned has consulted with the majority of the members of the Emergency Operations Control Group;

**THE UNDERSIGNED HEREBY DECLARES**, pursuant to Section 11 (2) of the Emergency Measures Act, 1996, a state of local emergency in the Town of Oromocto as of and from \_\_\_\_\_ in the forenoon or afternoon of the \_\_\_\_\_ day of \_\_\_\_\_.

**THE DECLARATION OF A STATE OF LOCAL EMERGENCY** shall exist until \_\_\_\_\_ o'clock in the forenoon or the afternoon of the \_\_\_\_\_ day of \_\_\_\_\_ for the maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 17(1)(2) of the Emergency Measures Act, 1996.

**DATED** at \_\_\_\_\_, in the County of Sunbury, Province of New Brunswick, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**MAYOR, THE CORPORATION OF THE TOWN OF OROMOCTO**