

Village of Valley Waters By-law No. 25-17-01

A By-law Relating to Emergency Planning and Procedures for the Village of Valley Waters

BE IT ENACTED by the Council for the Village of Valley Waters under the authority vested in it by the *Local Governance Act*, SNB., 2017 c.18., subsection 10(1)(a) and the *Emergency Measures Act* RSNB., 2011 C. 147 as follows:

1. TITLE

This By-Law may be cited as the “Emergency Planning and Procedures By-Law”

2. DEFINITIONS

For the purpose of this by-law;

“**Chief Administrative Officer (CAO)**” means the CAO of the local government.

“**emergency**” means a present or imminent event in respect of which the Minister or municipality, 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.

“**emergency measures plan**” means any plan, program or procedure prepared by the Province or a municipality, as the case may be, that is intended to mitigate the effects of an emergency 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 operation centre (EOC)**” means the physical facility designated for the gathering and dissemination of information plus disaster analysis. It is also the facility in which decisions and policies governing the emergency response are planned and implemented.

“**director of emergency measures**” means a person responsible for the oversight of the technical and administrative duties that are necessary to implement the emergency measures plan, and is typically the Fire Chief who has command of the scene.

“**state of local emergency (SOLE)**” means a state of local emergency declared by a municipality under subsection 10(2) or renewed under subsection 18(2).

3. DECLARATION OF EMERGENCY

Upon being satisfied that an emergency exists, or may exist, in all or any area of the municipality, the Mayor or Deputy-Mayor may declare a “State of Local Emergency”. In their absence any two Councillors may convene a meeting of Council for the purpose of declaring a “State of Local Emergency” and of carrying out business pertaining thereto. For the purposes of this by-law only, any three members of Council shall constitute a quorum. At such meetings only matters directly

pertaining to the emergency may be considered by Council and business will be conducted according to the laws of the municipality where they do not conflict with this by-law.

4. EMERGENCY MEASURES ORGANIZATION (EMO) COMMITTEE

- a. The Emergency Measures Organization Committee hereinafter called “the EMO Committee” shall consist of the CAO (or designate), the Fire Chiefs of the three fire departments within the Village of Valley Waters, (or their designates), and the Supervisor of the Norton Works Dept. Three members of the EMO Committee shall constitute a quorum.
- b. In addition to its other duties and powers under this by-law, the EMO Committee shall be responsible for:
 - i. Advising Council, through the CAO, on the development of the municipal emergency plan;
 - ii. Advising Council, through the CAO, on matters regarding emergency preparedness;
 - iii. Advising Council, through the CAO, on the declaration of an emergency;
 - iv. Preparation of the municipal emergency measures plan and any amendments to the emergency measures plan before submission to Council for approval.
- c. The level of response to an emergency depends on the severity of the situation/emergency. The Director of Emergency Measures will determine the level of response necessary - whether Enhanced Monitoring, Partial Activation or Full Activation and activate the Emergency Operations Centre accordingly.

5. GENERAL – In the event of Emergency

- a. The Committee may negotiate and on behalf of the municipality enter into agreements with other municipalities, with the Government of the Province of New Brunswick, with the Government of Canada, or with other agencies, or any or all of them, for the purpose of mutual aid; for the formation of joint organizations; or for the employment of their members or resources; all within the terms of a community emergency plan.
- b. In the event of an emergency being declared, the municipal emergency plan will be implemented by the Committee in full or in part according to the procedures outlined therein.

- c. A copy of the Declaration will be forwarded by the CAO to the Minister of Public Safety.
- d. In the event that an emergency has been declared, Council will be automatically be available at all times to be convened, either via electronic means (or in-person if requested by the EMO Committee), and shall not be adjourned until the emergency is declared over.
- e. The CAO (or designate) shall act as the Emergency Operations Centre Co-ordinator during the continuation of the emergency. Each member of Council will be advised and updated by the CAO when an emergency has been declared. All communication with Council shall be through the CAO.
- f. 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 are expected to make themselves available for service, unless under extenuating circumstances. Certain employees, servants and agents shall be authorized or required to carry out duties as ordered by the Director of Emergency Measures under the authority vested in him/her by the Emergency Measures Act R.S.N.B., C.E-7.1.
- g. During and emergency, the Mayor (or designate) shall act as the media spokesperson on behalf of the municipality.

6. POWERS

Council may, in accordance with the NB Emergency Measures Act, 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:

- a. to cause an Emergency Response Plan to be implemented
- b. to acquire or utilize or cause the acquisition of any personal property by confiscation or any means considered necessary
- c. to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
- d. to control or prohibit travel to and 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 of the adequate care and protection thereof;

- g. to authorize any person properly identified as authorized by the Village of Valley Waters 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 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.
- i. to procure of fix prices for food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment.
- j. to order the assistance, with or without remuneration, of persons needed to carry out provisions mentioned in this section.
- k. For the duration of the emergency, Council may appoint any other persons as deemed necessary by Director of the Emergency Measures Organization.

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

No person shall have any claim against the Village of Valley Waters or its agents for any claims or 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. ENFORCEMENT

When implementing an Emergency Response plan pursuant to this by-law, any person properly identified is authorized by the Village of Valley Waters.

This by-law shall come into effect on the date of enactment there from:

First Reading:

Second Reading:

Third Reading and Enactment:

Mayor

Clerk