

EMERGENCY MEASURES BY-LAW

BY-LAW # 202-18

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The Council of the Town of Sussex under the authority vested in it by Section 7(10) of the Local Governance Act 2017 RSNB C18 and the Emergency Measures Act 2011 RSNB C147, and regulations thereunder enacts as follows:

1.0 DEFINITIONS

1.1 For the purpose of this by-law:

- a) “Disaster” shall be any occurrence or anticipated occurrence, other than a war emergency, which endangers property, the environment or the health, safety or welfare of the civil population and/or property within the municipality and which cannot be controlled by the use of normal services and resources of the municipality;**
- b) "Emergency" means a present or imminent event in respect of which the Minister or the Municipality, 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 Committee” hereinafter called “the Committee” shall consist of the Mayor and Members of Council**
- d) “Emergency Measures Coordinator” means a person appointed by Council to prepare, coordinate and execute an Emergency Response Plan for the Town and to fulfill other duties as may be prescribed by Council;**

- e) “Emergency Operations Centre” means a building, structure, or place designated by the Town of Sussex as being the primary operations centre for administering, planning and coordinating emergency response;
- f) “Emergency Operations Control Group” are the persons designated under the Town of Sussex Emergency Response Plan who are responsible for the administration, planning and coordination of emergency measures in accordance with the Emergency Response Plan;
- g) “Emergency Response Plan” means any plan, program or procedure approved by 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 occurrence;
- h) “Minister” means the Minister of Public Safety for the Province of New Brunswick;
- i) “State of Emergency” means a state of emergency as declared by the Minister under subsection 10(1) or renewed under subsection 17(2) of the *Emergency Measures Act of New Brunswick*;
- j) “State of Local Emergency” means a state of local emergency declared by the Municipality 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*;

2.0 DUTIES OF COUNCIL

2.1. The Council shall:

- a) appoint a Municipal Emergency Measures Coordinator and such others as may be required, and

- b) ensure the development and approval of the Emergency Response Plan as well as the expenditures for the establishment, maintenance and operation of the plan and the Emergency Operations Centre.

3.0 EMERGENCY MEASURES COMMITTEE

The Emergency Measures Committee shall consist of the Mayor and Members of Council. Three (3) members of the Committee shall constitute a quorum.

4.0 EMERGENCY RESPONSE PLAN

The Emergency Operations Control Group under the direction of the Emergency Measures Coordinator shall be responsible to manage the emergency as outlined in the Town of Sussex Emergency Response Plan and to make recommendation for revisions to the plan for approval by Council.

5.0 GENERAL

- 5.1. Subject to the approval of Council, 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 the Dominion of Canada, or with other agencies, or any or all of them, for the purposes of mutual aid; the formation of joint organizations; or the employment of their members or resources; all within the terms of the Emergency Response Plan.
- 5.2. Upon activation of the Emergency Response Plan, each member of Council shall be advised through the Sentinel Alert System and/or fan out call that the Town of Sussex Emergency Operations Centre is active.

- 5.3. For services performed during the continuation of the emergency employees will be compensated as outlined in the Town of Sussex Policy P-1.
- 5.4. Before, upon the event of, or during a community disaster, the Mayor or Deputy Mayor or any two Councillors may call members of Council to meet for the purpose of declaring a State of Local Emergency and for carrying out business pertaining thereto. As soon as a quorum is present, the meeting may be called to order; and for the purposes of this By-law only, any three (3) members of Council shall constitute a quorum. At such meeting, only matters directly pertaining to the community disaster 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.
- 5.5. If a quorum cannot be reached the members present may contact the New Brunswick Provincial Emergency Measures Organization requesting the Minister of Public Safety to declare a State of Emergency in the Town of Sussex.

6.0 STATE OF LOCAL EMERGENCY

- 6.1. Upon the declaration of a State of Local Emergency, all employees, servants and agents of the municipality will advise the Emergency Operations Control Group of their whereabouts and will be required to carry out duties as directed by the Municipal Emergency Measures Co-ordinator.
- 6.2. For the duration of the State of Local Emergency, the Committee may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein, the payment for which shall be made by the municipality.
- 6.3. Each member of Council will keep advised the Emergency Operations Center of his whereabouts during the continuation of the State of Local Emergency or State of Emergency.

6.4. During a State of Local Emergency Council may appoint:

- a) as auxiliary police, persons who are recommended to it by the officer in command, and/or his designate, of the Royal Canadian Mounted Police Southeast District.
- b) as auxiliary firefighters, persons who are recommended to it by the Fire Chief and/or his designate.
- c) any other persons as deemed necessary by the Municipal Emergency Measures Coordinator.

7.0 PLURAL OR FEMININE TERMS

Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this by-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party of parties hereto so requires.

8.0 VALIDITY

The invalidity of any section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law which cannot be given effect without such invalid part or parts.

9.0 REPEAL

- 9.1. A by-law entitled "*Community Disaster Planning By-Law, By-law # 202-08*" enacted on the 22nd day of September, 2008, and amendments thereto, is hereby repealed.

9.2. A repeal of the by-law designated in subsection (1) thereof 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.

READ FIRST TIME BY TITLE	<u>October 22, 2018</u>
READ SECOND TIME BY TITLE	<u>October 22, 2018</u>
READ IN ENTIRETY	<u>November 26, 2018</u>
THIRD READING BY TITLE AND ENACTED	<u>November 26, 2018</u>



TOWN CLERK



MAYOR