

BY-LAW No. PS-001: TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING EMERGENCY MANAGEMENT

SUMMARY

The purpose of this By-law is to establish that the Town of Grand Bay-Westfield Emergency Management Organization complies with the Emergency Measures Act of the Province of New Brunswick. (Local Governance Act, SNB 2017, c 18 and Emergency Measures Act RSNB 2011, c 147)

SHORT TITLE

1. This By-law may be cited as the Emergency Management By-law.

DEFINITIONS

2. In this By-law

(a) “council” means the Council of the Town of Grand Bay-Westfield;

(b) “emergency” means a present or imminent event in respect of which the Minister or Municipality 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 management plan” means any plan, program or procedure prepared by the Province or the Municipality that is intended to mitigate the effect 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 an occurrence;

(d) “municipality” means the Municipality of the Town of Grand Bay-Westfield.

MUNICIPAL EMERGENCY MANAGEMENT ORGANIZATION

3. A Municipal Emergency Management Organization (hereinafter referred to as the “organization”) is hereby established in the Municipality of Grand Bay-Westfield.

4. The Organization shall be headed by a director appointed by Council whose duties shall include the preparation and co-ordination of emergency management plans for the Municipality.

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5(1). The Organization shall assist the director in the preparation and co-ordination of emergency management plans and advise Council on the development of emergency management.

5(2). Council shall form a committee consisting of members of Council to inform Council on the development of the emergency measures plan.

6. The Municipality may enter into agreements with and make payments to persons and organizations for the provision of services in the development and implementation of emergency measures plans as appropriate and expend funds for these purposes, subject to the approval of Council.

STATE OF EMERGENCY

7. A state of emergency shall exist in the Municipality when the Minister responsible declares a state of emergency in the Municipality or an area of the Province which includes the Municipality or part thereof.

8. A state of local emergency shall exist in the Municipality when Council declares a state of local emergency in respect of the Municipality or a part thereof.

9(1) Before, upon the event of, or during the continuation of an emergency, the Mayor or the Deputy Mayor or any two members of Council may call members of Council to meet for the purpose of declaring an emergency and of carrying out the business pertaining thereto.

9(2) For the purpose of declaring an emergency per section 9(1), any three members of Council, or two members and either the Mayor or Deputy Mayor shall constitute quorum.

10. When a state of local emergency is declared by Council, the Municipality:

- (a) 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 area affected,
- (b) shall forward a copy of the declaration to the Minister,
- (c) may do everything necessary for the protection of property, the environment, and the health and safety of persons therein including the exercise of any power vested in it by the Emergency Measures Act, and
- (d) may authorize any person or committee to exercise any such power.

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11. In the event that any state of emergency has been declared, all employees, servants, and agents of the Municipality shall advise the Emergency Operations Centre of their whereabouts and shall be required to carry out duties as ordered by the director of the organization.

12. Unless otherwise stipulated by Council:

(a) Department Heads will receive no additional remuneration for services performed during a state of emergency;

(b) salaried persons, other than Department Heads, shall receive a pro-rata hourly rate for each hour worked during a state of emergency;

(c) hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of eight hours during a state of emergency; and

(d) casual employees as required will be paid their usual rate per hour during a state of emergency.

13. When an emergency no longer exists, Council shall terminate a state of local emergency.

14. The Municipality, the Organization, and/or any person or committee appointed by the Municipality or a member thereof, are not liable for any damage arising out of any actions taken pursuant to this By-law or the Emergency Measures Act or the regulations and are not subject to any proceedings by way of judicial review or injunction with respect to any action taken pursuant to this By-law or the Act of the regulations.

15. This By-law comes into effect on the date it is passed, signed and sealed.

REPEAL

By-law No. 45, being Town of Grand Bay-Westfield By-law Respecting Emergency Measures, and all amendment thereto, is hereby repealed.

READ A FIRST TIME by summary this 9th day of January, 2023

READ A SECOND TIME by title this 9th day of January, 2023.

READ A THIRD TIME by title and ENACTED on this _____ day of _____, 2023.

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This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this _____ day of _____, 2023

John Enns-Wind
Chief Administrative Officer

Brittany Merrifield
Mayor

Seal

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