



## By-Law No. 05-2014

### A By-Law to Establish a Community Emergency Plan

**ENACTED: September 20, 2023**

Pursuant to subsection 10(1)(a) of the *Local Governance Act*, SNB., 2017 c. 18 and the *Emergency Measures Act*, RSNB 2011, c.147, amendments thereto and regulations adopted thereunder, the Council of the Rural Community of Hanwell hereby enacts as follows:

#### 1. TITLE

This By-Law may be cited as the "Community Emergency Planning By-Law".

#### 2. DEFINITION (AMENDED September 20, 2023)

In this By-Law:

**"Chief Administrative Officer (CAO)"** means the CAO of the local government and has such duties and powers the council prescribes by by-law or resolution in accordance with section 71(2) of the Act;

**"Emergency"** means a present or imminent event in respect of which the Minister or 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.

**"Emergency Measures Coordinator"** means a person responsible for the oversight of the technical and administrative duties that are necessary to implement the emergency measures plan. (Added May 18, 2022)

**"Emergency Measures Organization"** (EMO) means the New Brunswick Emergency Measures Organization established under section 3 of the *Emergency Measures Act*, RSNB 2011, c. 147 (Added May 18, 2022), hereinafter referred to as

NBEMO.

**“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 or emergencies 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 Operations 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.

**“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). (Added May 18, 2022)

### **3. EMERGENCY MEASURES ORGANIZATION COMMITTEE (AMENDED September 20, 2023)**

- a) The Emergency Measures Organization Committee hereinafter called “the EMO Committee” shall be appointed by council, to consist of the CAO (or senior management member), council, members of the public and Hanwell staff. 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 on the development of a municipal emergency plan;
  - ii. advising council on matters regarding emergency preparedness;
  - iii. advising council on the members to be appointed to the EMO Committee; and
  - iv. preparation of the municipal emergency measures plan and any amendments to the emergency measures plan before submission to council for approval.
- c) Subject to the approval of council, the EMO Committee may negotiate and on behalf of the municipality enter into agreements with other municipalities, with the Government of the Province, with the Government of Canada, 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.

- d) The level of response depends on the severity of the situation/emergency. The Emergency Measures Coordinator will determine the level of response necessary and activate the Emergency Operations Centre accordingly.
- e) Before or upon the event of an emergency, the mayor or deputy mayor will call a meeting anywhere in Hanwell for the purpose of declaring a state of local emergency, upon the recommendation of the Emergency Measures Coordinator; quorum will consist of the majority of council.
- f) In the event that an emergency has been declared:
  - i. The municipal emergency measures plan will be implemented by the EMO Committee in full or in part according to the procedures outlined therein.
  - ii. Once a state of local emergency (SOLE) has been declared and during the continuation of the emergency any 3 members of council shall constitute a quorum.
  - iii. each member of council will be advised by the EMO Committee when an emergency has been declared and he/she shall advise the Emergency Operations Centre of his/her whereabouts during the continuation of the emergency.
  - iv. A copy of the declaration will be forwarded to the Minister responsible for Local Governance and Municipal Reform.
  - v. 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 ordered by the Emergency Measures Coordinator. In this connection, unless council otherwise stipulates, for services performed during the continuation of the emergency:
    - 1. salaried persons, will receive time and one-half their regular hourly rate for time worked in excess of seven and half (7.5) hours per day.
    - 2. hourly paid employees will receive time and one-half their regular hourly rate for time worked in excess of eight hours per day;
    - 3. casual employees as required during the emergency will be paid the usual set rate per hour.
    - 4. When an emergency is declared the EMO 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.

- vi. For the duration of the emergency, council may appoint as auxiliary police, persons who are recommended to it by the RCMP Officer in charge.
- vii. For the duration of the emergency, council may appoint as auxiliary firefighters, persons who are recommended to it by the Fire Chief.
- viii. For the duration of the emergency, council may appoint any other persons as deemed necessary by the Emergency Measures Coordinator.

#### **4. POWERS (AMENDED September 20, 2023)**

Council may, during the state of local emergency, do everything necessary for the protections of property, the environment and the health and safety of persons therein, including, but not limited to, any and all of the following:

- (a) to cause an Emergency Response Plan to be implemented;
- (b) to acquire or utilize or cause the acquisition or utilization 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 for the adequate care and protection thereof;
- (g) to authorize any person properly identified as authorized by the Rural Community of Hanwell 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 or fix prices for food, clothing, fuel, equipment, medical, or other essential supplies and the use of property, services, resources, or equipment; and
- (j) to order the assistance, with or without remuneration, of persons needed to carry out provisions mentioned in this section.

For the duration of the state of local emergency, Council may appoint any other persons as deemed necessary by the Director of the NB Emergency Operations Centre.

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.

#### 5. INDEMNITY

No person shall have any claim against the Rural Community of Hanwell 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.

#### 6. ENFORCEMENT

When implementing an Emergency Response Plan pursuant to this by-law, any person properly identified as authorized by the Rural Community of Hanwell has the right at any time to enter upon any property.

This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By title)

August 16, 2023

SECOND READING: (By title)

August 16, 2023

THIRD READING AND ENACTMENT: (By summary and title)

September 20, 2023

  
\_\_\_\_\_  
Mayor  
Dave Morrison  
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Clerk  
Sherri Johnston

