

BY-LAW NO. 2025-08

District of Tobique Valley

A BY-LAW RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN EMERGENCY MEASURES PLAN

A BY-LAW OF THE DISTRICT OF TOBIQUE VALLEY REPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN EMERGENCY MEASURES RESPONSE PLAN PURUANT TO SECTION 10(A) OF THE LOCAL GOVERNMENT ACT OF NEW BRUNSWICK.

Pursuant to and under the authority vested in it by the Local Governance Act 2017, C18 and the Emergency measures Act RSNB 2011, C147, replaces by-law 18-A Community Disaster Planning By-Law.

1. TITLE

1.1 This by-law may be cited as the “Emergency Measures Plan By-Law or EMO plan” by the District of Tobique Valley.

2. DEFINITIONS

2.1 “DIRECTOR” means a person appointed by the COUNCIL to prepare and coordinate an Emergency Measures Plan for the District and to fulfil other duties as may be prescribed by Council. In the event of evacuation, secondary nominees or appropriately qualified staff from within or outside of the municipality may assume the role of “Director” as a temporary measure.

2.2 “EMERGENCY” means a present or imminent event that in respect of which the Minister or District, as the case may be, believes that prompt coordination of action or regulation of persons or property must be undertaken to safeguard the health, safety or welfare of persons, property or environment within the Districts jurisdiction.

2.3 “EMERGENCY MEASURES ACTION COMMITTEE” means a committee established to advise Council of matters of emergency preparedness, plans, procedures and estimates of expenditures relating to the establishment, maintenance and operation of the EMERGENCY MEASURES PLAN and Emergency Operations Centre (EOC) which shall be submitted to Council for approval.

2.4 “EMERGENCY MEASURES PLAN” means any plan, program or procedure prepared by the Province or District, as the case may be, 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 an occurrence.

2.5 “EMERGENCY OPERATIONS CENTRE” (EOC), means a building, structure or place designated by the EMERGENCY MEASURES ACTION COMMITTEE, as being the operations centre for administrating, planning and coordinating emergency measures.

2.6 “MINISTER” means the Minister of Public Safety for the Province of New Brunswick.

2.7 “STATE OF LOCAL EMERGENCY” means a state of local emergency declared by the District pursuant to Section 12 & 14, Emergency Measures Act RSNB 2011, C147 or renewed pursuant to Section 18(2) of the same act.

3. THE DIRECTOR

3.1 The Council shall appoint a Director who shall have a chair at the Emergency Measures Action Committee and administer the EOC operations and be responsible for the development and maintenance of the Emergency Measures Plan.

3.2 In addition to any other powers and duties set out in this by-law, the Director, in co-operation with the Emergency Measures Action Committee shall prepare all plans, programs and estimates of expenditures relating to the establishment, maintenance and operation of the Emergency Measures Plan which shall be submitted to the Council for approval;

3.3 The Municipality shall establish an Emergency Operations Centre(s) and, as required, shall implement the Emergency Measures Plan in accordance with the procedures outlined therein.

3.4 Subject to the circumstances of the emergency, the Director, may initiate the EOC and put into action the Emergency Measures Plan, whilst elected members are being sought/contacted specific to declaring a State of Local Emergency.

4. LOCAL EMERGENCY

- 4.1 Upon the occurrence of a local emergency, the Mayor or Deputy Mayor or any two members of the Council may call members of the Council to meet for the purpose of declaring a state of local emergency.
- 4.2 Only such matters as pertaining directly to the state of local emergency may be considered by the Council at a meeting under this section.
- 4.3 The Council may meet from time to time during the continuance of a state of local emergency as circumstances require, upon the call of the Mayor or the Deputy Mayor or any two members of the Council and or the Director of the EOC; the provisions of section 5.2 shall apply in the same fashion to such meeting.

5. DECLARATION OF A STATE OF LOCAL EMERGENCY AND POWERS THEREIN

- 5.1 Upon the declaration of a state of local emergency, in addition to the powers and duties set out herein and without restricting the authority as set out, the Director and those persons authorized to carry out the duties assigned under the Emergency Measures Plan and powers outlined in the acts indicated in section 2.7 shall have the express powers set out as follows:

- (1) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
- (2) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
- (3) to control or prohibit travel to or from any area or on any road, street or highway;
- (4) to provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- (5) 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, to the fullest extent of our capabilities;
- (6) to authorize any person properly identified as authorized by the Minister, by the Emergency Measures Organization or by the Municipal Emergency Measures Action Committee to enter into any building or upon any land without warrant;

(7) 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;

(8) to procure or fix prices for food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment;

(9) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

5.2 Upon the declaration of a state of local emergency;

(1) every reasonable effort shall be made to notify all members of the Council and each member of Council shall keep the Emergency Operations Centre advised of his/her whereabouts during the continuance of the state of local emergency;

(2) all employees, servants and agents of the District shall advise the Emergency Operations Centre of their whereabouts and shall carry out such duties as are, from time to time, ordered by the Director or the Emergency Operations Committee.

5.3 Upon the declaration of a state of local emergency, the District may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein, the payment of which shall be made by the municipality.

5.4 The Council, upon the recommendation of staff, may for the duration of the state of local emergency, appoint members of the public to assist the emergency services of the municipality as well as enact mutual aid agreements with neighboring municipalities to rotate staff out for rest/health or family needs.

6. NEGOTIATIONS

6.1 Subject to the approval of the Council and within the terms of the Emergency Measures Plan, the Emergency Operations Committee may negotiate agreements on behalf of the District with other municipalities and jurisdictions; with the Government of the Province of New Brunswick; with the Government of Canada or other agencies, inclusive of the private sector, or any of them, for the purpose of mutual aid; for the formation of joint organizations; for the employment of their members or resources.

7. MUTUAL AID AGREEMENTS

7.1 The District may from time to time enter into Mutual Aid Agreements with other municipalities. These are to be governed by the rules and regulations set out in the Emergency Measures Act.

8. REMUNERATION

8.1 Management, Staff and Department heads will receive a pro-rated hourly rate for each hour worked over and above regular time.

8.2 Hourly paid employees will receive time and one half their hourly rate for time worked in excess of eight hours per day.

8.3 Casual employees, as required during the emergency, will be paid the usual set rate per hour as established by Council.

9. INDEMNITY

9.1 No person shall have any claim against the District 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.

10. PENALTIES

10.1 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 District 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, commits an offence punishable under Part II of the Provincial Offences Procedure Act, SNB 1987, c P-22.1 as a category 'F' offence.

11. SEVERABILITY

11.1 If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this by-law.

11.2 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 Emergency Measures Act RSNB 2011, C147 shall apply.

12 ENFORCEMENT

12.1 When implementing an Emergency Measure Plan pursuant to this by-law, any person properly identified as authorized by the District has the right at any time to enter upon any property.

13 REPEAL

13.1 The following by-law is repealed:

- a) Village of Plaster Rock By-Law 18 - Community Disaster Planning By-Law

READ FIRST TIME: _____

READ SECOND TIME: _____

READ THIRD TIME AND ENACTED THIS ____ DAY OF _____

MAYOR

CLERK