

**BY-LAW Number 2014-02**

**A BYLAW OF THE MUNICIPALITY OF FREDERICTON JUNCTION  
RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN  
EMERGENCY MEASURES RESPONSE PLAN**

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RESPECTING THE ESTABLISHMENT AND IMPLEMENTATION OF AN  
EMERGENCY MEASURES RESPONSE PLAN**

Whereas it is deemed necessary to prepare an Emergency Measures Response Plan, the Council of the Village of Fredericton Junction, under the authority vested in it by the Municipalities Act and the Emergency Measures Act, and regulations thereunder, enacts as follows:

1. Title

This by-law may be cited as the "Emergency Measures Response Plan

2. Definitions:

In this by-law, unless the context otherwise requires,

- a. "Director" means a person appointed By the Village to prepare and coordinate an Emergency Response Plan for the Village and to fulfill other duties as may be prescribed by Council;
- b. "Emergency" means a present or imminent event in respect of which the Minister or the Village, as the case may be, believes that prompt coordination of action or regulation of persons or property must be undertaken to protect property;
- c. "Emergency measures Response Plan Committee" means a committee established pursuant to Section 3(b)(2) to advise Council on matters of emergency preparedness and to undertake planning and coordination of emergency measures;
- d. "Emergency Measures Response Plan" means any plan, program or procedure prepared by the Province of New Brunswick, or the Village of Fredericton Junction, 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 occurrence;
- e. "Emergency measures Standing Committee: means a committee 3 established pursuant to Section 3(1) which advised Council on the development of an Emergency Measures Response Plan;
- f. "Emergency Operations Centre: means a building, structure or place designated by the Emergency measures Response Plan Committee as being operations center for administering, planning, coordinating and conducting emergency response actions;
- g. "Minister" means the Minister of Public Safety for the Province of New Brunswick;

- h. "State of Local Emergency" means a state of local emergency declared by the Village pursuant to Section 1 1(2) of the Emergencies Measures Act of the Province of New Brunswick or renewed pursuant to Section 1 3(2) of the Emergencies measures Act of the Province of New Brunswick; and,
- i. "Village" means the Village of Fredericton Junction, a Municipality in the County of Sunbury and the Province of New Brunswick.

### 3. Committees

- a. An emergency Measures Standing Committee shall be appointed by Council, to consist of not fewer than Two (2) members of Council together with the Mayor or legal alternate and any staff members deemed necessary. Two (2) members of the committee shall constitute a quorum.
- b. In addition to any other duties and powers under this by-law, the Standing Committee shall be responsible for:
  - (i) advising Council on the development of the Emergency Measures Response Plan;
  - (ii) advising Council on the appointment of members to an Emergency Measures Response Plan Committee, which committee shall advise the Council on matters of emergency preparedness and undertake planning and coordination of the Emergency measures Response Plan;
  - (iii) advising Council of the appointment of a Director of the Emergency measures Response Plan whose responsibilities shall include the preparation of an Emergency Measures Response Plan and such other duties as may be required; and,
  - (iv) the preliminary approval of the Emergency Measures Response Plan before submission for approval of Council.
- c. Members appointed to the Emergency Measures Standing Committee shall automatically become members of the Emergency Measures Response Plan Committee.
- d. Subject to the approval of Council, the Emergency Measures Response Plan Committee may negotiate with and recommend to Council, that the Council enter into agreements with other municipalities, with the Provincial Government, with the Government of Canada, with other agencies, or with all of them, within the terms of the Emergency Measures Response Plan, for the purpose of;
  - (i) mutual aid
  - (ii) the formation of joint organizations; and,
  - (iii) the employment of their members or resources.

#### 4. Declaration of an Emergency

- a. before or upon the event of an emergency, the Mayor, or Deputy Mayor, or in their absence, any two (2) Councillors may immediately call a meeting of Council, upon verbal notice, to meet anywhere in the Village for the purpose of declaring a state of local emergency and of carrying out business pertaining thereto. A quorum shall consist of a simple majority of all members of Council. As soon as a quorum is present, the meeting shall be called to order. As such meetings, only matters directly pertaining to the emergency shall be considered by Council and business will be conducted.
- b. The Council may, when satisfied that an emergency exists, or may exist, in all or part of the Village, declare by resolution, a state of local emergency.
- c. In case a quorum cannot be achieved, in Section 4 (a), the senior elected official present shall contact the New Brunswick Provincial Emergency Measures Organization requesting the Minister of Public Safety to declare a state of local emergency within the Village.
- d. When a state of local emergency has been declared, the Council shall immediately cause the details of the declaration to be communicated or published by such means as it considers most likely to make the contents known to the civil population of the Village, and immediately forward a copy of the declaration to the Minister of Public Safety.
- e. For the purposes of this by-law only, once a state of local emergency or a state of emergency has been declared and during the continuation members of Council shall constitute a quorum.

#### 5. General

- a. In the event of a state of local emergency being declared, the Emergency Measures Response Plan will be implemented by the Emergency Measures Response Committee in full or in part according to the procedures outlined herein;
  - (i) the Emergency Measures Response Plan Committee, if it has not already done so, shall designate an Emergency Measures Operations Centre.
  - (ii) council will be automatically convened and shall not be adjourned until the state of local emergency is declared to be over.
  - (iii) each member of Council shall be advised by the Emergency Measures Response Plan Committee when a state of local emergency has been declared and he or she will endeavor to advise the Emergency Measures Operations Center of his or her whereabouts during the continuation of the state of local emergency.

- b. In the event that the state of local emergency has been declared, all employees staff and agents of the Village will advise the Emergency Measures Operations Center of their whereabouts and will be required to carry out their duties as ordered by the Director of the Emergency measures Response Plan. In this circumstance, unless council otherwise stipulates, for services performed during the continuation of the emergency:
  - (i) salaried persons will receive a pro rata hourly rate for each hour worked.
  - (ii) hourly paid employees will receive time and one half of their regular hourly rate for time worked in excess of their regular working hours.
- c. When a state of local emergency is declared, the Emergency Measures Response Plan Committee, in coordination with the Emergency Operations Center, may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use during the emergency, the payment for such shall be by the Village.

## 6. Powers

- a. The Council may during the state of local emergency, do everything necessary for the protection of property, the environment and the health and safety of persons herin, including, but not limited to any and all of the following;
  - (i) to cause an Emergency Measures Response Plan to be implemented;
  - (ii) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;
  - (iii) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
  - (iv) to control or prohibit travel to and from any area or any road, street or highway;
  - (v) 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;
  - (vi) to cause the evacuation of persons and the livestock and personal arrangements for adequate care and protection hereof;
  - (vii) to authorize any person properly identified as authorized by the Council to enter into any building or upon any land without a warrant;
  - (viii) to cause the demolition or removal of any building, structure, tree or crop where the demolition or removal is necessary or advisable for the purpose of reaching the scene of the disaster of attempting to forestall its occurrence or of combating its progress;
  - (ix) 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,
  - (x) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

- b. Council shall have the authority to appoint an Emergency Measures Coordinator. The coordinator may also be known as the Director.
- c. For the duration of the state of local emergency, Council may,
  - (i) appoint as auxiliary police persons who are recommended to it by the Officer in Charge (OIC) or Non-commissioned Officer in Charge (NCO IC) of the detachment of the Royal Canadian Mounted Police who are responsible for police services in the Village;
  - (ii) appoint as auxiliary firemen persons who are recommended to it by the Chief, or in his or her absence, the Deputy Chief or in his or her absence, the most senior ranking officer of the Fredericton Junction Fire Department;
  - (iii) appoint any persons as deemed necessary by the Director of the Municipal Emergency Measures Organization.
- d. 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 or its agents for any claims for damages whatsoever nature or kind, which may be caused at any time in carrying out the provisions of this by-law.

## 8. Penalties

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 Village 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 under Part II of the Provincial Offences Procedures Act as a Category "F" offence.

## 9. Severability

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

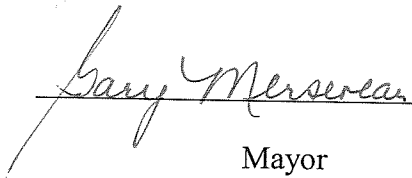
10. Enforcement

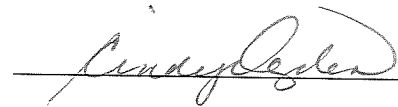
When implementing an Emergency Measures Response Plan pursuant to this by-law, any person properly identified as authorized by the Village has a right at any time to enter upon any property.

11. Effective Date

This by-law comes into effect on the date of the final enactment thereof.

READ FIRST TIME:	May 12, 2014
READ SECOND TIME	June 9, 2014
READ THIRD TIME AND ENACTED	June 9, 2014

  
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Mayor

  
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Clerk