

**BY-LAW NO. 260**  
**TOWN OF SACKVILLE**  
**MUNICIPAL EMERGENCY PLANNING BY-LAW**

The Council of the Town of Sackville, under the authority vested in it by the *Emergency Measures Act*, R.S.N.B. 2011, c 147, and the Regulations thereunder and by Section 10 (1) of the *Local Governance Act*, R.S.N.B. 2017, ch. 18, and amendments thereto, enacts as follows:

**Definitions**

1. In this By-Law:

“Coordinator” means the Coordinator of the Municipal Emergency Measures Organization (MEMO) for the Town of Sackville.

“Disaster” means any real or anticipated occurrence such as disease, pestilence, fire, flood, tempest, explosion, enemy attack or sabotage, which endangers property, the environment or the health, safety or welfare of the civil population.

“Emergency” means a present or imminent event in respect of which the Minister or Municipality believes prompt coordination 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 Response Plan” (ERP) means a plan adopted by Council of the Town of Sackville providing for the betterment of a State of Local Emergency.

“Organization” means the Municipal Emergency Measures Organization established pursuant to the Emergency Response Plan.

“State of Local Emergency” (SOLE) means a state of local emergency declared by the Town, pursuant to Subsection 10 (2) of the New Brunswick *Emergency Measures Act*, or renewed pursuant to Subsection 18 (2) of the same Act. The state of local emergency declaration is made when there is a present or imminent event that endangers or is likely to endanger the health, safety or welfare of persons, property or environment within the Town that cannot be controlled by the normal use of services and resources of the Town and is declared as such by the Council. (See Appendix “A”)

**The Coordinator**

2 (1) The Council shall appoint a Coordinator, who shall chair the Municipal Emergency Operations Group (MEOG) of the Organization.

- 2 (2) In addition to any other powers and duties set out in this By-Law, the Coordinator, in co-operation with the Municipal Emergency Operations Group (MEOG) (refer to EMO Callout), shall prepare and coordinate all plans, programs and estimates of expenditures relating to the establishment, maintenance and operations of the Emergency Response Plan, and submit as required for Council approval.
- 2 (3) The Municipality shall establish an Emergency Operations Centre (EOC) and, as required, shall plan and implement the Emergency Response Plan (ERP) in accordance with the procedures outlined therein.

### **Negotiations**

- 3 (1) Subject to the approval of the Council and within the terms of the Emergency Response Plan, the Municipal Emergency Operations Group (MEOG) may negotiate agreements on behalf of the Town with other Municipalities; with the Government of the Province of New Brunswick; with the Government of Canada or other agencies, or any of them, for the purpose of mutual aid; for the formation of joint organizations; for the employment of their members or resources.

### **Local Emergency**

- 4 (1) Upon the occurrence of a local emergency, the Mayor or in his/her absence the Deputy Mayor of the Council, may call members of the Council to meet for the purpose of declaring a State of Local Emergency (SOLE).
- 4 (2) Only such matters that pertain directly to the State of Local Emergency (SOLE) may be considered by the Council at a meeting under this Section.
- 4 (3) The Council, is considered to be in session during the continuance of a State of Local Emergency (SOLE) and may meet from time to time as circumstances require, upon the call from the Mayor or in his/her absence, the Deputy Mayor. The provisions of Section 4 (2) shall apply in the same fashion to such meeting.

### **Declaration of A State of Local Emergency**

- 5(1) Upon the declaration of a State of Local Emergency (SOLE), in addition to the powers and duties set out herein and without restricting the authority as set out, the Coordinator of the Municipal Emergency Operations Group (MEOG) and those persons authorized to carry out the duties assigned under the Emergency Response Plan (ERP), shall have the express powers set out as follows:

- (a) to cause an emergency measures plan to be implemented;
- (b) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or by any means considered necessary;
- (c) to authorize or require any person to render the aid that the person is competent to provide;
- (d) to control or prohibit travel to or 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 of them;
- (g) to authorize any person properly identified as authorized by the Minister, by the Emergency Measures Organization (EMO) or by the municipal emergency measures organization to enter into any building or on any land without warrant;
- (h) to cause the demolition or removal of any building, structure, tree or crop if 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 the provisions mentioned in this section;

5 (2) Upon the declaration of a State of Local Emergency;

- (a) Every reasonable effort shall be made to notify all members of the Council and each member of Council shall keep the Emergency Operations Centre (EOC) advised of his/her whereabouts during the continuance of the State of Local Emergency (SOLE).
- (b) Every reasonable effort shall be made to notify all employees, servants and agents of the Town, who shall advise the Emergency Operations Centre (EOC) of their whereabouts, and shall carry out such duties as are, from time to time, ordered by the Director or the Emergency Operations Group (EOG).

5 (3) Upon the declaration of a State of Local Emergency (SOLE), the Municipality 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 (SOLE), appoint members of the public to assist the emergency services of the Municipality.

**Mutual Aid Agreements**

6 (1) The Town of Sackville may from time to time enter into Mutual Aid Agreements with other Municipalities. These are to be governed by the rules and regulations as set out in the Emergency Measures Act.

**Repeal Provisions**

7 (1) By-Law #259, a Community Emergency Planning By-Law and all amendments thereto, are hereby repealed.

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

Read a first time this 12<sup>th</sup> day of February, 2018.

Read a second time this 12<sup>th</sup> day of March, 2018.

Read a third time and done and passed by Council this 12<sup>th</sup> day  
Of March, 2018.

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Mayor

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Clerk

## **APPENDIX 'A'**

### **DECLARATION OF STATE OF LOCAL EMERGENCY**

#### **PURPOSE**

The purpose of this document is to outline the powers available to a Municipality and their limitations in declaring a state of local emergency. In addition, forms have been attached to facilitate a standard method of enactment.

#### **DEFINITION**

An emergency means imminent event in respect of which the Minister of Public Safety 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.

#### **CONDITIONS OF DECLARATION**

1. A Municipality may, when satisfied that an emergency exists or may exist in all or any part of a Municipality, declare a state of local emergency in respect of that municipality, or area thereof.
2. A declaration shall identify the nature of the emergency and the area in which it exists.
3. The municipality shall immediately communicate the details of the declaration in the most likely manner to the civil population of the area affected.
4. Upon declaring a state of local emergency, a municipality shall immediately forward a copy of the declaration to the Minister of Public Safety, and may authorize any person or committee to exercise any power listed under POWERS below.

#### **POWERS**

Pursuant to the Act, upon declaration of a State of Local Emergency, the municipality shall do everything necessary for the protection of property, the environment and the health or safety of persons, including;

- a. To cause an emergency measures plan to be implemented;
- b. To acquire or utilize any personal property by confiscation or any means 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 or 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 co-ordination of emergency medical, social and other essential services;
- f. To cause the evacuation of persons and removal of livestock and personal property threatened by disaster or emergency, and make arrangements for adequate care and protection thereof;
- g. To authorize any person properly identified as authorized by the municipal emergency measures organization 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 it is necessary for the purposes of reaching the disaster site, of attempting to forestall its occurrence, or of combating 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 of persons needed to carry out the above, with or without remuneration.

### **TERMINATION OF STATE OF LOCAL EMERGENCY**

1. The Minister of Public Safety may terminate a state of local emergency with respect to an area identified by a municipality in its declaration of a state of local emergency when, in his/her opinion, an emergency no longer exists in such area.
2. A municipality may terminate a state of local emergency with respect to an area identified by it in its declaration when, in its opinion, an emergency no longer exists.
3. A state of local emergency ends:
  - a. When the area identified by the municipality in its declaration is included in an area identified in the Minister's declaration of a state of emergency; or
  - b. Seven (7) days after the day on which it was declared.

**DECLARATION OF A STATE OF LOCAL EMERGENCY**  
**TOWN OF SACKVILLE**

**Section 11 (2) of the Emergency Measures Act:**

Whereas the area herein described is or may soon be encountering an emergency that requires the increased powers of the Emergency Measures Act to prevent harm or damage to the safety, health and welfare of persons, or to prevent damage to property, or the environment.

**EMERGENCY AREA:**

A. Within the area(s), with the boundaries of

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in the Town of Sackville, County of Westmorland and Province of New Brunswick

**Nature of the Emergency**

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**AND WHEREAS** the undersigned is satisfied that an emergency or threat of an emergency exists in the above noted municipality;

**THE UNDERSIGNED HEREBY DECLARES** pursuant to Section 11 (2) of the Emergency Measures Act, a State of Local Emergency in the Municipality noted above as of and from \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, AD 20\_\_\_\_.

**THIS DECLARATION OF A STATE OF LOCAL EMERGENCY** shall exist until \_\_\_\_\_ o'clock in the forenoon ( ) or afternoon ( ) of the \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_, or for a maximum of seven (7) days from the date and time specified above unless the Declaration is renewed or terminated.

**DATED AT** \_\_\_\_\_, in the County of Westmorland, Province of New Brunswick, on the \_\_\_\_ day of \_\_\_\_\_, AD 20\_\_\_\_.

\_\_\_\_\_  
Mayor: Name