

V ILLAGE OF STANLEY Y
INCORPORATED 1966

BY-LAW NO. S-4

COMMUNITY DISASTER PLAN BY-LAW

BE IT ENACTED by the Council of the Village of Stanley as follows:

1. Authority

The Council of the Village of Stanley, under the authority vested in it by the *Emergency Measures Act*, and the Regulations there under, and by the *Municipalities Act*, and amendments thereto.

2. Interpretation

In this by-law,

"Community Disaster" means any occurrence or anticipated occurrence, which endangers or is likely to endanger the health, safety or welfare of the inhabitants of or property within or the environment of the Village of Stanley that cannot be controlled by the use of services and resources of the Village and is declared as such by the Council.

"Community Disaster Plan" shall be a plan, whether prepared in whole or in part, and whether prepared prior or subsequent to the event of a community disaster, to provide for the continued functioning of the municipal government of the Village of Stanley and the continuance of necessary municipal services in the event of a community disaster in order to mitigate the effects of the disaster and to ensure the safety, health and welfare of the inhabitants of or the property within or the environment of the Village in such an event.

"Council" means the Mayor and Councillors of the Village of Stanley.

"Municipality" means the Village of Stanley.

"Municipal Emergency Measures Coordinator" means a Municipal Emergency Measures Coordinator appointed by the Community Disaster Plan Committee for the purpose of administering the Community Disaster Plan.

3. Community Disaster Plan Committee

3.01 A "Community Disaster Plan Committee", hereinafter called the "Committee" shall be constituted and appointed by Council. The Committee shall consist of three members of Council, together with the Mayor. Three members of the Committee shall constitute a quorum.

3.02 In addition to any other powers and duties set out in this by-law, the Committee shall prepare all plans, programs and estimates of expenditures relating to the establishment, maintenance and operation of the Community Disaster Plan, which shall be submitted to the Council for approval.

3.03 The municipality shall establish an Emergency Operations Centre and, as required, shall implement the Community Disaster Plan in accordance with the procedures outlined therein.

3.04 Subject to the approval of the Council and within the terms of the Community Disaster Plan, the Committee may negotiate agreements on behalf of the Village 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, and for the employment of their members or resources.

3.05 The Committee shall be responsible for the appointment of a Municipal Emergency Measures Coordinator, and make such other appointments as may be required.

3.06 The Committee may forthwith procure food, clothing, medicine, equipment, goods and services of any nature or kind for use therein, for which the payment, if necessary, shall be made by the municipality.

4. State of Local Emergency Declaration

4.01 Upon the occurrence of a local emergency, the Mayor or Deputy Mayor or any Councillor may call members of the Council to meet for the purpose of declaring a state of local emergency.

4.02 Upon declaring that a state of local emergency exists, Council will convene and will not adjourn until the community disaster is declared to be over.

4.03 Only such matters as pertain directly to the state of local emergency may be considered by the Council at a meeting under this section.

4.04 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 Coordinator and those persons authorized to carry out the duties assigned under the Community Disaster Plan shall have the express powers set out as follows:

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- (a) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary,
- (b) to authorize or require any qualified person to render aid of such type as that person may be qualified to provide,
- (c) to control or prohibit travel to or from any area or on any road, street or highway,
- (d) 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,
- (e) 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,
- (f) to authorize any person properly identified as authorized by the Minister, by the Emergency Measures Organization or by the Municipal Emergency Measures Organization to enter into any building or upon any land without warrant,
- (g) 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,
- (h) 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
- (i) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section.

4.05 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 advised of his or her whereabouts during the continuance of the state of local emergency,
- (b) all employees, servants and agents of the Village shall advise the Emergency Operations Centre of their whereabouts and shall carry out such duties as are, from time to time, ordered by the Coordinator of the Community Disaster Plan.

4.06 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.

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4.07 Unless Council otherwise approves, for services performed during the state of local emergency, Council members and Department Heads will receive no additional remuneration.

5. Repeal Provision

5.01 By-law No. 27, A By-law To Adopt A Community Disaster Plan, passed by Village Council on October 11, 1994, is hereby repealed.

5.02 The repeal of By-law No. 27, A Bylaw To Adopt A Community Disaster Plan, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF
STANLEY ON Oct. 16, 2003



Mark Foreman, Mayor



Lorna Pinnoch, Village Clerk

Read for the first time on: Sept. 15/03

Read for the second time on: Sept. 15/03

Read for the third time and enacted on: Oct. 16/03