

# **VILLAGE OF MCADAM**

## **BY – LAW NO. 38**

### A BY – LAW TO ADOPT A COMMUNITY DISASTER PLAN

BE IT ENACTED by the Council of the Village of McAdam pursuant to the authority vested in it by Sections 4 (3) and 7 (!) of the Municipalities Act and by the Emergency Measures Act and the regulations there under, as follows:

#### **SHORT TITLE**

1. This By – Law may be cited and referred to as the “Community Disaster Plan By – law.

#### **DEFINITIONS**

2. For the purpose of this By-Law,
  - (a) A “Community Disaster” shall be 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 McAdam and which can not be controlled by the use of normal services and resources of the Village
  - (b) A “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 McAdam 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.
  - (c) “Council” shall mean the Village Council of the Village of McAdam, “Village” shall mean the Village of McAdam.

#### **COMMUNITY EMERGENCY MEASURES** **ORGANIZATION**

3.
  - (a) A “Community Emergency Measures Organization”, hereinafter called the “Organization”, shall be constituted to consist of the local District Emergency Measures Organization Co-ordinator, if any, for that district under the Emergency Measures Act encompassing the Village, (who shall be ex officio director of the Organization), a member of Council designated by the Mayor, and the heads of two municipal departments designated by the Mayor.
  - (b) Three members of the Organization shall constitute a quorum for its meetings.
  - (c) In the event that the position of local District Emergency Measures Organization Co-ordinator should be discontinued the director of the Organization shall be a citizen of the Village designated by the Mayor and approved by Council.
  - (d) In addition to its other duties and powers under this By-law the Organization shall be

responsible for the formulation of a Community Disaster Plan for the approval of the Council pursuant to this By-law and for the co-ordination and implementation of the Plan in the event of a declaration of a state of local emergency.

#### **COMMUNITY DIASTER PLAN COMMITTEE**

4. (a) a “Community Disaster Plan Committee”, hereinafter called the “Committee” shall be constituted and appointed by Council, to consist of three members of Council together with the Mayor. Three members of the Committee shall constitute a quorum.
- (b) In addition to its other duties and powers under this By-law, the Committee shall be responsible for studying any Community Disaster Plan Formulated by the Organization and presenting such Plan to Council with its advice as to whether the Plan should be approved, amended and approved, rejected or returned to the Organization for reformulation.

#### **ADOPTION OF COMMUNITY DISASTER PLAN**

5. (a) On the formulation of a community Disaster Plan by the Organization and on the study of such Plan by the Committee and presentation of such Plan to Council by the Committee with its advice, council shall either approve the Plan, amend the Plan and approve the Plan as amended, reject the Plan, or return the Plan to the Organization with directions for reformulation.
- (b) No Plan shall be effective as a Community Disaster Plan until it has been approved by Council pursuant to this By-law.

#### **AGREEMENTS WITH OTHER MUNICIPALITIES**

6. Subject to the approval of council, the Organization may negotiate and on behalf of the Village enter into agreements with other municipalities, with the government of the Province of New Brunswick, with the government of the Dominion of Canada, or with other agencies, or any or all of them, for the rendering of mutual assistance and for the co-ordination of Community Disaster Plans in the event of a Community Disaster involving any or all of the parties to any such agreement.

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

7. (a) In the event of a Community Disaster, Council may declare a state of local emergency to exist in the Village.
- (b) Before, upon the event of, or during the continuation of a Community Disaster the Mayor or Deputy Mayor or any Councillor, may upon reasonable notice in the circumstances to all members of Council, call members of the Council to meet anywhere in the Province for the purpose of declaring a state of local emergency and of carrying out business pertaining thereto. For such a meeting only any two members of council shall constitute a quorum. Where not inconsistent with this By-law any business at such meeting shall be conducted according to the normal By-laws of the Village.

- (c) On the declaration of a state of local emergency:
  - (i) The Organization shall implement any or all of the Community Disaster Plan approved by Council in full or in part according to the nature of the disaster and the procedures authorized in the said Plan;
  - (ii) The Organization shall immediately cause the details of the declaration to be communicated or published by such means as it considers reasonable to make such details known to the inhabitants of the Village.
  - (iii) All members of the Council will be advised by the Organization of the details of the declaration and Council shall be automatically convened and shall not be adjourned until the state of local emergency is declared to be over;
  - (iv) Subject to this By-law, the Community Disaster Plan and the control of the Council, the Organization shall be entitled, for the duration of the state of local emergency, to exercise any and all powers vested in the Village in the event of such emergency under the Emergency Measures Act.
  - (v) A copy of the declaration shall be immediately forwarded to the Minister designated under the Emergency Measures Act.

#### **ADMINISTRATION OF MUNICIPAL GOVERNMENT DURING A STATE OF LOCAL EMERGENCY**

- 8. In the event that a state of local emergency has been declared in the Village, all employees, servants and agents of the Village will advise the Organization of their whereabouts and will be required to carry out duties as ordered by the Organization. In this connection, unless Council otherwise stipulates, for services performed during the continuation of the state of local emergency, (a) department heads will receive no additional remuneration, (b) salaried persons, other than department heads, will receive a pro rata hourly rate for each hour worked, (c) hourly paid employees will receive time and one half their regular hourly rate for time worked in excess of eight hours per day, (d) casual employees required during the state of local emergency will be paid the usual set rate per hour.
- 9. For the duration of the state of local emergency Council may appoint as auxiliary police persons who are recommended to it by the Chief of Police.
- 10. For the duration of the state of local emergency Council may appoint as auxiliary firemen, persons who are recommended to it by the Fire Chief.
- 11. For the duration of the state of local emergency Council may appoint as Village employees any other person whose assistance is deemed necessary by the organization.

#### **CESSATION OF STATE OF LOCAL EMERGENCY**

- 12. Subject to the Emergency Measures Act, a state of local emergency declared pursuant to this By-Law shall continue to be in effect until terminated by order of Council.

THIS BY-LAW passed and enacted on the 17<sup>th</sup> day of March A.D. 1978.

IN WITNESS WHEREOF the Village of McAdam has caused the corporate seal of the said Village to be affixed to this By-Law the 18<sup>th</sup> day of March, A.D., 1978, and this By-Law to be signed by:

Original signed by: Frank M. Carroll

Mayor, the member of the Council who presided at the meeting at which it was passed; and

Original signed by: Marjorie O'Keefe

Clerk

READ FIRST TIME:            March 9, 1978

READ SECOND TIME:        March 9, 1978

READ THIRD TIME  
AND ENACTED:            March 17, 1978