

**BY-LAW NO. 53**

**A COMMUNITY DISASTER PLANNING BY-LAW  
FOR THE CITY OF MIRAMICHI**

The Council of the City of Miramichi under the authority vested in it by Section 7 (1) of the Municipalities Act, R.S.N.B., 1973, Chap. M-22. and the Emergency Measures Act, R.S.N.B., 1978, Chap E-7.1, and Regulations thereunder, enacts as follows:

**Interpretation**

1. For the purpose of this By-Law,
  - (a) a "community disaster" shall be any occurrence or anticipated occurrence, other than a war emergency which endangers or is likely to endanger the health, safety or welfare of persons and/or property within the Municipality and which cannot be controlled by the use of normal services and resources of the Municipality and the declaration of Council under this By-Law as to the event, and the conclusion, of a community disaster shall be final.
  - (b) a "community disaster plan" shall be a plan, whether prepared in whole or in part, prior or subsequent to the event of a community disaster, and which deals with provisions relating to the amelioration of the community disaster.

**Community Disaster Committee**

2. A Community Disaster Committee, hereinafter called "The Committee", shall be appointed by Council, to consist of not fewer than three members of Council together with the Mayor. Three members of the Committee shall form a quorum.
3. In addition to its other duties and powers under this By-Law, the Committee shall be responsible for
  - (a) the appointment of a Municipal Emergency Measures Co-Ordinator and such others as may be required,
  - (b) the making and review of all plans, programmes and expenditures for the establishment, maintenance and operation of a community disaster plan and for making the necessary submission to Council for the approval by it of such community disaster plan.

**General**

4. Subject to the approval of Council, the Committee may negotiate and on behalf of the Municipality 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 purposes of mutual aid, for the formation of joint organizations, or for the employment of their members or resources, all within the terms of a community disaster plan.
5. In the event of a community disaster being declared, a community disaster plan will be implemented by the Committee, in full or in part according to the procedures outlined therein.
6. (a) In the event that a community disaster has been declared, Council will automatically be convened, and shall not be adjourned until the community disaster is declared to be over.

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- (b) Each member of Council will be advised by the Committee when a community disaster has been declared and he shall keep advised the Disaster Control Centre of his whereabouts during the continuation of the community disaster.
  - (c) Before, upon the event of or during the continuation of a community disaster, the Mayor or Deputy Mayor or any two Councillors may call members of the Council to meet for the purpose of declaring a community disaster and of carrying out business pertaining thereto. As soon as a quorum is present, the meeting may be called to order; and for purposes of this By-Law only, any three members of Council shall constitute a quorum. At such meeting only matters directly pertaining to the community disaster may be considered by Council, and business will be conducted according to the By-Laws of the Municipality where they do not conflict with this By-Law.
7. In the event that a community disaster has been declared, all employees, servants and agents of the Municipality will advise the Disaster Control Centre of their whereabouts and will be required to carry duties as ordered by the Municipal Emergency Measures Co-Ordinator. In this connection unless Council otherwise stipulates, for services performed during the continuation of the community disaster,
- (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 as required during the continuation of the community disaster will be paid the usual set rate per hour worked.
8. When a community disaster is declared the Committee may forthwith procure food, clothing, medicines, equipment, goods and services of any nature or kind for use therein, the payment for which shall be made by the Municipality.
9. For the duration of the community disaster, Council may appoint as auxiliary police persons who are recommended to it by the Chief of Police.
10. For the duration of the community disaster, Council may appoint as auxiliary firemen, persons who are recommended to it by the Fire Chief.
11. For the duration of the community disaster, Council may appoint any other persons as deemed necessary by the Municipal Emergency Measures Co-Ordinator.
12. This By-Law will repeal the following By-Laws:
- i) By-Law No. 149, "A Community Disaster Planning By-Law", Former Town of Chatham, enacted April 9, 1990;
  - ii) By-Law No. 46, "A By-Law to Establish an Emergency Measures Plan for the Former Village of Douglastown", enacted January 11, 1994; and
  - iii) By-Law No. 49, "A Community Disaster Planning By-Law", Former Town of Newcastle, enacted September 20, 1973.

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13. This By-Law shall come into effect on the date of the final reading by title and the enacting thereof.

READ THE FIRST TIME BY TITLE: December 30, 1998

READ THE SECOND TIME BY TITLE: January 28, 1999

READ IN ITS ENTIRETY IN COUNCIL: January 28, 1999

**READ THE THIRD TIME BY TITLE AND ENACTED: January 28, 1999**

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City Clerk

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Mayor