

BY-LAW # 10

MUNICIPAL EMERGENCY BY-LAW

A By-law to Provide for a Prompt and Coordinated Response to a State of Local Emergency

The Council of the Town of Mulgrave under the authority vested in it by the Municipal Government Act, S.N.S. 1998 as amended and the Emergency Management Act, R.S.N.S. 1990, c.8, as amended, enacts as follows:

Title

- 1) This by-law may be cited as the "*Emergency Management By-Law*".

Interpretation

- 2) In this by-law:
 - a) "act" means Emergency Management Act, R.S.N.S. 1990, c.8 as amended;
 - b) "council" means the Council of the Town of Mulgrave;
 - c) "councillor" means a member of the municipal council;
 - d) "emergency" means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;
 - e) "Emergency Management Office" means the Emergency Management Office established pursuant to the Public Service Act;
 - f) "Mayor" means the mayor of the municipality or a councillor acting in the stead of the mayor;
 - g) "Minister" means the member of the Executive Council who is assigned the administration of the Act and regulations;
 - h) "Municipal Emergency Management Plan" means plans, programs or procedures prepared by the municipality that are 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 in the event of such an occurrence;
 - i) "Municipal Emergency Management Advisory Committee" means the advisory committee established pursuant to this by-law;
 - j) "Municipal Emergency Management Coordinator" means the person appointed by Council pursuant to this by-law;
 - k) "Municipal Emergency Management Organization" means the organization established pursuant to this bylaw;
 - l) "Municipal Emergency Management Planning Committee" means the committee established pursuant to this by-law;
 - m) "Municipality" means the Town of Mulgrave.
 - n) "State of Emergency Regulations" means the State of Emergency Forms Regulations, N.S. Reg.255/2008 as amended
 - o) "State of Local Emergency" means a state of local emergency declared by a municipality pursuant to the Act or renewed by the municipality pursuant to the Act and regulations made pursuant thereto and this by-law.

Municipal Emergency Management Organization

- 3) (1) The Council hereby establishes a municipal Emergency Management Organization.
- (2) The municipal Emergency Management Organization shall consist of the following persons and committees:
 - a) a municipal Emergency Management Advisory Committee;
 - b) a municipal Emergency Management Coordinator (EMC); and
 - c) a municipal Emergency Management Planning Committee.

Municipal Emergency Management Advisory Committee

- 4) (1) The municipal Emergency Management Advisory Committee shall be appointed by the Council for such terms as the Council deems necessary.
- (2) The municipal Emergency Management Advisory Committee shall at all times consist of no fewer than two councillors.
- (3) The municipal Emergency Management Advisory Committee shall:
 - a) advise Council on the development of municipal emergency management plans;
 - b) present municipal emergency management plans to Council;
 - c) brief Council on developments during a local state of emergency; and
 - d) perform such other duties as may be required by Council.

Municipal Emergency Management Coordinator (EMC)

- 5) (1) The municipal Emergency Management Coordinator (EMC) shall be appointed for such terms as the Council deems necessary.
- (2) The municipal EMC may be paid reasonable expenses for work incurred under this by-law.
- (3) The municipal EMC shall:
 - a) chair the municipal Emergency Management Planning Committee;
 - b) coordinate and prepare municipal emergency management plans;
 - c) following a declaration of a local state of emergency, prescribe as necessary duties to be fulfilled by municipal employees and councillors; and
 - d) perform such other duties as Council may require.

Municipal Emergency Management Planning Committee

- 6) (1) The municipal Emergency Management Planning Committee shall be appointed by Council for such term as the Council may prescribe.
- (2) The municipal Emergency Planning Committee shall consist of the head of every municipal department or agency which is assigned emergency-related functions under

municipal emergency management plans and where no department or agency exists, a qualified person to represent that group.

- (3) The Municipal Emergency Management Planning Committee shall include but not be limited to, persons responsible during an emergency to provide:
- a) income assistance;
 - b) law enforcement;
 - c) fire-control services;
 - d) engineering services;
 - e) health services;
 - f) community services;
 - g) transportation;
 - h) communications;
 - i) public information;
 - j) utilities;
 - k) financial services; and
 - l) legal services.
- (4) The municipal Emergency Management Planning Committee shall:
- a) assist the municipal EMC in the preparation and coordination of municipal emergency management plans;
 - b) advise the Municipal Emergency Management Advisory Committee on the development of municipal emergency management plans;
 - c) upon request, assist the Municipal Emergency Management Advisory Committee in the presentation of municipal emergency management plans to Council; and
 - d) perform such other duties as may be required by the municipal Emergency Management Advisory Committee or the Council.

Agreements

- 7) (1) Subject to preliminary approval of Council, the Municipal Emergency Management Planning Committee may, as part of municipal emergency management plans, negotiate an agreement to be approved by Council or a person designated by the Council with the Government of Canada, the Province of Nova Scotia, another municipality, organization or person.
- (2) Any agreement negotiated under subsection (1) is not binding until Council approves it.

Duty of Council

- 8) (1) The Council shall review and evaluate municipal emergency plans that the municipal Emergency Management Planning Committee provides it.
- (2) The Council may specify additional duties to be fulfilled by the municipal Emergency Management Advisory Committee, the municipal EMC and the municipal Emergency Management Planning Committee.
- (3) The Council may appropriate and expend money to:

- a) pay reasonable expenses of members of the municipal Emergency Management Advisory Committee, the municipal EMC and the municipal Emergency Management Planning Committee; and
- b) fulfill the terms and conditions of an agreement that Council approved in Section 7.

Declaration of a State of Local Emergency

- 9) (1) The Council may declare a state of local emergency when satisfied that an emergency exists or may exist in all or any area of the municipality and shall complete the required form or forms pursuant to the State of Emergency Forms Regulations.
- (2) If the Council is unable to act promptly, the Mayor may exercise the authority of the Council and may declare a state of local emergency after consulting, if it is practical to do so, with a majority of the members of the Municipal Emergency Management Advisory Committee
- (3) With the approval of the Minister, the Council, or the Mayor if Council is unable to act, may renew a state of local emergency
- (4) A signed copy of any declaration under this section shall immediately be delivered or faxed to the Minister and the Emergency Management Office.

Notice Provision

- 10) When a state of local emergency has been declared or terminated, the municipality shall immediately cause the details of the declaration or termination to be communicated or published by such means as the municipality considers to be most likely to make the information known to the citizens of the municipality.

Duties during a State of Local Emergency

- 11) Following the issuance of a declaration under Section 9 and for the duration of the state of local emergency:
- a) the mayor and every councillor shall keep the EMC informed regarding his/her whereabouts; and
 - b) every municipal employee who has a key role to play in such emergencies as identified in the municipal emergency management plans shall:
 - I. advise the municipal EMC of their whereabouts; and
 - II. fulfill such duties as may be prescribed by the municipal EMC.

Date of first reading:	April 4 th , 2011
Date of advertisement of notice of intent to consider:	April 13 th , 2011
Date of second reading:	May 2 nd , 2011
Date of advertisement of passage of by-law:	May 25 th , 2011
Date of mailing to Minister a certified copy of By-Law:	May 25 th , 2011

I, Hugh Landry, Chief Administrative Officer of the Town of Mulgrave do hereby certify that the foregoing is a true copy of a Municipal Emergency By-Law duly passed by the full Council of the Town of Mulgrave at a meeting duly held and convened on the 2nd day of May, 2011.

Chief Administrative Officer/ Municipal Clerk

DATED at Mulgrave, in the County
of Guysborough, Nova Scotia, this
___ day of _____, A.D., 2011