

Snuneymuxw First Nation Covid-19 By-law (2020-01)

A bylaw to address the pandemic and reduce the risk from the Covid-19 Virus in
Snuneymuxw First Nation Communities

PREAMBLE

- A. Whereas Snuneymuxw First Nation (the “Nation”) has several Reserves which are communities of the Nation where band members reside and these are located within the traditional Treaty territory of the Nation;
- B. Whereas Snuneymuxw First Nation Reserves are located close to the major urban centre of Nanaimo in the mid-island of British Columbia and face the routine transit of non-Nation members through the Reserves or communities by road and railway;
- C. Whereas Snuneymuxw First Nation communities face challenges as a result of poor housing conditions, lack of integrated water and sewer, and Nation members experience high levels of underlying health conditions, low incomes in many households, and limited access to food and medical services and supplies in the community;
- D. Whereas the Covid-19 virus is highly contagious and is a serious and immediate threat to the health and lives of Nation members, especially for Elders, pregnant mothers, children and members with underlying health conditions;
- E. Whereas Canada’s Chief Public Health Officer and British Columbia’s Chief Public Health Officer have declared health emergencies and directed that measures be taken to prevent the spread of the Covid-19 virus, including through physical (or “social”) distancing and limiting the size of gatherings;
- F. Whereas Snuneymuxw First Nation Chief and Council (the “Council”) need to take urgent action to help protect Nation communities from the spread of the Covid-19 virus;
- G. Whereas the *Indian Act*, section 81(1) confirms the authority of the Council to make by-laws providing for
 - (a) ... the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
 - ...
 - (p) the removal and punishment of persons trespassing on the reserve...;
 - ...
 - (r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section;

H. And Whereas in accordance with the need for physical (social) distancing, the Council participated in the review and decision-making on this By-law by teleconference under emergency circumstances.

NOW THEREFORE the Council of Snuneymuxw First Nation at a duly convened meeting enacts the following by-law:

SHORT TITLE

1. This By-law may be cited as the “Snuneymuxw First Nation Covid-19 By-law”

DEFINITIONS

2. In this By-law:

“Authorized Occupant” means a person who

- a. is listed in the rental lease as an occupant of a Snuneymuxw rental home or
- b. has their official address at a privately-owned home on Reserve.

“By-law” means the Snuneymuxw First Nation Covid-19 By-law

“Council” means the Chief and Council of Snuneymuxw First Nation, which is elected pursuant to the Snuneymuxw First Nation Election Code

“Communities” means the following Snuneymuxw First Nation communities:

- Indian Reserve #1
- Indian Reserve #2
- Indian Reserve #3
- Indian Reserve #4
- Indian Reserve #5
- Indian Reserve #6

“Emergency Director” means the Snuneymuxw First Nation Emergency Operations director who is the Chief Operations Officer

“*Indian Act*” means the federal *Indian Act*, RSC 1985, c. I-5

“Snuneymuxw First Nation Member” means a person whose name appears on the Snuneymuxw First Nation Indian band membership list

“Officer” means

- a. any person designated in writing by the Emergency Director to enforce this By-law; and
- b. Peace Officers

“Peace Officer” means

- a. R.C.M.P. officers; and
- b. any other person charged by Canada or British Columbia with the duty to preserve and maintain the public peace in accordance with their laws

“Reserves” means the Indian reserves under *Indian Act* that are associated with the Communities:

- a. Indian Reserve #1
- b. Indian Reserve #2
- c. Indian Reserve #3
- d. Indian Reserve #4
- e. Indian Reserve #5
- f. Indian Reserve #6

“Unauthorized Person” means a person who meets none of the criteria in section 4 of this By-law and is therefore not allowed to be on Reserve.

APPLICATION

3. This By-law applies on all the Reserves.

PROTECTIVE MEASURES

4. Authorized Occupants and others identified in section 5 must adhere to all orders issued by the Provincial Health Officer.
5. A person may only enter or be present on a Reserve if they are:
 - a. a Snuneymuxw First Nation Member;
 - b. an Authorized Occupant;
 - c. the spouse or family member of a Nation Member who routinely resides with the Nation Member on Reserve;
 - d. conducting urgent appliance or home repairs;
 - e. delivering goods to a home or a Nation Member-owned business on Reserve, except not alcohol or drugs;
 - f. caring for an Authorized Occupant;
 - g. providing emergency services (e.g. firefighting, child and family services, medical, RCMP, search and rescue services);
 - h. doing work to maintain or repair utilities or public infrastructure (e.g. hydro, phone, internet, snowplowing, garbage removal); or

- i. doing work for Snuneymuxw First Nation at Snuneymuxw First Nation's prior or advance request.
6. A person who meets none of the criteria in section 5 is not allowed to enter or be present on a Reserve and is an Unauthorized Person.
7. The maximum number of people allowed in any home on Reserve at any given time is 10. This maximum applies to the entire property on which the home is located. In the case of a housing emergency, the Emergency Director may make exceptions to this maximum occupancy rule in writing.
8. The following people must immediately remain inside their home:
 - a. any person who is experiencing fever and coughing will remain at home until their fever has passed or they have been tested for Covid-19 and have received confirmation that they do not have the virus;
 - b. any person returning to a Community from outside of Canada will remain at home for 14 days or longer or as directed by the Provincial Health Officer;
 - c. any person returning from a Canadian destination that the Emergency Director has identified as a high-risk location through a written notice to Snuneymuxw First Nation members will remain at home for 14 days or longer as directed by the Provincial Health Officer.

ENFORCEMENT AND PENALTIES

9. Officers may stop people seeking to enter a Reserve or who are on the Reserve to determine whether they are allowed to enter or be on the Reserve, including by requesting appropriate written or verbal confirmation that the person meets one of the criteria in section 5.
10. Officers may order any Unauthorized Person not to enter or to immediately leave the Reserve.
11. Officers may attend homes on Reserve to determine whether occupancy exceeds 10 people. Where occupancy exceeds 10, Officers may order any person who is not an Authorized Occupant of that home to leave the property immediately.
12. Officers may order any person who should be staying at home under section 8 to return home.
13. No person may interfere with or obstruct an Officer who is exercising their enforcement powers under this By-law, or fail to comply with an Officer's order enforcing this By-law.

14. A person who contravenes any of the Protective Measures under this By-law or who breaches section 13 commits an offence.
15. A person who commits an offence under this By-law is liable on summary conviction to a fine of up to \$1,000, imprisonment for up to 30 days, or to both pursuant to section 81(1)(r) of the *Indian Act*.
16. Where an act in contravention of this By-law continues for more than one day, each day on which the offence is committed will be deemed a separate offence and may be punished as such.
17. The offences created by this By-law are in addition to, and do not replace, any applicable provincial or federal offences.

COMING INTO FORCE AND DURATION

18. This By-law comes into force the day it is adopted by Council. As soon as the By-law is approved, it will be posted on the Snuneymuxw First Nation website and in prominent locations in each Community, and it will be shared with the Officers who will help to enforce it.
19. This By-law will remain in force until the earlier of these events:
 - a. Council repeals it; or
 - b. The British Columbia Public Health Officer declares that physical (social) distancing is no longer a necessary or recommended measure to deal with the Covid-19 virus.

AMENDMENTS

20. The Council may approve written amendments to this By-law, including additional protective measures, by vote at a duly convened meeting. Given the emergency situation, no consultation with membership will be required for any amendments.
21. If the Council approves an amended By-law, it will promptly post the new By-law on the Snuneymuxw First Nation website and in prominent locations in each Community, and it will share the amended By-law with the Officers who are helping to enforce it.


BY-LAW APPROVAL

This By-law is approved at an emergency Council meeting on March 28, 2020. Some Council members are participating by phone as required by social distancing at the time of the meeting, and a written record of the meeting and the outcome of the vote will be kept, but Council members authorized their electronic signature to be fixed to the By-law.

Quorum: 10



Chief Michael Wyse



Erralyn Thomas

Erralyn Thomas

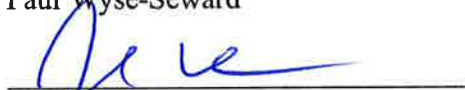


Kate Good

Kate Good


Approved by teleconference
Paul Wyse-Seward

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Joe White Jr.

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Emmy Manson

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William Yoachim

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Isaac Thomas

Isaac Thomas



Chris Good

Chris Good