

## **KITASOO INDIAN BAND**

### **BY-LAW RESPECTING EMERGENCY MEASURES TO PREVENT THE SPREAD OF INFECTIOUS DISEASE**

#### **BY-LAW NO. ●**

**Enacted on the \_16\_\_\_ day of May, 2020**

**WHEREAS** section 81(1)(a) of the *Indian Act*, R.S.C. 1985, c. I-5, empowers the Chief and Council of Kitasoo to make by-laws to provide for the health of residents on the reserves of Kitasoo and to prevent the spreading of contagious and infectious diseases;

**AND WHEREAS** the Chief and Council desires to make a by-law to prevent the spreading of contagious and infectious diseases, without prejudice to the Aboriginal rights and title of the Kitasoo/Xai'Xais Nation, including its inherent right of self-government, relating to Klemtu and the traditional territories of the Kitasoo/Xai'Xais Nation;

**The Council hereby enacts a by-law as follows:**

#### **Interpretation**

**1. In this By-Law:**

- a. "Chief and Council" means Chief and Council of Kitasoo Indian Band;
- b. "Community" means Klemtu or any and all other reserves of Kitasoo Indian Band;
- c. "Panel" means a panel of individuals appointed by Chief and Council pursuant to ss. 3 and 4 of this By-Law;
- d. "Essential Worker" means a person providing essential services or supplies, as determined by Chief and Council or its delegate;
- e. "Infectious Disease" means COVID-19 or such other infectious disease as may be designated by Chief and Council.
- f. "Officer" means any police officer, member of the RCMP, peace officer, or other person charged with the duty to preserve and maintain the public peace, and any person appointed by Chief and Council for the purpose of maintaining law and order and/or the enforcement of by-laws in the Community.

## **Prohibition**

2. No person, whether a member or non-member of the Kitasoo Indian Band, who is not an Essential Worker, may enter the Community at this time and until this By-Law expires or is rescinded, unless, prior to entering or re-entering the Community, such person obtains advance approval in accordance with sections 3 and 4 of this By-Law.

## **Application for Exemption**

3. In order to seek advance approval under s. 2, a person must make an application to a Panel established for that purpose by Chief and Council, at least 7 full business days prior to the proposed date of entry into the Community, unless such timeline is abridged, on an emergency basis, in the discretion of the Panel.
4. The Panel may, pursuant to a process established by the Panel, grant an application made pursuant to s. 3 on an exceptional basis only, on emergency or compassionate grounds, provided that the applicant has satisfied the Panel, in its absolute discretion and based on the advice of a health professional designated for that purpose by Chief and Council, that:
  1. The applicant does not pose an undue risk of being infectious or contagious of the Infectious Disease; and
  2. that in the event the applicant becomes symptomatic or infectious or contagious of Infectious Disease, that he or she has the capacity for and a reasonable plan in place for self-isolation and other measures that will prevent any further spread of the Infectious Disease.

## **Enforcement**

5. Any Officer is hereby authorized to enforce this By-Law and to use such reasonable measures as may be necessary to prevent any person from entering the Community or to remove such person from the Community who is not in compliance with this By-Law.

## **Offence**

6. A person who contravenes section 2 commits an offence against this By-law.
7. Every person who commits an offence against this By-law is liable on summary conviction to a fine of not more than \$1,000 or imprisonment for a term not exceeding 30 days, or both.

## **Coming into Force**

8. This By-Law comes into force immediately upon publication on the Kitasoo Indian Band's internet site, or other valid form of publication pursuant to section 86 of the *Indian Act*.
9. This By-Law shall remain in force at a minimum for the duration of the state of emergency in the province of British Columbia ("BC").
10. Chief and Council shall meet within 14 days following the end of BC's state of emergency to decide whether to further extend or rescind the By-Law, and if they decide to so extend, for what period.
11. If Chief and Council decide to extend the By-Law in accordance with s. 10 or, thereafter, in accordance with this section, Chief and Council shall meet within 7 days prior to the end of any such the extension period to decide whether to further extend the By-Law and, if so, by what further period.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of Kitasoo Indian Band this \_\_\_\_\_ day of May, 2020.

Voting in favor of the By-Law are the following members of the Council:

Roxanne Ruisison  
Chief Councillor

Loach Robinson  
Councillor

[Signature]  
Councillor

Barry Edger  
Councillor

Frank Robinson  
Councillor

being the majority of those members of the Council of the First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: