



**ꞑEsdilagh First Nation  
COVID-19 Virus By-law (2020-01)**

## **ʔEsdilagh First Nation COVID-19 Virus By-law (2020-01)**

A by-law to reduce the risk from the COVID-19 Virus in ʔEsdilagh First Nation

### **PREAMBLE**

- A. Whereas the ʔEsdilagh First Nation is responsible for the planning and well-being of its community;
- B. Whereas the ʔEsdilagh members are already challenged by poor housing conditions, high levels of underlying health conditions, low incomes in many households, and limited access to medical services;
- C. Whereas the COVID-19 virus is highly contagious and is a serious and immediate threat to the health and lives of our members, especially our elders and members with underlying health conditions;
- D. Whereas Canada’s Chief Public Health Officer and British Columbia’s Chief Medical Health Officer have made it clear that reducing the spread of the COVID-19 virus requires physical (or “social”) distancing and limiting the size of gatherings;
- E. Whereas the ʔEsdilagh Chief and Council need to take urgent action to help protect the community from the spread of the COVID-19 virus;
- F. Whereas the *Indian Act*, section 81(1) confirms the authority of ʔEsdilagh First Nation’s Chief and 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;
- G. And Whereas in accordance with the need for physical (social) distancing, Council members are participating in the review and decision-making on this By-law by meeting or teleconference.

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

## SHORT TITLE

1. This By-law may be cited as the “?Esdilagh 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 ?Esdilagh First Nation home or
- b. has their official address at a privately-owned home on Reserve.

“By-law” means the ?Esdilagh First Nation COVID-19 By-law

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

“Emergency Director” means the ?Esdilagh First Nation Emergency Director hired, or duly appointed, by the ?Esdilagh First Nation

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

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

“Officer(s)” means

- a. any person(s) 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 reserve under the *Indian Act* named: Alexandria 1, Alexandria 10, Alexandria 11, Alexandria 12, Alexandria 1A, Alexandria 3, Alexandria 3A, Big Joe’s Meadow 7, Freddie’s Meadow 8, Hay Ranch 2, Lorin Meadow 9, McKay Meadow 4, Necausley Creek 6, Webster Creek 5

“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. A person may only enter or be present on a Reserve if they are:
  - a. a ?Esdilagh Member and an Authorized Occupant;
  - b. the spouse, or minor children, of an ?Esdilagh Member that is an Authorized Occupant;
  - c. doing urgent appliance or home repairs;
  - d. delivering goods as a professional delivery service to a home or a ?Esdilagh First Nation-owned business on Reserve, except not alcohol or drugs;
  - e. providing essential medical care for an Authorized Occupant or their spouse;
  - f. providing emergency services (e.g. firefighting, medical);
  - g. doing work to maintain or repair utilities or public infrastructure (e.g. hydro, phone, internet, snowplowing, garbage removal); or
  - h. doing work for ?Esdilagh First Nation at ?Esdilagh First Nation's request.
5. A person who meets none of the criteria in section 4 is not allowed to enter or be present on a Reserve and is an Unauthorized Person.
6. The maximum number of people allowed in any home on Reserve at any given time is 10, unless the people are Authorized Occupants of the home. 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.
7. The following people must immediately remain at home or remain at an appropriate isolation unit:
  - a. any person who is experiencing fever and/or coughing and/or difficulty breathing will remain at home or an appropriate isolation unit 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 who tests positive for COVID-19 will remain at home or an appropriate isolation unit for 14 days unless they have been subsequently tested for COVID-19 and have received confirmation that they do not have the virus;
  - c. any person returning to ?Esdilagh from outside of Canada will remain at home or an appropriate isolation unit for 14 days;
  - d. any person returning from a Canadian destination that the Emergency Director has identified as a high-risk location that is posted in a public notice will remain at home or an appropriate isolation unit for 14 days; or

- e. any person that has had recent and close exposure to a confirmed case of Covid - 19 will remain at home or an appropriate isolation unit for 14 days from the date of most recent exposure.
8. Any person seeking to enter onto Reserve, or who is on the Reserve, that:
  - a. Had recent and close exposure with a confirmed case of COVID-19; or,
  - b. Has tested positive for COVID-19;must immediately disclose this information to the ?Esdilagh nurse, who will take all necessary and reasonable precautions to prevent the spread of COVID-19 while protecting client's privacy.
9. The Emergency Director may make further orders as necessary and reasonable to implement the purposes and intent of this By-law.

## **ENFORCEMENT AND PENALTIES**

10. 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 4.
11. People attempting to enter, or who are on Reserve, must disclose to an Officer relevant information about the location of their home, relevant information about their health, where they travelled from, and other relevant information necessary to prevent the spread of COVID-19.
12. Officers may order any Unauthorized Person not to enter or to immediately leave the Reserve.
13. Officers may attend homes on Reserve to determine whether occupancy exceeds 10 people that are not Authorized Occupants. Where occupancy exceeds 10, Officers may order any person who is not an Authorized Occupant of that home to leave the property immediately.
14. Officers may order any person who should be staying at home under section 7 to return home.
15. 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.

16. A person who contravenes any of the Protective Measures under this By-law or who breaches section 15 commits an offence.
17. 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*.
18. 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.
19. 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**

20. 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 ?Esdilagh First Nation website and in prominent locations in ?Esdilagh, and it will be shared with the Officers who will help to enforce it.
21. This By-law will remain in force until the earlier of these events:
  - a. Council repeals it; or
  - b. the government of British Columbia declares that physical (social) distancing is no longer a necessary or recommended measure to deal with the COVID-19 virus.

### **AMENDMENTS**

22. 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.
23. If the Council approves an amended By-law, it will promptly post the new By-law on the ?Esdilagh 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**

24. This By-law is approved at an emergency Council meeting on April 22, 2020. Council members may participate by phone, and a written record of the meeting and the outcome of the vote will be recorded, but only the present and consenting Council members will sign this By-law.

Quorum: Three (3)

By-law passed unanimously in a duly convened meeting held by teleconference on April 22, 2020 at 10:50 a.m. by:

Chief Victor Roy Stump  
Councillor William Baptiste  
Councillor Howard Johnny  
Councillor Chad Stump