

**TAKLA NATION COVID 19 COMMUNITY PROTECTION BYLAW,
A bylaw to reduce the risk from the COVID-19 pandemic in Takla Communities
2020-01**

Consolidated May 11, 2020

CONSOLIDATED FOR CONVENIENCE TO INCLUDE:

Prohibited Hours Amendment Band Council Resolution 20-05-096 of 2020

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WHEREAS:

- A.** The Takla Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B.** A communicable disease known as COVID-19 has been declared by the World Health Organization to be a global pandemic and has arrived in British Columbia;
- C.** COVID-19 is caused by a highly infectious virus known as SARS CoV-2. A person who is infected with SARS CoV-2 can infect other people with whom the infected person is in contact;
- D.** The Takla Nation community faces certain challenges, including poor housing conditions, high levels of underlying health conditions, low incomes in many households and limited access to medical services that make it particularly vulnerable to an outbreak of COVID-19;
- E.** SARS CoV-2 and COVID-19 pose a serious and immediate threat to the health, safety and lives of the people of Takla Nation, and especially to Elders, people with underlying health conditions and other vulnerable community members, and require the prompt coordination of action or special regulation of persons or property to protect the health, safety, well-being and lives of people;
- F.** Canada's Chief Public Health Officer (CPHOC) and the British Columbia Provincial Health Officer (BCPHO) have made orders and recommendations designed to prevent and reduce the spread of SARS CoV-2, including requiring social (physical) distancing and limiting the size of gatherings;
- G.** Council have an obligation to protect Takla Nation members and residents, particularly Elders, children and other vulnerable community members, and to enforce the orders and recommendations of the CPHOC and the BCPHO and reasonably believes that urgent action is required to protect Takla Nation from the spread of SARS CoV-2 and a COVID-19 outbreak;
- H.** Sections 81(1)(a), (c), (d), (p), (p.1), (q) and (r) of the *Indian Act* empower Council to pass bylaws to provide for the health of residents on the reserve, the observance of law and order, the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on reserve or frequenting the reserve for prohibited purposes, the residence of Members and other persons on the Reserve, and for matters arising out of or ancillary to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;
- I.** In accordance with the need for physical distancing, Council is holding its meeting to review and approve this bylaw by teleconference.

Now Therefore the Council of Takla Nation at a duly convened meeting enacts the following Bylaw:

PART 1

1. NAME

- 1.1 This Bylaw may be cited as the Takla COVID-19 Community Protection Bylaw.

PART 2

2. PUBLICATION OF BYLAW

2.1 Upon enacting this Bylaw, Council shall:

- (a) publish the Bylaw in the First Nation Gazette;
- (b) post the Bylaw on a Takla internet page, to remain until such date as it is repealed;
- (c) post the Bylaw in a public area in the Takla Administration Building including a notice containing:
 - (i) the date that this Bylaw is in force; and
 - (ii) a summary of this Bylaw.

PART 3

3. INTERPRETATION

3.1 In this Bylaw:

“Authorized Occupant” means a person who

- (a) is listed in the rental agreement as an occupant of a Takla rental home or
- (b) has their official address at a privately-owned home on Reserve

“BCPHO” means the Provincial Health Officer of British Columbia

“Bylaw” means the Takla COVID-19 Community Protection Bylaw

“CPHOC” means the Chief Public Health Officer of Canada

“Council” means the duly elected Chief and Council of Takla Nation

“High Risk Area” means a geographic location where an outbreak of COVID-19 has been confirmed by the BC Centre for Disease Control and includes any small community with confirmed cases of COVID-19 where the ability to maintain social (physical) distancing is limited

“Indian Act” means the federal *Indian Act*, R.S.C. 1985, c. I-5

“Member” means a person whose name appears on the Takla membership list, or who is entitled to have their name appear on the Takla membership list

“Officer” means

- (a) any person designated in writing by Council to enforce this Bylaw;
- (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

“Prohibited Hours” “Prohibited Hours” means that period of time between the hours of 12:00AM and 6:00AM of each day;

“Prohibited Purposes” means any of the following activities conducted on the Reserve by any person, including a Member:

- (a) hawking or peddling of wares or merchandise;
- (c) loitering;
- (d) soliciting financial assistance;
- (e) participating in gatherings of people prohibited under this Bylaw; or
- (f) dealing, trafficking or delivering alcohol or drugs to any person, except if they are being delivered as part of an essential health service (e.g. managed alcohol program, prescription delivery).

“Protective Measures” means all those protective measures intended to reduce or prevent the spread of COVID-19 as set out in Part 5 of this Bylaw;

“Reserve” means the lands set aside by Canada for the use and benefit of Takla within the meaning of the *Indian Act* and known as North Tacla Lake 7 and North Tacla Lake 7A;

“Takla” means the Takla Nation

“Unauthorized Person” means a person who meets none of the criteria in section 5.1 of this Bylaw or who has been designated by Council as an Unauthorized Person in accordance with section 5.4 of this Bylaw and is therefore not permitted to be on Reserve.

3.2 Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

PART 4

4. APPLICATION OF BYLAW

Bylaw applicable to Reserve

4.1 This Bylaw applies to the Reserve.

Bylaw applicable to Members and non-Members

4.2 This Bylaw applies to all persons, including Members.

PART 5

5. PROTECTIVE MEASURES

Restrictions on access to the Reserve

5.1 A person may only enter or be present on the Reserve if they are:

- (a) a Member;
- (b) an Authorized Occupant;
- (c) the spouse or family member of a Member who routinely resides with a Member on Reserve;
- (d) conducting urgent appliance or home repairs;
- (e) delivering goods to a home or a Member-owned business on Reserve, except not alcohol or drugs unless they are being delivered as part of an essential health service (e.g. managed alcohol program, prescription delivery);
- (f) caring for an Authorized Occupant;
- (g) providing emergency services (e.g. firefighting, child and family services, medical, RCMP and 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) providing essential services or other work for Takla at Takla's request.

5.2 Council may approve a request made in writing for a person to enter or be present on the Reserve for a reason not specified in section 5.1.

5.3 A person who meets none of the criteria in section 5.1 and who has not received permission of Council pursuant to a written request made under section 5.2 is not allowed to enter or be present on a Reserve and is an Unauthorized Person.

5.4 Despite sections 5.1Part 0108 and 5.2, Council may designate a person to be an Unauthorized Person where the person meets one of the criteria in section 5.1 or has received permission of Council pursuant to a written request made under section 5.2 and Council has determined the person to be a threat to the health and safety of Takla and Members because the person,

- (a) is frequenting the Reserve for a Prohibited Purpose, or

- (b) has contravened an order of an Officer made under this Bylaw and Council has a reasonable belief that the person will continue the contravention.

Prohibited Hours

- 5.5 No person shall be in any public place on a Reserve during the Prohibited Hours unless that person,
- (a) is attending or is directly returning home from an activity described in sections 5.1(d), 5.1(e), 5.1(f), 5.1(g), 5.1(h) or 5.1(i), or
 - (b) is authorized by resolution of Council.

Restrictions and Closure of Public Facilities

- 5.6 Council may, at its sole discretion, order closure or restrictions on access to community facilities on Takla Reserves, including schools, playgrounds, recreational buildings and cultural buildings.

Restrictions on Businesses

- 5.7 Council may make orders restricting the hours of operation and number of persons entering businesses or other premises on Reserve.

Restrictions on Gatherings

- 5.8 The gathering of people of more than 12 people at any location on a Reserve, whether a home or building, whether indoors or outdoors and whether private or public, is strictly prohibited and this restriction applies to the entire property on which a home or building is located.
- 5.9 Despite section 5.8, gatherings of up to 12 people are permitted if,
- (a) the gathering is reasonably necessary to perform a service or function contemplated under sections 5.1(d), 5.1(e), 5.1(f), 5.1(g), 5.1(h), or 5.1(i) and the individuals in the gathering are complying with the requirements of section 5.11 and any orders of Council given under section 5.16, or
 - (b) the gathering consists of people who routinely and ordinarily reside together in the same household on Reserve.
- 5.10 Council may approve a request made in writing for a gathering of people in excess of 12 people for a reason not specified in section 5.9.

Compliance with Orders of the PHO

- 5.11 All persons present on Takla Reserves must strictly comply with any order or recommendation of the CPHOC or BCPHO made in relation to the COVID-19 outbreak from time to time, including orders and recommendations related to the following:
- (a) Travel restrictions;

- (b) Self-isolation and/or quarantine;
- (c) Staying home;
- (d) Restricting visitors;
- (e) Social (physical) distancing; and
- (f) Wearing face masks or other personal protective equipment when in public.

Quarantine/Self-Isolation

- 5.12 A person who is returning to a Reserve from a High Risk Area shall quarantine for fourteen (14) days, whether or not they have symptoms of COVID-19. A person who is quarantined shall,
- (a) wear a mask in public settings while traveling to their place of quarantine,
 - (b) go directly to their place of quarantine without delay and stay there for fourteen (14) days from the date of arrival at the Reserve, and
 - (c) follow the instructions for self-isolating at home given by the CPHOC or the BCPHO, whichever is the more stringent at any given time.
- 5.13 A person who develops symptoms of COVID-19 while quarantined pursuant to section 5.12 shall self-isolate and shall remain self-isolated until ten (10) days after onset of symptoms except if directed by a medical professional to seek medical attention, in which case, the person must follow the directions of the medical professional.
- 5.14 A person who has been in contact with an infected person, or who has symptoms that may be due to COVID-19 shall self-isolate for fourteen (14) days in accordance with the instructions for self-isolating given by the CPHOC or the BCPHO, whichever is the more stringent at any given time.
- 5.15 A person who resides in the same household as a person who is required to quarantine under section 5.12 or to self-isolate under sections 5.13 or 5.14 shall self-isolate for fourteen (14) days in accordance with the instructions for self-isolating given by the CPHOC or the BCPHO, whichever is the more stringent at any given time.

Council May Order Increased Protective Measures

- 5.16 Council may issue orders by resolution requiring Protective Measures on Takla Reserves that are more stringent than an order or recommendation of the CPHOC or BCPHO if Council determines such requirements are reasonable and necessary to protect the health and safety of Takla Members or the public.

PART 6

6. ENFORCEMENT AND PENALTIES

Inspection

- 6.1 An Officer may stop a person or vehicle, enter a vehicle or place and inspect a vehicle or place to monitor or confirm compliance with a provision of this Bylaw including, without limitation, to determine whether:
- (a) a person is 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 5.1 or that they have permission of Council under section 5.2;
 - (b) a person is frequenting the Reserve for a Prohibited Purpose;
 - (c) a person has been designated an Unauthorized Person by Council under section 5.4 Part 5.4;
 - (d) a gathering of people or occupancy in a home or building on Reserve exceeds 12 people in contravention of section 5.8; or
 - (e) a person should be quarantined in accordance with section 5.12 or self-isolating in accordance with sections 5.13, 5.14 or 5.15.
- 6.2 Before entering a vehicle or place to conduct an inspection in accordance with section 6.1, an Officer must take reasonable steps to notify the owner or occupier of the vehicle or place and to obtain their consent to enter, except that an Officer can conduct an inspection without providing notice if
- (a) providing notice would not be reasonably possible or practical in the circumstances, or
 - (b) in the case of a Protective Measure, providing notice would frustrate the purposes of the inspection.

Orders

- 6.3 An Officer may order a person to do or not do anything that the Officer reasonably believes is necessary to
- (a) determine whether Protective Measures are being followed as required under this Bylaw,
 - (b) prevent or stop the risk of exposure to COVID-19, or to mitigate the harm or prevent further harm from exposure to COVID-19, or
 - (c) bring the person into compliance with this Bylaw.
- 6.4 Without limiting the generality of section 6.3, Officers may:

- (a) order any Unauthorized Person not to enter or to immediately leave the Reserve;
 - (b) where a gathering of people is in excess of 12 people and an exception in section 5.9 does not apply, and the gathering has not been authorized by Council in accordance with section 5.10 order the attendees of the gathering to disperse immediately and, where the gathering is in a home or building on Reserve, order any person who is not an Authorized Occupant of that home or building to leave the property immediately; or
 - (c) order any person who should be under quarantine pursuant to section 5.12 or self-isolating pursuant to sections 5.13, 5.14 or 5.15 to comply with the terms of those sections, including by wearing a mask or staying home.
- 6.5 Where a person who has been ordered to leave the Reserve fails or refuses to do so, an Officer may take such reasonable measures as may be necessary to remove the person from the Reserve.

Enforcement of Prohibited Hours

- 6.6 An Officer who finds a person who is in a public place during the Prohibited Hours unless in accordance with section 5.5, may give the person a warning and immediately escort such person home.
- 6.7 Where an Officer has given a warning and escorted a person home pursuant to section 6.6, the Officer shall notify Council and shall provide to Council the person's name and the location, date and time at which the warning was given.
- 6.8 A person who disregards the Officer's warning or is found by an Officer to be disobeying this Bylaw a second time within a period of 30 days commits an offence.

Offences

- 6.9 No person may interfere with or obstruct an Officer who is exercising their enforcement powers under this Bylaw, or fail to comply with an Officer's order enforcing this Bylaw.
- 6.10 A person who contravenes any of the Protective Measures under this Bylaw or who breaches section 6.9 commits an offence.
- 6.11 Where an act in contravention of this Bylaw 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.
- 6.12 The offences created by this Bylaw are in addition to, and do not replace, any applicable provincial or federal offences.

Penalties

- 6.13 A person who commits an offence under this Bylaw is liable on summary conviction to a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to thirty (30) days or to both pursuant to section 81(1)(r) of the *Indian Act*.

PART 7

7. GENERAL

No Liability

- 7.1 None of Takla Council, Members, employees, representatives or agents of any of Takla or Council are liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Bylaw or from the neglect or failure, for any reason or in any manner, to enforce this Bylaw.

Compliance with Other Laws

- 7.2 Compliance with this Bylaw shall not relieve a person from having to comply with the requirements of any other applicable law or legal requirement.

Severability

- 7.3 If a court of competent jurisdiction determines that a provision of this Bylaw is invalid for any reason, the provision shall be severed from the Bylaw and the remaining provisions of this Bylaw shall remain in full force and effect.

PART 8

8. COMING INTO FORCE AND DURATION

- 8.1 This Bylaw comes into force the day it is adopted by Council. As soon as the Bylaw is approved, it will be posted on the Takla website and in prominent locations on the Reserve and it will be shared with the Officers who will help to enforce it.
- 8.2 This Bylaw will remain in force until the earlier of these events:
- (a) Council repeals it; or
 - (b) the CPHOC and BCPHO declare that social (physical) distancing is no longer a necessary or recommended measure to deal with COVID-19.

PART 9

9. AMENDMENTS

- 9.1 This Bylaw may be amended by a quorum of Council at a duly convened meeting of Council. Council will promptly post the amended Bylaw on the Takla website and in prominent locations on the Reserve, and it will share the amended Bylaw with the Officers who are helping to enforce it.

BE IT KNOWN that this Bylaw entitled the *TAKLA COVID 19 COMMUNITY PROTECTION BYLAW* is hereby enacted by a quorum of Council at a duly convened meeting of Council of the Takla Nation held by teleconference on May 7th, 2020. A full Council meeting was convened, and a written record of the meeting and the outcome of the vote will be kept, but this bylaw has been signed digitally in accordance with Motion 20-05-094, passed unanimously at a duly convened meeting of Council of May 7th, 2020, approving the use of digital signatures to verify bylaws that have been enacted at any duly convened meeting of Council held via teleconference.

*Original signatures on file dated 07/05/2020, carried unanimously

Quorum: Three (3)



(Chief)
John Allen French

Sandra Teegee
(Deputy Chief)
Sandra Teegee

Chris French
(Councilor)
Chris French

William Korolyk
(Councilor)
William Korolyk

Wilma Abraham
(Councilor)
Wilma Abraham