

Lake Babine Nation Covid-19 Virus By-law (2020-01)

A bylaw to reduce the risk from the Covid-19 Virus in Lake Babine Nation Communities

PREAMBLE

- A. Whereas Lake Babine Nation has three year-round Communities and two seasonal Communities situated on Reserves: Woyenne, Tachet, and Fort Babine as year-round communities and Old Fort and Donald's Landing as seasonal communities.
- B. Whereas Lake Babine Nation's Communities are already challenged by poor housing conditions, high levels of underlying health conditions, low incomes in many households, and limited access to medical services, particularly in its more remote Communities of Fort Babine and Tachet;
- 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 Lake Babine Nation's Chief and Council need to take urgent action to help protect the Communities from the spread of the Covid-19 virus;
- F. Whereas the *Indian Act*, section 81(1) confirms the authority of Lake Babine 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 who do not live in Woyenne are participating in the review and decision-making on this By-law by teleconference.

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

SHORT TITLE

1. This By-law may be cited as the “Lake Babine 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 Lake Babine rental home or
- b. has their official address at a privately-owned home on Reserve.

“By-law” means the Lake Babine Nation Covid-19 By-law

“Council” means the Chief and Council of Lake Babine Nation, which is elected pursuant to the Lake Babine’s Nation Election Code

“Communities” means the following Lake Babine Nation communities:

- Wit’at (Fort Babine)
- Nedo’ats (Old Fort)
- Tachet
- Donald’s Landing/ Pinkut
- Woyenne (in Burns Lake)

“Emergency Director” means the Lake Babine Nation Emergency Operations Centre Director

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

“Lake Babine Nation Member” means a person whose name appears on the Lake Babine 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. Fort Babine - Reserves #6 and 16
- b. Old Fort - Reserves #11
- c. Tachet - Reserve #25
- d. Donald’s Landing/ Pinkut - Reserves #21B and 22
- e. Woyenne - Reserve #27

“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 Lake Babine Nation Member;
 - b. an Authorized Occupant;
 - c. the spouse of a Lake Babine Nation Member;
 - d. doing urgent appliance or home repairs;
 - e. delivering goods to a home or an LBN-owned business on Reserve, except not alcohol or drugs;
 - f. caring for an Authorized Occupant;
 - g. providing emergency services (e.g. firefighting, medical);
 - h. doing work to maintain or repair utilities or public infrastructure (e.g. hydro, phone, internet, snowplowing, garbage removal); or
 - i. doing work for Lake Babine Nation at Lake Babine 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. 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:
 - 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;
- c. any person returning from a Canadian destination that the Emergency Director has identified as a high-risk location through a written notice to Lake Babine Nation members will remain at home for 14 days.

ENFORCEMENT AND PENALTIES

- 8. 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.
- 9. Officers may order any Unauthorized Person not to enter or to immediately leave the Reserve.
- 10. 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.
- 11. Officers may order any person who should be staying at home under section 7 to return home.
- 12. 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.
- 13. A person who contravenes any of the Protective Measures under this By-law or who breaches section 12 commits an offence.
- 14. 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*.
- 15. 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.
- 16. 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

17. 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 Lake Babine Nation website and in prominent locations in each Community, and it will be shared with the Officers who will help to enforce it.
18. This By-law will remain in force until the earlier of these events:
 - a. Council repeals it; or
 - b. British Columbia declares that physical (social) distancing is no longer a necessary or recommended measure to deal with the Covid-19 virus.

AMENDMENTS

19. 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.
20. If the Council approves an amended By-law, it will promptly post the new By-law on the Lake Babine 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 ____, 2020. Some Council members are participating by phone, and a written record of the meeting and the outcome of the vote will be kept, but only Council members in Woyenne will sign this By-law.