



Dzawada'enuxw First Nation

Pandemic Emergency By-law

No. 01-2020

WHEREAS a Pandemic has been declared by the World Health Organization;

AND WHEREAS the Council of the Dzawada'enuxw First Nation desires to establish a By-law to provide for the protection of Dzawada'enuxw community members during the Pandemic Crisis for Health and Safety reasons;

AND WHEREAS the Council of the Dzawada'enuxw First Nation is empowered to make such By-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(a) of the Indian Act;

AND WHEREAS it is deemed to be expedient and necessary, for the Benefit, Health and Safety of the inhabitants of the Gwayi reserve, to enact rules and regulations to limit and prevent the exposure of community members to contagious and infectious diseases such can be spread through a Pandemic;

NOW THEREFORE the Dzawada'enuxw First Nation hereby makes the following By-law:

Short title

1. This By-law may be cited as "Dzawada'enuxw Pandemic By-law".

Interpretation

2. In this By-law:
 - a. "Council" means the Council of the Dzawada'enuxw First Nation;
 - b. "Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any person appointed by the Council for the purpose of maintaining law and order on the reserve;
 - c. "Reserve" means IR 7 of the Dzawada'enuxw First Nation, Gwayi village and includes the Dzawada'enuxw Dock, formerly Transport Canada dock, now privately owned by the Dzawada'enuxw First Nation, located in Kingcome Inlet;
 - d. "Trespass" means the entry onto, or the presence on, the reserve by a person without lawful justification and without the permission of the Dzawada'enuxw Council;

- e. "Resident" means a community member whose primary residence is on the Gwayi , I.R. 7;
- f. "Traffic" means any form of transportation and includes aircraft, boats, all-terrain vehicles, and others.
- g. "Closed Border" means when the Dzawada'enuxw First Nation has issued a statement officially prohibiting any travel in and out of the reserve and Kingcome Inlet for Health and Safety reasons.
- h. "Pandemic" means a worldwide spread of a new disease and most people do not have immunity.
- i. "Quarantine" means not leaving a person's home or yard, not coming within 6 feet of another community member and not visiting family in other houses or allowing them to come over.
- j. "Self-Quarantine" means staying inside the person's home and limiting contact with family members living in the same house as much as possible if there is nowhere else to move the person.

General

- 3. The Dzawada'enuxw Community will continue to enact regulations under this by-law due to the Pandemic until the state of emergency is lifted by a written motion of the Dzawada'enuxw Council. Once it is lifted, it can be reinstated by Council if needed at any point through a written Council motion.
- 4. Council may, in its sole discretion, end or progressively ease the closed borders as set out in sections 7 and 8 if it determines that the Pandemic situation has improved enough to do so. Council may also, in its sole discretion, re-institute or increase the closed borders if it determines that it is necessary. Any changes must be made in writing and publicly posted on website and posted around community.
- 5. Every person in Gwayi Village, Kingcome Inlet or any person attempting entry shall comply with all measures established and all orders issued under this by-law.
- 6. Should a court determine that a provision or portion of a provision of this by-law is invalid for any reason, the provision or portion shall be severed from the by-law and the validity of the reset of the by-law shall not be affected.

Closed Borders

- 7. No person or traffic may enter Kingcome Inlet and/or the reserve unless specifically approved in writing by a quorum of the Council in accordance with this by-law

8. Any person or traffic who goes onto the reserve for any reason during times when the Gwayi border has been officially closed by the Dzawada'enuxw First Nation is considered to be trespassing and commits an offence except :
 - a. a person who is normally resident on the reserve; or
 - b. a person who has obtained prior approval from the Dzawada'enuxw First Nation Council.
9. This by-law may be enforced outside the area defined in order to effectively limit entry to anyone who reasonably appears to be attempting to enter Kingcome Inlet contrary to this by-law.
10. Any community member who assists a person or traffic to break any provisions of this by-law commits an offence.

Quarantine

11. Any person who is entering the community, including community members who have left and then returned, including boat owners doing grocery trips, will be subject to a strict home quarantine for a minimum of 14 days which includes:
 - a. staying inside their home at all times;
 - b. not having any physical contact with community members and not having any visitors over;
 - c. if other members live with them in their home, those members are subject to the same strict quarantine; and
 - d. any other provisions that the Council has declared as a necessary part of quarantine for the protection of the community.
12. Any person showing symptoms of the Pandemic must:
 - a. report it to the Health Director immediately; and
 - b. if symptoms are mild, self-quarantine at home for a minimum of 14 days after first showing symptoms and must be symptom free for three days before leaving the home.
13. Any person refusing to comply and/or breaking quarantine commits an offence.

Consequences

- 14. In enforcing this by-law, the powers of officers include the powers to stop a person or traffic, restrict entry, require a person or traffic to leave, issue fines as per section 17, and lay an information to charge a person with an offence.
- 15. 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.
- 16. A person who fails or refuses to comply and/or leave the reserve, or shall resist or interfere with an officer acting under subsection (2), commits an offence.

Penalty

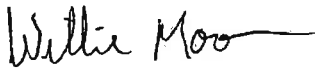
- 17. A person who violates any provision of this By-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

Enactment of By-law

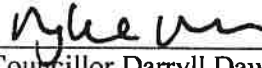
- 18. This By-law shall come into force upon it being first published on the Dzawada'enuxw First Nation website, www.kingcome.ca.

THIS BY-LAW 01-2020 IS HEREBY made at a duly convened meeting of the Dzawada'enuxw First Nation Council this 17th day of April, 2020

Voting in favour of the By-law are the following members of the Council:



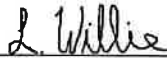
Council Chair Willie Moon



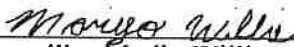
Councillor Darryll Dawson



Councillor Clyde Dawson



Councillor Lindsey Willie



Councillor Marijo Willie

Being the majority of those members of the Dzawada'enuxw Council present at the aforesaid meeting of the Council.

The quorum of the Council is three (3) members.

The number of members of the Council present at the meeting: five (5) members
