



'NAMGIS FIRST NATION COVID-19 VIRUS EMERGENCY PUBLIC

HEALTH AND SAFETY PROTECTION LAW

WHEREAS:

- A. The COVID-19 virus, also known as the Coronavirus, has spread throughout the world and been declared a pandemic by the World Health Organization. It has also resulted in a state of emergency being declared in British Columbia;
- B. The COVID-19 virus is highly communicable amongst persons coming in contact with it, or with persons who have the virus, and it carries a serious risk of fever and pneumonia and, in the most serious cases, death;
- C. The COVID-19 virus has been found to exist on Cormorant Island;
- D. Health experts, including the Chief Medical Officer for British Columbia, have strongly advised against public gatherings and have recommended that persons stay in their own homes and maintain physical distancing from one another in order to reduce the risk of spreading the COVID-19 virus;
- E. The Chief and Council of the 'Namgis First Nation ("Namgis") believes that it is in the best interests of 'Namgis, and the protection of 'Namgis lands and members, that an emergency law be enacted in order to reduce the risk of the spread of the COVID-19 virus on the 'Namgis reserve lands on Cormorant Island, those being Alert Bay Indian Reserve No. 1, Alert Bay Indian Reserve No. 1A and Nimpkish Indian Reserve No. 2; and
- F. The Council of the 'Namgis First Nation is empowered to enact a law that is urgently needed for public health and safety in order to protect 'Namgis and its members and its lands pursuant to section 7.8 of the 'Namgis Land Code.

1. TITLE

- 1.1 This law may be cited as ‘Namgis First Nation COVID-19 Virus Emergency Public Health and Safety Protection Law.

2. DEFINITIONS

- 2.1 The following definitions apply in this Law:

- (a) “Council” mean the elected Chief and Council of ‘Namgis;
- (b) “Chief” means the duly elected Chief of ‘Namgis;
- (c) “Enforcement Officer” means the Person or Persons authorized to carry out and enforce the provisions of this Law;
- (d) “Immediate Family” means spouse, children, grandchildren, great-grandchildren, mother, father, grandmother or grandfather;
- (e) “Law” means this ‘Namgis First Nation COVID-19 Virus Emergency Public Health and Safety Protection Law.
- (f) “Reserves” means Alert Bay Indian Reserve No. 1, Alert Bay Indian Reserve No. 1A and Nimpkish Indian Reserve No. 2;
- (g) “Peace Officer” has the meaning described in section 2 of the Criminal Code of Canada, R.S.C., 1985 c. C-46, as amended from time to time. Without restricting the generality of the foregoing, Peace Officer includes any member of the Royal Canadian Mounted Police;
- (h) “Person” means an individual;
- (i) “Residence” means a house or other dwelling unit on the Reserves.

3. PURPOSE OF THIS LAW

- 3.1 The purpose of this Law is to provide for the protection of the Reserves and the health and safety of persons living on, using, or otherwise being on the Reserves, by imposing measures designed to reduce the risk of the spread of the COVID-19 virus.

4. APPOINTMENT OF ENFORCEMENT OFFICER

- 4.1 Council hereby appoints the Chief as the Enforcement Officer pursuant to this Law who shall have the following powers:
- (a) To carry out and enforce the provisions of this Law;
 - (b) To issue orders under this Law; and
 - (c) To issue warnings, tickets and fines under this Law.

5. The Chief is authorized to delegate all or some of his or her powers to another Person or Persons by written direction.

6. RESTRICTIONS ON SOCIAL INTERACTION

- 6.1 Council or the Chief may, at their sole discretion, order closure, or restrictions on access to, community facilities on the Reserves including, schools and school playgrounds, community buildings, and recreational spaces.
- 6.2 In order to protect health and safety, all Persons present on the Reserves must practice physical distancing at all times by maintaining a minimum distance of two (2) metres or more from persons other than those with whom they share the occupation of a Residence. The Chief or the Council, or both, in consultation with appropriate public health officials, may issue additional orders for physical distancing and similar conduct on the Reserves.
- 6.3 No person shall participate in public gatherings, assemblies, or parties on the Reserves without the specific written permission of Council.
- 6.4 The restrictions under this Law on public gatherings, assemblies, or parties apply to Residences and spaces on the Reserves whether occupied by members of 'Namgis or other persons.

7. RESIDENCES

- 7.1 Given that Persons have been recommended to stay at home, the restrictions under this Law on public gatherings, assemblies, or parties in Residences on the Reserves do not apply to the ordinary use of those Residences by Persons who live in those Residences.
- 7.2 Notwithstanding section 7.1, a Residence shall have no more than five (5) persons in it at one time unless all of those Persons are Immediate Family members.
- 7.3 The Chief or other Person(s) appointed by the Chief may request the assistance of Peace Officers or health or law enforcement professional to carry out orders under this Law.

8. CURFEW

- 8.1 Council hereby enforces a curfew which shall be in effect from 9:30 p.m. to 6:00 a.m. the following day during which time no Persons shall be on streets or other public places on the Reserve and must remain on the lot of their own Residence or in the case of a multi-family complex within the common areas of that complex.
- 8.2 Peace Officers are hereby authorized to notify Persons who violate this curfew and take all such measures as are required in order to enforce the curfew.

9. EXPIRATION

- 9.1 This Law shall expire one hundred and twenty (120) days after its enactment unless it is re-enacted in accordance with the provisions of the 'Namgis Land Code.

10. OFFENCES AND ENFORCEMENT

- 10.1 Any Person who does not comply with an order under this Law is guilty of an offence and shall be subject to the measures set forth in section 62.2 and 62.3 of the Land Code.
- 10.2 In addition to what is set forth in section 10.1, the Chief or other Person(s) appointed by the Chief shall have the authority to issue warnings. The Chief may levy fines of up to one thousand dollars (\$1,000.00) per occurrence for any breach of this Law.

11. COUNTERPARTS

- 11.1 This Law may be executed by the Council members and transmitted by facsimile, electronic mail or other electronic means, and as many counterparts as may be necessary, each of which so signed and transmitted shall be deemed to be an original, and such counterparts together shall constitute one and the same original instrument and notwithstanding the date of execution shall be enforceable as of the date set forth in section 11.2.
- 11.2 This law shall be effective as of April 21, 2020

	Original signed by Don Svanvik	

	Chief	
Original signed by Victoria Brotchie	Original signed by Ernest Alfred	Original signed by Kelly Speck
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Councillor	Councillor	Councillor
Original signed by Dixon Taylor	Original signed by Robert Mountain	Original signed by Jerry Alfred
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