

TSLEIL-WAUTUTH COVID-19 VIRUS COMMUNITY PROTECTION BY-LAW, 2021

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PART I. PRINCIPLES

WHEREAS the potential presence of novel coronavirus COVID-19 (“COVID-19”) on Tseil-Waututh Lands and elsewhere in British Columbia poses risks to Tseil-Waututh Lands and Members;

WHEREAS COVID-19 is a communicable disease and carries risks of fever, pneumonia, and in the most serious cases, a risk of death;

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization;

WHEREAS Council considered it necessary to adopt physical distancing, restrictions on public gatherings, and restrictions on the use of Tseil-Waututh Lands to reduce the risk of spreading COVID-19;

WHEREAS Council enacted the *Tseil-Waututh COVID-19 Virus Community Protection By-law, 2020* at a duly held meeting on April 30, 2021 in response to the risk of COVID-19;

WHEREAS provincial vaccinations rates for COVID-19 are above 70% of the 18+ population and British Columbia case counts of COVID-19 are declining which has resulted in a relaxation of restrictions within British Columbia;

WHEREAS Council considers it advisable to repeal the *Tseil-Waututh COVID-19 Virus Community Protection By-law, 2020* and enact this By-law to reflect the relaxation of restrictions within British

Columbia, and paragraphs 81(1)(a), (c), and (p) of the Indian Act recognize Council's power to enact By-laws:

- (a) "to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases";
- (c) "the observance of law and order"; and
- (p) "the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes"

NOW THEREFORE BE IT RESOLVED THAT the Tsleil-Waututh COVID-19 Virus Community Protection By-law, 2021 is hereby enacted as a By-law of the Tsleil-Waututh Nation.

PART II. REPEAL

- 2.1 The *Tsleil-Waututh COVID-19 Virus Community Protection By-law, 2020* is hereby repealed and replaced by this By-law.

PART III. TITLE

- 3.1 This By-law may be cited as the *Tsleil-Waututh COVID-19 Virus Community Protection By-law, 2021*

PART IV. DEFINITIONS

- 4.1 The following definitions apply to this By-law:

"Council" means the Chief and Council of Tsleil-Waututh;

"Councillor" means a duly elected band councilor of Tsleil-Waututh;

"Council Resolution" means a formal, written motion passed by a quorum of Council at a duly convened meeting of Council;

"By-law" means this *Tsleil-Waututh COVID-19 Virus Community Protection By-law, 2021*;

"Member" means a person on the Tsleil-Waututh band membership list or who is entitled to be on the Tsleil-Waututh band membership list;

"Non-Member Residents" means a person who is not a Member but who is authorized to reside on Tsleil-Waututh Lands, under a lease, rental agreement or other written instrument, or who has been invited by a Member to reside at their dwelling;

"Order" means an order made under this By-law;

"Peace Officer" means a peace officer or constable as provided under the *Police Act* employed by the West Vancouver Police Board or a member of the Royal Canadian Mounted Police;

“Provincial Health Officer” has the meaning as set out in the *Public Health Act, SBC 2008, C. 28*;

“Tsleil-Waututh Health Department” means the Tsleil-Waututh Nation Department that provides health services for Tsleil-Waututh;

“Tsleil-Waututh Lands” has the meaning as set out in the Tsleil-Waututh Nation Land Code;

“Tsleil-Waututh Official” means a person appointed as a Tsleil-Waututh Official pursuant to this By-law;

“Tsleil-Waututh Review Official” means a person employed by the Tsleil-Waututh Health Department appointed as a Tsleil-Waututh Review Official pursuant to this Bylaw.

PART V. PURPOSE & APPLICATION

Purpose

- 5.1 The purpose of this By-law is to provide for the protection of Tsleil-Waututh Lands, the environment, and the health and safety of Members as well as their families by imposing measures to reduce the risk of the spread of COVID-19 on Tsleil-Waututh Lands.
- 5.2 This By-law is also intended to reflect and provide for gradual changes to the measures imposed to reduce the risk of the spread of COVID-19 on Tsleil-Waututh Lands by providing Council and the Tsleil-Waututh Official the discretion to adjust, waive, or eliminate measures otherwise required under this By-law in order to facilitate beneficial activities such as construction, deliveries, and business activity as the COVID-19 pandemic evolves over time.

Application

- 5.3 The provisions of this By-law apply to all Tsleil-Waututh Lands.

PART VI. TSLEIL-WAUTUTH COVID-19 OFFICIALS

Appointment of Tsleil-Waututh Officials

- 6.1 Council may appoint, by Council Resolution, an employee, Councillor, or any other person, to be a Tsleil-Waututh Official for the purposes of this By-law.
- 6.2 Council may appoint, by Council Resolution, a Tsleil-Waututh Review Official.
- 6.3 A Tsleil-Waututh Official or Tsleil-Waututh Review Official have the following powers:
 - a) to enforce any of the provisions of this By-law;
 - b) to waive, delay, or eliminate any requirement or Order issued under this By-law in individual situations where the Tsleil-Waututh Official or the Tsleil-Waututh Review Official is of the opinion that the waiver, delay or elimination will not increase the risk of spreading COVID-19.
 - c) to issue Orders under this By-law which the Tsleil-Waututh Official or Tsleil-Waututh Review Official is authorized to make;

- d) to issue other Orders similar to the Orders set out in this By-law as set out in the Council Resolution appointing the Tseil-Waututh Official or Tseil-Waututh Review Official;
 - e) to issue Orders requiring additional physical distancing measures;
 - f) to issue Orders requiring that individuals quarantine themselves for a period up to fourteen days, and to issue supplemental Orders to extend that period of quarantine if considered advisable by the Tseil-Waututh Official or Tseil-Waututh Review Official; and
 - g) to issue fines under this By-law.
- 6.4 Council may remunerate the Tseil-Waututh Official for the performance of their duties by Council Resolution.

PART VII. INTERIM RESTRICTIONS WITHIN BUSINESSES & OTHER PREMISES

Restrictions on hours of operation and number of occupants

- 7.1 Council, or the Tseil-Waututh Review Official, may issue Orders restricting the hours of operation, and number of persons entering businesses or other premises on Tseil-Waututh Lands.
- 7.2 Council, or the Tseil-Waututh Review Official, may waive, delay, or eliminate any of the restrictions imposed by section 7.1 in individual situations where the Council or the Tseil-Waututh Review Official are of the opinion that the waiver, delay or elimination will not increase the risk of spreading COVID-19.

Temporary assistance for businesses and Members

- 7.3 To assist businesses operating on Tseil-Waututh Lands, Council may, at its sole discretion, waive or delay payment of any fees or amounts owed under contracts with Tseil-Waututh, notwithstanding the requirements of other Tseil-Waututh Laws, By-laws, or existing contracts with Tseil-Waututh.
- 7.4 To assist Members, Council may, at its sole discretion, waive or delay the payment of any rent or other amounts a Member owes to Tseil-Waututh.

PART VIII. INTERIM RESTRICTIONS ON PUBLIC GATHERINGS

Compliance with Provincial Health Officer Orders

- 8.1 All persons permitted on Tseil-Waututh Lands must adhere to all orders issued by the Provincial Health Officer. If there is any conflict between the provisions of this By-law and an order issued by the Provincial Health Officer, the order issued by the Provincial Health Officer shall prevail.

Restrictions on access to Tseil-Waututh Lands

- 8.2 No person, other than:
- (a) a Member and their immediate family;
 - (b) a friend or extended family of a Member or Non-Member Resident;

- (c) Non-Member Residents;
- (d) a Tseil-Waututh employee, contractor providing services, including employees of businesses owned or partially-owned by Tseil-Waututh;
- (e) a person meeting with a Tseil-Waututh employee in their regular course of business;
- (f) a person providing emergency services, including a Peace Officer;
- (g) a coroner;
- (h) a Tseil-Waututh Official;
- (i) a small-scale delivery person who is delivering mail, parcels, restaurant, grocery or similar items;
- (j) employee, contractor providing services to a Non-Member Resident; or
- (k) other persons specifically permitted to do so in advance by the Tseil-Waututh Official.

is authorized to enter onto or remain on Tseil-Waututh Lands while this By-law is in force.

Restrictions and Closure of public facilities

- 8.3 Council, or the Tseil-Waututh Review Official, may issue Orders for closure, or restrictions on access to, community facilities on Tseil-Waututh Lands including, schools and school playgrounds, hockey arenas, and other open recreational spaces.

Physical distancing requirements

- 8.4 In order to protect health and safety, all persons present on Tseil-Waututh Lands must practice physical distancing at all times by maintaining a minimum distance of six (6) feet or more from persons other than those with whom they share or occupy a dwelling.
- 8.5 In order to protect health and safety, Council, or the Tseil-Waututh Review Official, in consultation with appropriate Public Health Officials, may issue additional Orders for physical distancing and similar conduct on Tseil-Waututh Lands.
- 8.6 Council, or the Tseil-Waututh Review Official, may waive, delay, or eliminate any physical distancing requirement on Tseil-Waututh Lands in individual situations wherever considered appropriate by Council, at Council’s sole discretion.

Restrictions on public gatherings

- 8.7 No person shall participate in indoor public gatherings, assemblies, or parties involving more than:
- a) fifty (50) or more persons; or
 - b) 50% of the capacity of a place.

whichever is greater, on Tseil-Waututh Lands, without the specific written permission of Council, or the Tseil-Waututh Review Official.

- 8.8 No person shall participate in outdoor public gatherings, assemblies, or parties involving more than:
- a) one hundred (100) or more persons; or
 - b) 50% of the capacity of a place.

whichever is greater, on Tsleil-Waututh Lands, without the specific written permission of Council, or the Tsleil-Waututh Review Official.

- 8.9 The specific written permission required pursuant to section 8.7 and 8.8 must be obtained at least two (2) days before the public gathering, assembly, or party.
- 8.10 A Tsleil-Waututh Official may issue Orders that persons participating in public gatherings, assemblies, or parties contrary to this By-law cease participating in those public gatherings, assemblies, or parties.

Restrictions apply to homes and residences

- 8.11 The restrictions under this By-law on public gatherings, assemblies, or parties apply to residences and spaces on Tsleil-Waututh Lands whether occupied by Members or Non-Member Residents.
- 8.12 The restrictions under this By-law on public gatherings, assemblies, or parties in private dwellings on Tsleil-Waututh Lands do not apply to the use of those dwellings by persons who ordinarily reside in those private dwellings.

Assistance of Police & Peace Officers

- 8.13 Tsleil-Waututh Officials authorized to issue Orders under this By-law may request the assistance of Peace Officers or other individuals to carry out and enforce Orders under this By-law.

PART IX. PARKING RESTRICTIONS

Parking

- 9.1 No person may park a motor vehicle on any Tsleil-Waututh Lands, other than lands on which signs have been erected permitting parking.
- 9.2 In addition to parking in areas where signs permit parking
 - (a) Members who are ordinarily resident on Tsleil-Waututh Lands may park a motor vehicle at their dwelling and lands immediately adjacent to that dwelling; and
 - (b) Council, or the Tsleil-Waututh Review Official, may at its sole discretion decide whether or not to permit any other individual to park a motor vehicle and if so may specify in the permit the approved locations and conditions for parking.

No Parking signs

- 9.3 If Council deems it necessary it may authorize Tsleil-Waututh Officials to post signs restricting or banning parking motor vehicles on any Tsleil-Waututh Lands, including any lands on which parking is currently permitted to prevent the risk of the spread of COVID-19, or to ensure that emergency and health officials have access to any Tsleil-Waututh Lands.

Removal of Vehicles

- 9.4 Council may authorize Tsleil-Waututh Officials to tow or remove vehicles that are parked in violation of this By-law. Tsleil-Waututh will not be liable for damages to a motor vehicle, impoundment fees or similar costs, or damages incurred by any person affected by the authorized requirement to tow or remove the motor vehicle.

PART X. GENERAL

Offence

10.1 Any person who:

- (a) does not comply with an Order issued under this By-law;
- (b) obstructs a Tsleil-Waututh Official in the course of their duties under this By-law;
- (c) contravenes any of the following provisions:
 - i. Section 8.1 [*compliance with Provincial Health Officer Orders*]
 - ii. Section 8.2 [*restrictions on who may enter Tsleil-Waututh Lands*]
 - iii. Section 8.7 [*restrictions on indoor public gatherings*]
 - iv. Section 8.8 [*restrictions on outdoor public gatherings*]
 - v. Section 9.1 [*parking restrictions*]
- (d) fails to remove a motor vehicle when ordered to do so; or

is guilty of an offence and liable on conviction to a fine not exceeding one thousand (\$1,000.00) dollars, imprisonment for up to six (6) months, or both imprisonment and a fine.

By-law applies to Tsleil-Waututh employees and Tsleil-Waututh Council

10.2 A Councillor may be temporarily suspended from Council, by a majority decision of Council, for a period of time specified by Council if they fail to comply with an Order issued under this By-law.

No liability

10.3 None of Tsleil-Waututh, present or past, Council, or Members, employees, representatives or agents of any of Tsleil-Waututh 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 By-law or any other Tsleil-Waututh By-law, or from the neglect or failure, for any reason or in any manner, to enforce this By-law or any other Tsleil-Waututh By-law.

Compliance with other By-laws

10.4 Where any other law or legal requirement may apply to any matter covered by this By-law, compliance with this By-law will not relieve the person from also complying with the provisions of the other applicable law or legal requirement.


Severability

10.5 In the event that all or any part of any section of this By-law is found by a court of competent jurisdiction to be invalid, that part or section shall be severable, and the remaining portions and sections of this By-law shall remain in full force and effect.


Coming into Force

10.6 This By-law will come into force on the date that it is duly passed by Council.


BE IT KNOWN that this By-law is hereby enacted by a quorum of Council of Tsleil-Waututh held on August 3, 2021



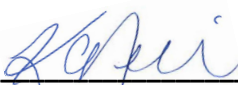
Councilor Deanna George




Councilor Curtis Thomas



Councilor Dennis Thomas-Whonoak



Councilor Kevin O'Neill



Councilor Charlene Aleck
