

TSLEIL-WAUTUTH COVID-19 VIRUS COMMUNITY PROTECTION BY-LAW, 2022

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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WHEREAS Council repealed the *Tseil-Waututh COVID-19 Virus Community Protection By-law, 2020* at a duly held meeting on April 30, 2021 in response to the risk of COVID-19 and enacted the *Tseil-Waututh Covid-19 Community Protection By-Law, 2021* in response to a relaxation of restrictions within British Columbia;

WHEREAS provincial vaccinations rates for COVID-19 have continued to increase which has resulted in further relaxation or removal of restrictions within British Columbia;

WHEREAS Council considers it advisable to repeal the *Tseil-Waututh COVID-19 Virus Community Protection By-law, 2021* and enact this By-law to reflect the further relaxation or removal 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, 2022 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- 2.1 The *Tsleil-Waututh COVID-19 Virus Community Protection By-law, 2021* is hereby repealed and replaced by this By-law.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, 2022*

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, 2022*;

“**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*;

“Public Health Officer” has the same meaning as “health officer” in the *Public Health Act, SBC 2008, C.28*;

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

“Tsleil-Waututh Official” means a person employed or contracted by the Tsleil-Waututh Nation appointed as a Tsleil-Waututh Official pursuant to this By-law.

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 or contractor of the Tsleil-Waututh Nation to be a Tsleil-Waututh Official for the purposes of this By-law.
- 6.3 A Tsleil-Waututh Official has 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 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 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 Tsleil-Waututh 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 Tsleil-Waututh Official; and
 - g) to issue fines under this By-law.

PART VII. INTERIM RESTRICTIONS WITHIN BUSINESSES & OTHER PREMISES

Restrictions on hours of operation and number of occupants

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

PART VIII. INTERIM RESTRICTIONS ON PUBLIC GATHERINGS

Compliance with Provincial Health Officer Orders

- 8.1 All persons permitted on Tsleil-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 and Closure of public facilities

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

Physical distancing requirements

- 8.3 In order to protect health and safety, Council, or the Tsleil-Waututh Official, in consultation with appropriate Public Health Officers, may issue Orders for physical distancing and similar conduct on Tsleil-Waututh Lands.
- 8.4 Council may waive, delay, or eliminate any physical distancing requirement on Tsleil-Waututh Lands in individual situations wherever considered appropriate by Council, at Council's sole discretion.

Restrictions on public gatherings

- 8.5 In order to protect health and safety, Council, or the Tsleil-Waututh Official, in consultation with appropriate Public Health Officer, may issue Orders to limit the number of persons participating in either indoor or outdoor public gatherings, assemblies, or parties.
- 8.6 A Tsleil-Waututh Official may issue Orders that persons participating in public gatherings, assemblies, or parties contrary to this By-law or an Order made under this By-law cease participating in those public gatherings, assemblies, or parties.

Restrictions apply to homes and residences

- 8.7 The Orders 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.
- 8.8 The Orders 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

- 8.9 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. GENERAL

Offence

- 9.1 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; or
- (c) contravenes Section 8.1 [*compliance with Provincial Health Officer Orders*];

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

- 9.2 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

- 9.3 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

- 9.4 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


9.5 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

9.6 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 Tseil-Waututh held

on May 17, , 2022



Chief Jennifer Thomas



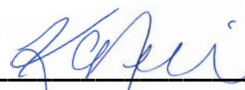
Councillor Charlene Aleck




Councillor Deanna George



Councillor Liana Martin



Councillor Kevin O'Neill



Councillor Curtis Thomas



Councillor Dennis Thomas