

**STS'AILES Interim COVID-19
Community Protection Law (Re-
enacted March 23, 2021)**



Dated for Reference: March 23, 2021

DRAFT

Table of Contents

PART I. PRINCIPLES.....	3
PART II. TITLE.....	4
PART III. DEFINITIONS	4
PART IV. PURPOSE & APPLICATION	4
PART V. INTERIM RESTRICTIONS WITHIN BUSINESSES & OTHER PREMISES	5
PART VI. INTERIM RESTRICTIONS ON PUBLIC GATHERINGS	6
PART VII. PARKING RESTRICTIONS	7
PART VIII. GENERAL.....	8

DRAFT

PART I. PRINCIPLES

WHEREAS an emergency exists as a result of the potential presence of novel coronavirus COVID 19 (“COVID-19”) on Sts’ailes Lands and elsewhere in British Columbia which poses risks to Sts’ailes Lands, the environment and the health of Members;

WHEREAS COVID-19 is a disease that is readily communicable from person to person 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 Sts’ailes health experts have advised Council of the need to adopt physical distancing, restrictions on public gatherings, and restrictions on the use of Sts’ailes Lands to reduce the risk of spreading the virus on Sts’ailes Lands and amongst Members and their families.

WHEREAS section 14.4 of the *Xa’xa Temexw Te Sts’ailes Land Code*, verified on April 19, 2018 (the Land Code) sets out the authority of Council to enact laws that Council believes are required urgently to protect Sts’ailes Lands or Members;

WHEREAS section 81(1)(a) of the *Indian Act* provides authority for Council to make bylaws to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;

WHEREAS Council originally enacted this Interim COVID-19 Community Protection Law (2020) on March 27, 2020, and has reenacted this Law continuously since then, the most recent renewal being November 24, 2020;

WHEREAS the BC Health Minister and provincial health officer have reported in recent days that the BC COVID-19 curve is beginning to trend upward again.

WHEREAS despite BC’s roll out of vaccines, transmission of COVID-19 remains high, and variants of the virus present an increased health risk, particularly in the Fraser Health region and particularly to Sts’ailes;

WHEREAS given these increased health risks and the fast changing nature of the pandemic, Council requires greater flexibility in order to adapt measures and rules to limit the spread of COVID-19, and wishes to amend this law to provide for that ability through orders made under this Law;

WHEREAS Council reasonably believes that the Interim COVID-19 Community Protection Law (2020) is still urgently required to protect Sts’ailes Lands and Members from the risk of the spread of COVID-19, and as such, have decided to re-enact the Law under sections 14.4 and 14.5 of the Land Code;

WHEREAS Council reasonably believes that in order to limit the risks of community transmission while cases continue to climb in the Province, it is necessary to limit access to Sts’ailes Lands only to Members, their spouses and their children for the time being;

WHEREAS in accordance with section 14.5 of the Land Code this law will expire within 120 days of enactment, unless re-enacted in whole or as amended in accordance with section 14.4 of the Land Code;

WHEREAS Council will continue to monitor the COVID-19 virus risks on Sts'ailes Lands and may in accordance with sections 14.4 and 14.5 of the *Xa'xa Temexw Te Sts'ailes* Land Code decide at a future date whether to re-enact, amend, or repeal all or part of this Law;

NOW THEREFORE BE IT RESOLVED THAT the Interim COVID-19 Community Protection Law (2020) is hereby enacted as a Law of Sts'ailes.

PART II. TITLE

2.1 This Law may be cited as the *Sts'ailes Interim COVID-19 Community Protection Law*.

PART III. DEFINITIONS

3.1 The following definitions apply to this Law:

"Council" means the Chief and Council of Sts'ailes;

"Councillor" means a duly elected band councillor of Sts'ailes;

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

"Land Code" means the *Xa'Xa Temexw Te Sts'ailes* Land Code, dated October 23, 2018;

"Law" means this *Sts'ailes Interim COVID 19 Virus Community Protection Law (2020)*;

"Member" means a Person whose name is shown on the Sts'ailes band membership list or whose name is entitled to be on the Sts'ailes band membership list;

"Peace Officer" has the meaning ascribed in section 2 of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended;

"Person" means an individual;

"Sts'ailes" has the meaning as set out in section 2.1 of the Land Code;

"Sts'ailes Lands" has the meaning as set out in section 2.1 of the Land Code;

"Sts'ailes Law" means a law or regulation enacted under the Land Code, but does not include a Council Resolution;

"Sts'ailes Official" means a Person appointed as a Sts'ailes Official pursuant to section 5.1 of this Law.

PART IV. PURPOSE & APPLICATION

Purpose

{00365073.1}

4

Sts'ailes Interim COVID 19
Community Protection Law, **RE-ENACTED March 23, 2021**

- 4.1 The purpose of this Law is to provide for the protection of Sts'ailes Lands, the environment, the health and safety of Members, and their families by imposing measures to reduce the risk of the spread of the COVID-19 virus on Sts'ailes Lands.
- 4.2 This Law has been adopted by Council as an interim law on an urgent basis, in accordance with the authority to adopt urgent laws as set out in sections 14.4 and 14.5 of the Land Code, for the purpose of imposing temporary measures required to reduce the risk of harm on Sts'ailes Lands.

Application

- 4.3 The provisions of this Law apply to all Sts'ailes Lands.

PART V. INTERIM RESTRICTIONS WITHIN BUSINESSES & OTHER PREMISES

Appointment of Sts'ailes Officials

- 5.1 Council may appoint, by Council Resolution, an employee, Councillor or agent of Sts'ailes, or any other person, to be a Sts'ailes Official for the purposes of this Law.
- 5.2 A Sts'ailes Official, once appointed by Council, has the following powers:
 - a) to enforce any of the provisions under this Law;
 - b) to issue orders under this Law which Sts'ailes Officials are specifically empowered to make; and
 - c) To issue fines and other penalties under this Law.
- 5.3 Council may, at its sole discretion and without imparting any obligation to do so whatsoever, may provide for remuneration of a Sts'ailes Official by Council Resolution.

Restrictions on hours of operation and number of occupants

- 5.4 For the purposes of protecting public health, Council may issue orders restricting the hours of operation, and number of persons entering businesses or other premises on Sts'ailes Lands.

Temporary assistance for businesses and Members

- 5.5 To assist businesses operating on Sts'ailes Lands, Council may, at its sole discretion, waive or delay payment of any fees or amounts owed under contracts with Sts'ailes, notwithstanding the requirements of other Sts'ailes laws or contracts previously entered into by Sts'ailes.
- 5.6 To assist Members, Council may, at its sole discretion, waive or delay payment of any rent or other amounts any Member owes to Sts'ailes.

Interference with restrictions on entering businesses and premises

- 5.7 Any person who violates an order under this Law commits an offence and is liable on conviction to a fine not exceeding one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or both imprisonment and a fine.

PART VI. INTERIM RESTRICTIONS ON PUBLIC GATHERINGS

Restrictions on access to Sts'ailes Lands

6.1 No person, other than:

- (a) a Member who resides on reserve
- (b) a person who is not a Member, but who is authorized to reside on Sts'ailes Lands;
- (c) a Peace Officer or coroner;
- (d) a Sts'ailes Official; or
- (e) other persons specifically permitted to do so in advance by order of Council

is authorized to enter onto or remain on Sts'ailes Lands while this Law is in force.

Restrictions and closure of public facilities

6.2 Council may, at its sole discretion, order closure, or restrictions on access to, community facilities on Sts'ailes Lands including, but not limited to, schools and school playgrounds, hockey arenas, and other open recreational spaces.

Social distancing requirements

6.3 In order to protect health and safety, all persons present on Sts'ailes Lands must practice social 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.

6.4 In order to protect health and safety, Chief and Council, in consultation with appropriate public health officials, may issue additional orders for social distancing and similar conduct on Sts'ailes Lands.

Restrictions on public gatherings without permission

6.5 No person shall participate in public gatherings, assemblies, or parties involving two (2) or more persons on Sts'ailes Lands, without the specific written permission of Council, except as prescribed by order of Council under this Law.

6.5.1 Section 6.5 does not apply to gatherings, assemblies, or parties occurring outdoors on Sts'ailes Lands, providing that:

— (a) social distancing is maintained at all times in accordance with section 6.3; and

— (b) the gathering, assembly or party does not exceed a total of fifty (50) people at any time.

Restrictions apply to homes and residences

6.6 The restrictions under this Law on public gatherings, assemblies, or parties apply to residences and spaces on Sts'ailes Lands whether occupied by Members or non-Members.

- 6.7 The restrictions under this Law on public gatherings, assemblies, or parties in private dwellings on Sts' ailes Lands do not apply to the ordinary use of those dwellings by persons who live in those private dwellings.
- 6.8 Notwithstanding section 6.7, ~~no person may have any more than ten (10) people present at any one time in his or her private dwelling.~~ Council may prescribe, by order, the maximum number of people who may be present at any one time in a private dwelling on Sts' ailes Lands.

Orders respecting public gatherings, assemblies or parties

- 6.9 A Sts' ailes Official may order that persons participating in public gatherings, assemblies, or parties contrary to this Law cease participating in those public gatherings, assemblies, or parties.

Assistance of Police & Peace Officers

- 6.10 Sts' ailes Officials authorized to issue orders under this Law may request the assistance of Peace Officers or health or law enforcement professionals to carry out orders under this Law.

Offence

- 6.11 Any person who does not comply with an order under this Law 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.

PART VII. PARKING RESTRICTIONS

Parking

- 7.1 No person may park a motor vehicle on any Sts' ailes Lands, other than lands on which signs have been erected permitting parking, and lands ordinarily used by Members for parking adjacent to, or near, their residences.

No Parking signs

- 7.2 Council may authorize Sts' ailes Officials to post signs restricting or banning parking motor vehicles on any Sts' ailes Lands, including any lands on which parking has been permitted in the past if deemed necessary by Council to prevent the risk of the spread of COVID-19, or to ensure that emergency and health officials have access to any Sts' ailes Lands.

Removal of Vehicles

- 7.3 Council may authorize Sts' ailes Officials to tow or remove vehicles that are parked in violation of this Law and Sts' ailes is not liable for damages to a motor vehicle, or damages incurred by any person affected by the need to tow or remove the motor vehicle.

Offence

- 7.4 Any person who fails to remove a motor vehicle when ordered to do so, who obstructs a Sts' ailes Official in the course of their duties related to parking violations, or who parks a motor vehicle in

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

PART VIII. GENERAL

Interim nature of this Law

8.1 This Law is an interim law to respond to an urgent situation on Sts'ailes Lands and will no longer be in force 120 days after enactment, except to the extent required to complete any enforcement actions arising from events taking place while this Law was in force.

Law applies to Sts'ailes employees and Sts'ailes Council

8.2 Employees, representatives and agents of Sts'ailes may be suspended for a period of time specified by Council, or have their employment or contract with Sts'ailes terminated if they fail to comply with an order issued under this Law.

8.3 A Councilor 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 Law.

No liability

8.4 None of Sts'ailes, present or past Council, or members, employees, representatives or agents of any of Sts'ailes 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 Law or any other Sts'ailes Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Sts'ailes Law.

Limitation Period

8.5 Any actions against Sts'ailes (including Council and its employees) for the unlawful doing of anything that:

- a) is purported to have been done under the powers conferred by this Law or any Sts'ailes Law; and
- b) might have been lawfully done if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

Required Notice

8.6 Sts'ailes is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Sts'ailes within two (2) months from the date on which the damage was sustained. In the case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action.

Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the court of appeal, believes:

- a) there was a reasonable excuse; and
- b) Sts'ailes has not been prejudiced in its defence by the failure or insufficiency.

Compliance with other Laws

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

Severability

8.8 In the event that all or any part of any section of this 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 Law shall remain in full force and effect.

Additional Orders

8.9 Any order which a Sts'ailes Official is authorized to make under this Law may also be made by Council, by resolution.

8.10 Council may make additional orders under this Law by resolution as follows:

(a) prescribing additional health and safety measures which are reasonably necessary in the opinion of Council to stop or slow the spread of COVID-19 on Sts'ailes Lands;

(b) respecting any other matters reasonably necessary to give effect to this Law;

(c) setting limits on the size of gatherings on Sts'ailes Lands, including both outdoors and indoors, and in private dwellings; and

(d) authorizing persons or classes of persons who may enter and be present on Sts'ailes Lands, in accordance with section 6.1(e).

Coming into Force

8.11 This Law will come into force on the date that it is duly passed by Council.

BE IT KNOWN that this Law is entitled the *Sts'ailes Interim COVID-19 Community Protection Law (2020)* and is hereby enacted by a quorum of Council of Sts'ailes held on **March 23, 2021**







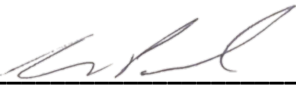




Jheyllyn Crispin

Alhena

Daryl Francis



Quorum consists of five Sts'ailes Council Members

DRAFT