

BY-LAW NO. 2020.1

Of the Constance Lake First Nation

A By-Law for the Emergency Coronavirus Prevention

WHEREAS CONSTANCE LAKE FIRST NATION (designated as Constance Lake Indian Reserve No. 92 as a reserve within the meaning of the *Indian Act* R.S.C. 1985, C-1) hereinafter "CLFN" has an obligation to protect the health and welfare of its people both under the *Indian Act*, R.S.C. 1985, C-1, and its inherent self-governance obligations;

AND WHEREAS CLFN has determined that it must act to protect the health and welfare of its people at this unprecedented and unforeseeable time giving rise to the need for the implementation of immediate measures to reduce, prevent and protect against the spread of the virus which could decimate the CLFN community, its people, culture and existence should the virus infect CLFN members or the community;

AND WHEREAS CLFN BAND COUNCIL has inherent self-governance powers and obligations to its people together with powers under s. 81 of the *Indian Act* authorizing CLFN Band Council to take action to avoid and protect against the spread of contagious and infections diseases such as Coronavirus and Covid 19 that has been classified as a pandemic resulting in the death of thousands of people worldwide and is currently spreading in Ontario;

AND WHEREAS CLFN is aware of and mindful of the efforts made by Ontario and the Federal Government to curb and contain the spread of Coronavirus and Covid 19 for the health and safety of Canadian citizens through the issuance, *inter alia*, of various legislative and other directives;

AND WHEREAS CLFN has determined that its people are at serious risk of illness or death if measures are not put into place to protect the community from the spread of the virus; and

AND WHEREAS CLFN has determined that it must act immediately to protect its people, their health, safety and lives by implementing the measures contained in this bylaw under its inherent self-governance powers and s. 81(1)(a) of the *Indian Act*, R.S.C. 1985, C-1.

I. DEFINITIONS

1. For the purposes of this bylaw, the following capitalized terms shall have the following definitions:

- (a) CLFN Resident means a person that at the time of this bylaw ordinarily resides on Reserve Lands or are members of CLFN that return in accordance with section 4 to ordinarily reside on Reserve Lands,
- (b) Emergency Services means the provision of policing, fire protection, health, dental and ambulance services,
- (c) Essential Business means the operation of a grocery store, gas station, pharmacy, health clinic [other] or other business designated by Chief and Council by a band council resolution as an Essential Business,
- (d) Essential Community Services means the provision of government services and the Post Office,

- (e) Essential Service Providers shall mean persons providing utilities including, heat, light, air conditioning, telecom and services to maintain and preserve homes, public buildings and Essential Business located on the Reserve Lands, such as plumbers, electricians, repairman, and persons providing services to protect the health and safety of residents of Reserve Lands such as dentists, doctors and nurses, but for greater certainty shall not include any person providing services to renovate or improve any property or to operate any business that is not an Essential Business,
- (f) Phase 1 means the period from March 31, 2020 commencing at 3:00 p.m. and ending at the commencement of Phase 2,
- (g) Phase 2 means the period from April 6, 2020 commencing at 12:00 a.m. and ending on the rescission of this bylaw,
- (h) Post Office Visitor means a person who resides off the Reserve Lands, but whom maintains a post office box at the Post Office located on the Reserve Lands or has been designated as a Post Office Visitor by a business that maintains a post office box at the Post Office located on the Reserve Lands,
- (i) Reserve Lands means the lands forming part of Constance Lake Indian Reserve No. 92 including designated lands as defined by the *Indian Act* and any such lands which have been surrendered (other than for purposes of an outright sale) and including for greater certainty the lands subject to the lease between the Her Majesty the Queen and Lecours Lumber Co. Limited made in June, 2013.

II. APPLICATION

(a) PHASE 1: LIMITED ACCESS TO RESERVE: TUESDAY MARCH 31, 2010 AT 3:00 P.M. – MONDAY APRIL 6, 2020 AT 12:00 A.M.

2. During Phase 1, no person shall have access to or be permitted to enter the Reserve Lands other than:
 - (a) current residents of the Reserve Lands returning in accordance with Section 5,
 - (b) providers of Emergency Services,
 - (c) Essential Service Providers,
 - (d) A person necessary to the operation of an Essential Community Service; and
 - (e) For employment purposes either on or off reserve lands.
3. Notwithstanding Section 2, a Post Office Visitor may enter the Reserve Lands once per day for the sole purpose of visiting the Post Office to pick up and deliver mail, but the Post Office Visitor shall take the most direct route to and from the Post Office.
4. Notwithstanding Section 2, a member of CLFN that is not currently a resident of Reserve Lands may enter the Reserve Lands during Phase 1 (but not Phase 2) for the purpose of residing on the Reserve Lands. Such a returning CLFN member shall be responsible for arranging for his or her own housing with friends and family. CLFN will not provide housing for returning members.

5. During Phase 1 a CLFN Resident is permitted to re-enter the Reserve Lands after departing the Reserve Lands:
 - (a) to purchase groceries and supplies, provided that no other member of the household has left the CLFN Reserve that day for a similar purpose that day,
 - (b) to hunt and fish for sustenance purposes,
 - (c) to attend urgent medical appointments,
 - (d) to attend employment located outside of or on the Reserve Lands,
 - (e) prior to the commencement of Phase 1.

6. During Phase 1, while on Reserve Lands all CLFN Residents shall self isolate in their homes and shall not attend gatherings of more than 4 persons (excluding gatherings of the members of their household) and shall maintain a distance of 2 meters at any such gatherings. Notwithstanding the foregoing, any CLFN Resident may engage in any activity on the Reserve Lands described in paragraphs 5(a), (b), (c), and (d) or any other personal activity that maintains a distance of 2 meters from any person that is not a member of such CLFN Resident's household.

(b) PHASE 2 – LOCKDOWN PERIOD: MONDAY APRIL 6, 2020 COMMENCING AT 12:00 A.M.

7. Effective Monday April 6, 2020 at 12:00 a.m. and until such further notice, CLFN will be under lockdown for such a period of time in order to protect against the spread of the virus.

8. During Phase 2, no person shall have access to or be permitted to enter the Reserve Lands other than:
 - (f) current residents of the Reserve Lands returning in accordance with Section 9 herein;
 - (g) providers of Emergency Services;
 - (h) Essential Service Providers; and
 - (i) A person necessary to the operation of an Essential Community Service or an Essential Business.

9. During Phase 2, any CLFN Resident that leaves the Reserve Lands will not be permitted to re-enter the Reserve Lands except where the CLFN member leaves the reserve lands for:
 - (a) urgent medical appointments which have been pre-approved by the Health Centre and emergency medical procedures for which there was no time to obtain approval,
 - (b) hunting and fishing "behind the community" as that term is understood within the community, for sustenance purposes, and
 - (c) departures made to obtain food, medicine and the necessities of life where the CLFN government has not been able to arrange the delivery of these items.

10. During Phase 2, no person shall undertake or engage in any business or occupation on Reserve Lands other than Emergency Services, Essential Businesses, Essential Community Services or the activities of Essential Service Providers save and except businesses and employment operated from home.

11. During Phase 2 all CLFN Residents shall self isolate in their homes and shall not attend gatherings of more than 4 persons (excluding gatherings of the members of their household) and shall maintain a distance of 2 meters at any such gatherings. Notwithstanding the foregoing, any CLFN Resident may engage in any activity on the Reserve Lands described in paragraphs 9(a), (b), and (c) and activities permitted in paragraph 10 or any other personal activity that maintains a distance of 2 meters from any person that is not a member of such CLFN Resident's household.

III. IMPLEMENTATION MEASURES – GENERAL APPLICATION

12. Commencing with Phase 1 and throughout the duration of all Phases, the CLFN Government shall establish a checkpoint at the corner of Rogers Road by the Amik Nuna Office or such other place as may be required for the implementation and enforcement of this bylaw. All persons entering or departing the Reserve Lands shall report to an established checkpoint save and except for CLFN members engaging in hunting or fishing as set out in paragraphs 5(b) and 9(b) of this bylaw.
13. Entry and egress from Reserve Lands will be determined, in accordance with the provisions of this bylaw, at the established check point.
14. There shall be no appeal from the decision of a checkpoint officer save by written request for reconsideration addressed to the Band Council of Constance Lake First Nation which may be sent via email to shanayah.echum@clfn.on.ca.
15. Upon receipt of a request for reconsideration, CLFN Band Council must consider the health, safety and welfare of the CLFN community as the sole factor when deciding the request for reconsideration which decision shall be final.

IV. GENERAL

16. The restrictions imposed by this bylaw will be reviewed by CLFN Band Council within 2 weeks at which time, CLFN Band Council may maintain, amend, vary, expand or rescind this bylaw.
17. The Band Council may publish guidance documents to assist CLFN members in understanding the scope of this bylaw.
18. Any provision of this bylaw or its application to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this bylaw or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected, and each provision of this bylaw shall be separately valid and enforceable to the fullest extent permitted by law.

19. Any person who is found to violate this bylaw is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both pursuant to s. 102 of the *Indian Act*.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting by Constance Lake First Nation Band Council this the 31st day of March, 2020.

CLFN COUNCILLORS VOTING IN FAVOUR OF THE BYLAW:



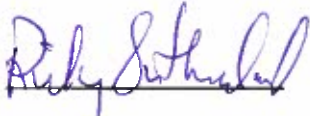
Chief, Rick Allen



Councillor



Councillor



Councillor



Councillor

Councillor

Councillor

Being the majority of those members of the Council of Constance Lake First Nation present at a duly convened meeting this the 31st day of March, 2020.