

## LAC SEUL FIRST NATION

### HEALTH & SAFETY EMERGENCIES BY-LAW

#### NO. 04-2020

**WHEREAS** the primary concern of Lac Seul First Nation and its Chief and Council is the health, safety, security and wellbeing of its band members and those residing in its community;

**AND WHEREAS** the health, safety, security, and wellbeing of Lac Seul First Nation's band members and residents may be seriously threatened by a State of Emergency;

**AND WHEREAS** in order to ensure health, safety, security, and wellbeing during such an emergency, the Chief and Council must be authorized to take such special temporary measures as are necessary in the circumstances;

**AND WHEREAS** Lac Seul First Nation is already challenged by poor housing conditions, high levels of underlying health conditions, low incomes in many households, and limited access to services as a result of chronic under resourcing and years of colonialism;

**AND WHEREAS** an emergency could therefore have devastating effects on health, safety, security, and wellbeing of its members and residents;

**AND WHEREAS** the Chief and Council of the Lac Seul First Nation have the power under the *Indian Act* to make Laws:

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases (Section 81(1)(a));
- (b) the regulation of traffic (Section 81(1)(b));
- (c) the observance of law and order (Section 81(1)(c));
- (d) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes (Section 81(1)(p));
- (e) with respect to any other matter arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*, (Section 81(1)(q)), including those investigative measures deemed necessary for effective enforcement of those Laws; and

- (f) for the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under section 81 of the *Indian Act*, (Section 81(1)(r)).

**AND WHEREAS** the Chief and Council of Lac Seul First Nation desire to provide for health, safety, security, and wellbeing of its residents and members during reserve emergencies in a manner that is consistent with the goals and values of the First Nation and its members;

**AND WHEREAS** Lac Seul First Nation have an inherent right, protected by Treaty 3 to self-government;

**NOW THEREFORE**, the Chief and Council of Lac Seul First Nation hereby enact bylaw 01-2020.

**LAC SEUL FIRSTNATION**

**BY-LAW 01-2020**

**HEALTH & SAFETY EMERGENCIES BY-LAW**

TITLE .....4  
APPLICATION .....4  
DEFINITIONS.....4  
DECLARATION .....5  
EFFECTIVE DATE.....5  
EXPIRATION OF DECLARATION .....5  
REVOCATION OF DECLARATION .....5  
CONTINUATION OF DECLARATION.....5  
ORDERS AND REGULATIONS .....6  
POSTING OF NOTICE.....7  
COMPLIANCE.....7  
ENFORCEMENT .....8  
CIVIL LIABILITY UNAFFECTED .....8  
SEVERABILITY .....8  
BY-LAW COMING INTO FORCE.....8

# LAC SEUL FIRSTNATION

## BY-LAW 01-2020

### HEALTH & SAFETY EMERGENCIES BY-LAW

#### Title

1. This by-law may be cited as the "Lac Seul First Nation Health & Safety Emergences By-law".

#### Application

2. This by-law applies on the Reserve.

#### Definitions

3. In this by-law:

**"Band Council Resolution"** means the official written decision of the majority of the members of Chief and Council at a duly convened meeting;

**"Council"** or **"Chief and Council"** means the Chief and Council of Lac Seul First Nation as defined in the *Indian Act*;

**"Member"** means a registered band member of Lac Seul First Nation;

**"Officer"** means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, or any person appointed by the Council for the purpose of maintaining law and order on the reserve;

**"Private Dwelling House"** means all residential homes, apartments and other structures designed for residential living and includes inside the structure, and within a radius extending to where the outside yard is maintained from the structure;

**"Public"** means anywhere on the Reserve outside of a Member's Private Dwelling House;

**"Reserve"** means all those lands defined as a "reserve" within the meaning of the *Indian Act*, R.S.C. 1985, c-I-5, and set apart for the use and benefit of the Lac Seul First Nation Band;

**"State of Emergency"** means an urgent or critical situation of a temporary nature that seriously endangers the lives, health, safety, security or wellbeing of its residents and members, including but not limited to:

- (a) Natural disasters (fires, floods, earthquakes, storms or other natural phenomenon);

- (b) Contagious and infectious diseases;
- (c) Environmental accidents or contamination;
- (d) Loss of an essential service; and
- (e) Such other situation as Chief and Council in its sole discretion determines seriously endangers the lives, health, safety, security or wellbeing of its residents and members.

#### **Declaration**

- 4. When the Chief and Council believes, on reasonable grounds, that a State of Emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Chief and Council may, by Band Council Resolution, declare a State of Emergency.
- 5. Such State of Emergency may apply to all reserve land or may only apply to a particular geographic region of the reserve.
- 6. Where the State of Emergency applies to only a specific region of the reserve details of the region shall be outlined in the Band Council Resolution.

#### **Effective date**

- 7. A declaration of a State of Emergency is effective on the day on which the Band Council resolution is passed.

#### **Expiration of Declaration**

- 8. A declaration of a State of Emergency expires at the end of thirty (30) days unless the declaration is previously revoked or continued in accordance with this by-law.

#### **Revocation of Declaration**

- 9. The Chief Council may, by Band Council Resolution, revoke a declaration of a State of Emergency either generally or with respect to any area of the reserve effective on such day as is specified in the Band Council Resolution.

#### **Continuation of Declaration**

- 10. At any time before a declaration of a State of Emergency would otherwise expire, the Chief and Council, may, by Band Council Resolution, continue the declaration either generally or with respect to any area of the reserve for such period, not exceeding ninety (90) days, as is

specified in the Band Council Resolution if the Chief and Council believes, on reasonable grounds, that the emergency will continue to exist or that the direct effects of the emergency will continue to extend to that area, as the case may be.

### **Orders and Regulations**

11. While a declaration of a State of Emergency is in effect, the Chief and Council may make such orders or regulations that are not contrary to law, with respect to the following matters as the Chief and Council believes, on reasonable grounds, are necessary for dealing with the emergency and protecting the health, safety, security or wellbeing of its residents and members:
  - (a) the regulation or prohibition of travel to, from or within any specified area of the reserve, or reserve as a whole, where necessary for the protection of the health, safety, security or wellbeing of individuals, including but not limited to:
    - i. orders requiring certain person(s) or classes of persons to remain within their private dwelling house;
    - ii. orders regulating the movement of traffic on reserve, including the establishment of check points and closure of the reserve border;
    - iii. orders requiring the removal of certain person(s) or classes of persons from the reserve;
    - iv. orders preventing the entry of certain person(s) or classes of persons onto the reserve;
  - (b) the maximum number of individuals permitted to reside in any private dwelling house;
  - (c) the maximum number of individuals permitted to congregate in any private dwelling house or Public space;
  - (d) the evacuation of any person(s) and the removal of personal property from any specified area of the reserve and the making of arrangements for the adequate care and protection of the persons and property;
  - (e) the requisition, use or disposition of property;
  - (f) the authorization of or direction to any person, or any person of a class of persons, to render essential services of a type that that person, or a person of that class, is competent to provide and the provision of reasonable compensation in respect of services so rendered;
  - (g) the regulation of the distribution and availability of essential goods, services and resources;
  - (h) the authorization and making of emergency payments;
  - (i) the establishment of emergency shelters and medical facilities;

- (j) the assessment of damage to any works or undertakings and the repair, replacement or restoration thereof;
  - (k) the assessment of damage to the environment and the elimination or alleviation of the damage; and
  - (l) the imposition of a fine not exceeding one thousand dollars or imprisonment not exceeding thirty days or both that fine and imprisonment for contravention of any order or regulation made under this section.
12. Any such orders and regulations shall be made by way of Band Council Resolution.
13. Prior to implementing any orders or regulations Chief and Council shall consider:
- (a) The circumstances surrounding the State of Emergency including but not limited to:
    - i. The severity of the emergency;
    - ii. The likely duration of the emergency;
    - iii. The impact of the emergency on the health, safety, security or wellbeing of its residents and members;
  - (b) The impact of the order or regulation on the person(s) to whom the order or regulation applies;
  - (c) The advice of any experts;
  - (d) Any similar decisions made by provincial and federal authorities;
  - (e) Any other consideration that Chief and Council in its sole discretion deems necessary and relevant in the circumstances.

#### **Posting of Notice**

14. Notice of the declaration of a State of Emergency or of any orders or regulations made pursuant to this by-law shall be posted in public places including the Lac Seul First Nation website, the band office and such other locations deemed appropriate by Chief and Council.
15. Where an order or regulation applies to a specific person(s), the notice shall be provided to the person(s) by leaving a copy at their private dwelling house, mailing the notice to their last known address, by e-mail, or by such other means as deemed appropriate by Chief and Council.

#### **Compliance**

16. A person who breaches any order or regulation made pursuant to this by-law commits an offence.

### **Enforcement**

17. Where an Officer has reasonable and probable grounds to believe that a person on the Reserve may be committing an offence pursuant to this by-law or any order or regulation enacted pursuant to this by-law, that Officer may take any such reasonable action required to ensure compliance.
18. No person shall interfere with or obstruct an Officer who is exercising their duties pursuant to this by-law or any order or regulation imposed pursuant to this by-law.
19. A person who breaches any provision of this by-law or an order or regulation made pursuant to this by-law commits an offence punishable by a fine not exceeding one thousand (\$1,000) dollars or imprisonment not exceeding thirty (30) days or both that fine and imprisonment.
20. Where an act in contravention of this by-law or any order or regulation made pursuant to this by-law continues for more than one day, each day on which the offence is committed will be deemed a separate offence and be punished as such.
21. The offences created by this by-law or any order or regulation made pursuant to this by-law are in addition to, and do not replace any applicable provincial or federal offences.

### **Civil Liability Unaffected**

22. Nothing in this by-law affects the civil liability of a person who contravenes any provision of this by-law or the regulations and the question of liability for damages.

### **Severability**

23. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the remainder of the by-law shall not be affected.

### **By-law Coming Into Force**


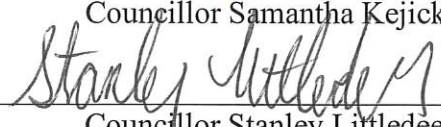
24. This by-law shall be published on the Lac Seul First Nation website.
25. The Council shall be required to provide a hardcopy of the by-law to any person that requests a copy and has not before received a copy.
26. This by-law comes into force on the date that it is published on the Lac Seul First Nation website.

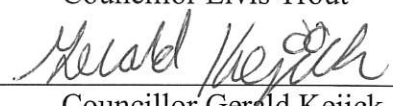
**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Band Council of the Lac Seul First Nation this 22nd day of April, 2020.

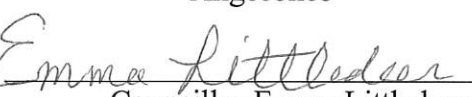
Voting in favour of the by-law are the following members of the Council:



  
Chief E. Derek Maud

  
Councillor Samantha Kejick  
  
Councillor Stanley Littledeer

Councillor Elvis Trout  
  
Councillor Gerald Kejick

Councillor Raymond  
Angecone  
  
Councillor Emma Littledeer

Councillor Wade Bull

being the majority of those members of the Band Council of the Lac Seul First Nation present at the aforesaid meeting of the Council.

The quorum of the Council: 5 members.

Number of Council members present at the meeting: 5 members.