



**Whitesand First Nation  
P.O. Box 68  
Armstrong, ON  
P0T 1A0**

**A BYLAW TO PROVIDE FOR THE ENFORCEMENT OF COVID-19 PHYSICAL DISTANCING AND HEALTH AND SAFETY PURSUANT TO SECTION 81 OF THE *Indian Act*, R.S.C. 1985, c. I-5**

WHEREAS Chief and Council of Whitesand First Nation are an elected body to represent the membership of Whitesand First Nation pursuant to the *Indian Act*, R.S.C. 1985, c.-1-5, as amended (the "Indian Act");

AND WHEREAS on March 11, 2020 the World Health Organization declared COVID-19 to be a pandemic;

AND WHEREAS on March 17, 2020 the Government of Ontario ("Ontario") declared an emergency under subsection 7.0.1(3) of the Emergency Management and Civil Protection Act ("Ontario's Emergency Declaration") because the COVID-19 pandemic "constitutes a danger of major proportions that could result in serious harm to persons";

AND WHEREAS as a result of Ontario's Emergency Declaration the province took a series of measures designed to help contain the spread of COVID-19 including, but not limited to, legally requiring the closure of all facilities providing indoor recreational programs; public libraries, private schools, licensed child care centres; bars and restaurants (other than takeout or delivery), all theatres, and concert venues, and placed strict limits on the size of social gatherings.

AND WHEREAS on March 18, 2020, Chief Gustafson declared a state of emergency on behalf of Whitesand First Nation, in response to the threat posed by the spread of COVID-19;

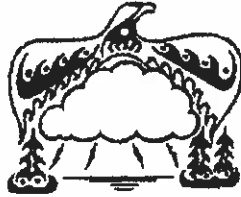
AND WHEREAS regions of Ontario began entered Stage 1 of reopening on May 19, 2020; Stage 2 of reopening on June 12, 2020; and Stage 3 of reopening on July 17, 2020.

AND WHEREAS in Stage 3 of reopening the size of public gatherings is limited, but nearly all business and public spaces can reopen, as long as they follow the public health advice and workplace safety guidance necessary to keep everyone safe, as well as limits on gathering sizes.

AND WHEREAS on July 16, 2020 the Thunder Bay District Health Unit announced that they will be requiring the use of masks or face coverings by all members of the public, employees and others in enclosed public spaces including indoor settings accessible to the public.

AND WHEREAS Chief and Council have the inherent authority and legislative authority under section 81(1) of the Indian Act to enact emergency measures designed to prevent the spreading of contagious and infectious diseases;

AND WHEREAS Chief and Council hereby deems it advisable and in the best interests of Whitesand First Nation to enact the following by-law to protect the health and safety of all residents of the Whitesand reserve.



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**THEREFORE BE IT RESOLVED:**

This is a by-law and not a Band Council Resolution.

**TITLE**

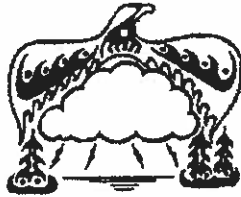
1. This by-law may be cited as: Health Enforcement By-law 2020-02

**PURPOSE**

2. The purpose of this by-law is:
  - (a) to outline the measures put in place to promote the health and safety of residents of the Whitesand reserve (the "Reserve") during the remainder of the State of Emergency enacted by Chief Gustafson on March 18, 2020;
  - (b) to outline the consequences that an individual will face for failing to follow the physical distancing and health and safety measures in this by-law, and
  - (c) to empower the Ontario Provincial Police ("OPP") to enforce the measures and consequences as outlined in this by-law, within the Reserve boundary.

**COVID-19: EMERGENCY PHYSICAL DISTANCING MEASURES**

3. Physical Distancing - Physical distancing involves taking steps to limit the number of people you come into close contact with. Avoiding close contact with other people helps prevent the spread of illnesses, such as COVID-19.
4. People on the Reserve must keep a distance of at least 2 metres (6 feet) from one another, as much as possible. Whenever it is difficult to maintain this distance, individuals must wear a mask or face covering.
5. Social Circles - Individuals can get together with people outside of their household by creating social circles made up of individuals they can interact with without physical distancing ("Social Circle").
6. Individuals can have a Social Circle of up to 10 people. People who reside in the same household must be in the same Social Circle. Each person can only be in one Social Circle.
7. Check Point- Any individual entering or exiting the Reserve, is required to stop at the security checkpoint to provide information regarding their destination. Any non residents who has COVID-19 symptoms, or a pending COVID-19 test, or has a positive COVID test result, or who has been exposed to someone with a positive test result is not permitted entry to the community.



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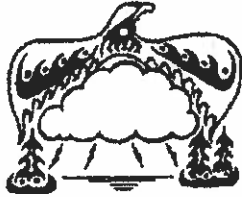
8. Anyone who leaves the Reserve to travel outside of the Thunder Bay District is required to report their travel dates and destinations to Jessica Laessar, for the purpose of Outbreak Monitoring.
9. Anyone returning to the Reserve who has travelled outside of the Thunder Bay District in the preceding 14 days must monitor themselves for COVID-19 symptoms for two weeks. If that individual develops a fever, dry cough, tiredness, aches and pains, sore throat, diarrhoea, conjunctivitis, headache, loss of taste or smell, a rash on skin, or discolouration of fingers or toes ("COVID-19 Symptoms"), even if mild, they must call Jessica Laessar to arrange for COVID-19 testing.
10. Any person with COVID-19 Symptoms must self-isolate inside his or her residence and strictly avoid contact with others for fourteen (14) days or, if symptoms have not resolved after fourteen (14) days, until twenty-four (24) hours after symptoms have fully and completely resolved.
11. Anyone who develops a difficulty breathing, shortness of breath, chest pain, chest pressure, a loss of speech, or loss of movement should seek medication attention immediately.
12. Everyone shall wear masks or face coverings in accordance with the Thunder Bay District Health Unit's Mandatory Mask Directive developed under the Emergency Management and Civil Protection Act, R.S.O. 1990 and associated regulations dated July 17, 2020.
13. Curfew - Everyone on the Reserve must remain inside his or her residence from 11:00 p.m. to 7:00 a.m.

#### **OFFENCE**

14. Any person who contravenes this by-law shall be subject to enforcement action and liable on summary conviction to a fine of up to one thousand dollars (\$1,000), imprisonment for a term of up to thirty (30) days, or to both a fine and imprisonment, in addition to any applicable penalties under the Emergency Management and Civil Protection Act, the Trespass Act, the Criminal Code, or as otherwise prescribed by law.

#### **ENFORCEMENT**

15. This by-law will be enforced by the Ontario Provincial Police (OPP) under the lawful direction of the OPP Chief of Police or designate.
16. This by-law comes into force immediately and shall remain in effect until revoked or abridged by resolution of Council.




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This by-law is hereby made at a duly convened meeting of the Council of Whitesand First Nation this \_\_\_\_17th\_\_ day of August, 2020.

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

  
\_\_\_\_\_  
Chief Allan Gustafson

  
\_\_\_\_\_  
Councillor Wade Cheesequay

  
\_\_\_\_\_  
Councillor Kurtis Thompson

\_\_\_\_\_  
Councillor Jermaine Nodin

\_\_\_\_\_  
Councillor Rene Wilson Sr.

\_\_\_\_\_  
Councillor Sylvia Shapwaykeesic

  
\_\_\_\_\_  
Councillor Andrea Donio

Being the majority of those members of the Council of Whitesand First Nation present at the aforesaid meeting of the Council. The quorum of council is 4 members. Number of councillors present at the meeting 4.