

**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;

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

WHEREAS the Province of Ontario declared an emergency under subsection 7.0 .1 (3) of the Emergency Management and Civil Protection Act because the COVID-19 pandemic "constitutes a danger of major proportions that could result in serious harm to persons";

WHEREAS the Province of Ontario has ordered the closure of public places and establishments, recreational amenities, campgrounds, and non-essential workplaces, and has prohibited events and gatherings of more than 10 people except for funerals;

AND WHEREAS on March 18, 2020 Chief Gustafson declared a state of emergency regarding the COVID-19 for Whitesand First Nation;

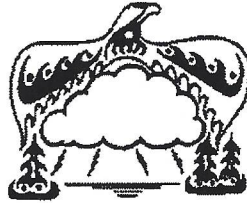
AND WHEREAS medical experts have determined that COVID-19 is especially deadly to the elderly, those with compromised immune systems, and children;

WHEREAS Chief and Council support the restriction of non-essential activities within the entire community of Whitesand First Nation to curb the spread of COVID-19;

WHEREAS the Whitesand First Nation has an inherent right to self-government and existing Aboriginal and treaty rights throughout their lands;

WHEREAS Chief and Council have the authority and jurisdiction pursuant to the inherent and treaty rights of our First Nation and sections 81(1)(a), (c), (d), (p), (q), and (r) of the Indian Act to enact emergency measures to prevent the spreading of contagious and infectious diseases;

AND WHEREAS the Chief and Council of Whitesand First Nation hereby deems it advisable and in the best interests of Whitesand First Nation to enact the following Bylaw for the protection of the health and safety of all residents of Whitesand First Nation.



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**THEREFORE BE IT RESOLVED:**

This Bylaw is a bylaw and not a Band Council Resolution.

**TITLE**

1. This Bylaw may be cited as the Health Enforcement Bylaw 2020-01

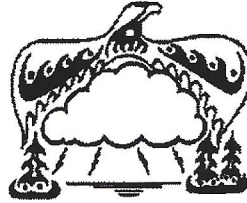
**PURPOSE**

2. The purpose of this bylaw is:

- (a) to outline the measures put in place to ensure the health and safety of all residents of Whitesand First Nation Reserve during the declaration of the State of Emergency enacted on March 18, 2020 by Chief Gustafson,
- (b) to outline the consequences that residents and non-residents will face for failing to follow the physical distancing and health and safety measures included in this Health Enforcement Bylaw, and
- (c) to empower the Ontario Provincial Police (OPP) to enforce the measures and consequences as outlined in the Health Enforcement Bylaw within Whitesand First Nation Reserve.

**EMERGENCY PHYSICAL DISTANCING MEASURES**

3. No person shall engage in any social activity on Whitesand First Nation outside his or her residence unless the activity is deemed by resolution of Council to be essential.
4. No person shall gather with more than 10 people who do not reside in the same household.
5. No person shall come within two meters of any other person who does not reside in the same household.
6. Any resident of Whitesand First Nation who leaves the reserve to travel outside of the Thunder Bay District are required to report, for the purpose of Outbreak Monitoring, their travel dates and destinations to Jessica Laessar. Upon return to Whitesand First Nation it is recommended that the individual monitor their health for symptoms of COVID-19 for 14 days. If you develop symptoms, even if mild, call Jessica Laessar to arrange testing.
7. Any person with symptoms of COVID-19, including fever and cough, must self-isolate inside his or her residence and strictly avoid contact with others for fourteen (14) days or, if



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symptoms have not resolved after fourteen (14) days, until twenty-four (24) hours after symptoms have fully and completely resolved.

8. No resident of Whitesand First Nation shall leave his or her residence except where reasonably necessary for work, travel, exercise, grocery shopping, or obtaining medical or other essential supplies.

9. No non-resident shall visit Whitesand First Nation except where reasonably necessary to perform an essential service or with the permission of Chief and Council.

10. Visits to such Elders or individuals with underlying health issues shall be avoided where reasonably possible and groceries and supplies shall be delivered to such persons without direct contact or entry to their residences where reasonably possible.

11. All residents shall wear facial masks in situations where physical distancing may be difficult for example, but not limited to, grocery store, bank, post office.

12. All residents of Whitesand First Nation are to abide by a curfew from 11:00 p.m. to 7:00 a.m.

#### **OFFENCE**

13. Any person who contravenes this bylaw shall be deemed by Chief and Council to be a trespasser while outside his or her residence and 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**

14. This bylaw will be enforced by the Ontario Provincial Police (OPP) under the lawful direction of the OPP Chief of Police or designate.

#### **TEMPORARY EFFECTIVENESS**

15. This bylaw comes in force immediately and shall remain in effect for thirty (30) days only, unless that time period is extended or abridged by resolution of Council.




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This Bylaw is hereby made at a duly convened meeting of the Council of Whitesand First Nation this 13th<sup>th</sup> day of July, 2020.

Voting in favour of the bylaw are the following members of the Council

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

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

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

  
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Councillor Jermaine Nodin

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

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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.