

BY-LAW NO. 4-16-2020-1
OF THE EEL GROUND FIRST NATION
BEING A BY-LAW FOR CURFEW

WHEREAS, the Eel Ground First Nation (“Eel Ground”) are a Mi’kmaq Indigenous people who possess the inherent right to be self-governing and exercise jurisdiction over their internal and local affairs for the betterment of its community, its’ members and visitors to their territory;

AND WHEREAS on March 12, 2020, the World Health Organization declared COVID-19 a pandemic, and as of April 6, 2020, there are at least 101 presumptive cases of COVID-19 identified in New Brunswick, and such presumptive cases are increasing daily;

AND WHEREAS on March 19, 2020, the Province of New Brunswick declared a State of Emergency with respect to the COVID-19 virus;

AND WHEREAS the Mi’kmaq communities in New Brunswick represent a particular vulnerable population due to overcrowding, food insecurity and higher rates of pre-existing health conditions;

AND WHEREAS one of the best protections against the transmission of the COVID-19 virus is through social distancing and social isolation and we all have a personal responsibility to limit the spread of the Covid-19 virus to protect our Elders, the vulnerable and Front-Line Health Care Workers;

AND WHEREAS the Eel Ground Chief and Council consider it necessary to regulate the time that individuals are in the Eel Ground First Nation public areas to prevent the spread of Covid-19;

AND WHEREAS the Eel Ground Chief and Council, as the elected government of the Eel Ground First Nation, has jurisdiction to pass laws for the good government of its’ members for the purpose of protecting and promoting the health, safety and welfare of residents on Reserve and is empowered to make this By-law by virtue of Section 81 of the Indian Act, R.S.C. 1985, c. I-5, as amended and pursuant to the Eel Ground First Nation's inherent rights; and

AND WHEREAS the *United Nations Declaration on the rights of Indigenous Peoples* (“UNDRIP”) recognizes the right of the Mi’kmaq of Eel Ground, as an indigenous people, to autonomy and self-government in matters relating to their internal and local affairs in the exercise of their right to self-determination, as well as the right to freely pursue and control the health and safety of its members;

AND WHEREAS the Eel Ground Chief and Council wish to protect the health and safety needs of its’ community members through the declaration of this Curfew By-law;

NOW THEREFORE the Council of the Eel Ground First Nation hereby makes the following By-law:

PART I: DEFINITIONS AND INTERPRETATION

Short Title:

1. This By-law may be cited as the "**Eel Ground First Nation Curfew By-law**".

Interpretation:

2. In this By-law

"Band" means the Eel Ground First Nation;

"Council" means the Council of the Eel Ground First Nation as defined in the Indian Act;

"Minor" means a person who is under the age of 16 years old.

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

"Prohibited Hours" ordinarily means the period of time beginning at 8 p.m., daily, and ending at 6 a.m., daily, when all persons are prohibited from being in a public place, unless for the purpose of acquiring or providing essential services or in an emergency circumstance.

"Public Place" includes any place whether publicly or privately owned or leased, to which the public have access as a right or by invitation, express or implied.

"Reserve" means the all Eel Ground Indian Reserve lands at Eel Ground Indian Reserve #2 at New Castle, Big Hole Tract 8 (South Half) Indian Reserve, Renous Indian Reserve # 12, or any future lands acquired by the Eel Ground First Nation through an Additions-to- Reserve Process.

"Resident of the reserve" means a person authorized to reside on the reserve pursuant to the Indian Act or by permission of the Council of the Eel Ground First Nation.

"Self-Isolate" means to separate yourself from others for the purpose of preventing the spread of germs and virus, for a period of two weeks or 14 days.

"Trespass" means entry onto, or the presence on, the reserve without lawful justification or after being asked to leave such lands by a Peace Officer at the direction of the Council of the Eel Ground First Nation;

PART II: APPLICATION

3. This by-law will take effect immediately on April 6, 2020, and will continue until the Eel Ground Chief and Council are of the opinion that the threat of the COVID-19 virus is non-threatening to the health and safety of its' community members.
4. Where the Chief and Council assess the circumstances surrounding COVID-19 and believe the virus is no longer a substantial health and safety risk to its' community members, the Chief and Council will revoke the application of this by-law through a band council resolution.

PART III: GENERAL PROHIBITIONS

5. No person (s) shall be permitted to be in any public place within the Eel Ground First Nation during the Prohibited Hours, unless:
 - (a) They are an individual providing essential services within the community;
 - (b) They are an individual receiving or obtaining essentials services;
 - (c) They are an individual otherwise authorized by the Chief and Council through a Band Council Resolution, for the purpose of providing a necessary function within the community.
6. When in a public place, any, and all individuals must maintain a distance of six (6) feet from all other individuals that are also in the same public space.
7. All businesses located in the community of Eel Ground will be prohibited from operating during the prohibited hours, and such businesses include all convenience stores, grocery stores, take-out and/or restaurant facilities, gas stations, gaming operations and any other business providing a service to the public.
8. Absolutely no public gatherings are permitted in the community.
9. No private gatherings larger than 5 people are permitted in an individuals' private residence, unless under urgent or unforeseen circumstances, including a funeral or a wake. In such instances, individuals will still be required to maintain a distance of 6 feet from each other.
10. Any individual who has recently travelled outside of Canada within the last month, or outside of New Brunswick, or has been in close, personal contact to a person who has travelled outside of Canada, is required to self-isolate for a period of two (2) weeks or 14 days.
11. Any individual who has been diagnosed with the Corona Virus, unless

hospitalized, must self-isolate until medically certified to have fully recovered from the Corona Virus and to be no longer contagious.

12. All individuals within the community are URGED not to undertake any unnecessary, social interaction outside of their residence, and where they do leave their residence, they are required to stay 6 feet away from all or any other person.

PART IV: ENFORCEMENT OF BY-LAW

13. Every individual person shall comply with this By-Law, and with resolutions enacted pursuant to this By-Law.

PART V: ADMINISTRATION

14. The Council may appoint a person to act as the By-Law Enforcement Officer as the Council deems necessary.
15. The By-Law Enforcement Officer is authorized and directed to carry out the provisions set out in this By-law.
16. The Council may from time to time enter into agreement with a person, a Company or an authorized agent of any corporation, society, governmental body or other organization to:
 - (a) Carry out the provisions set in this By-law;
 - (b) Enforce the provisions set in this By-law;
17. The Council may, by resolution, establish a charge or fees payable in respect of any matter administered under this By-law.
18. The Council shall have the final decision-making authority on the enforcement of violations under this By-Law.

PART VI: PENALTY

19. First Offence - Any person who is found to be in contravention of this by-law will be provided a warning and asked to return immediately to their place of residence, whether they reside on or off-reserve.
20. Second Offence - A person who is found to be in contravention of this by-law for a second time, may be issued a fine of \$1000.00.

21. Where a minor is found to be in contravention of this By-law, a By-law Enforcement Officer will:
- (a) Advise the Child to go directly to his or her home;
 - (b) Take the Minor to his or her home and deliver the Minor into the care of their Parent(s) or Legal Guardian(s);
22. A By-Law Enforcement Officer is hereby authorized to issue a Violation Notice to any Parent whose Child has contravened any provision of this By-Law.
23. A By-Law Enforcement Officer is hereby authorized to issue a Violation Notice to any person who has contravened any provision of this By-Law.

PART VI: AMENDMENT

24. This By-Law may be amended from time to time by the Eel Ground Chief and Council, as it deems necessary, in accordance with the provisions of Sections 81 and 82 of the *Indian Act*.

THIS BY-LAW IS HEREBY ENACTED at a duly convened meeting of the Eel Ground Chief and Council this 16th day of April, 2020.

Signed by the following members of the Eel Ground Chief and Council:

Chief George Ginnish
Chief George Ginnish

Moved <u>Tyler Patten</u>	Second <u>William Sore</u>
<u>Kelvin Simonson</u>	in favor <u>Merrill Martin</u>
<u>Alexia Sweezy</u>	<u>Anthony Francis</u>
