

***Lytton First Nation  
Pandemic Community Emergency Protection  
By-Law No. 2020-01  
Effective April 3, 2020***

***A By-law to provide for the protection of the community from COVID-19***

**WHEREAS:**

- A. A communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of serious illness known as COVID-19 among the public;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- D. The gathering of large numbers of people in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19;
- E. The Province of British Columbia has declared a state of emergency to combat COVID-19;
- F. On March 16, 2020, Provincial Health Officer Bonnie Henry issued a Notice prohibiting large gatherings of people;
- G. The Council of the Lytton First Nation considers it necessary for the health and safety of the membership to restrict gatherings of members and other persons on-reserve so long as there is a provincial emergency;
- H. The Council desires to make a by-law to provide for the protection of the community, particularly elders, children, and the vulnerable, on-reserve from the spread of the COVID-19 virus;
- I. Some members have continued to engage in activity that poses risk to our membership, including engaging in social gatherings in residences and other areas on-reserve without maintaining a physical distance of 6 feet;
- J. The Council of the Lytton First Nation considers the protection and safety of elders, children, and the vulnerable to be a priority;
- K. It is deemed to be expedient and necessary for the benefit, comfort, and safety of the residents of the Reserve to regulate access to the Reserve and to provide for the removal of persons trespassing or posing a threat to the safety and well-being of residents of the Reserve;

- L. The Council of the Lytton First Nation is empowered to make such a by-law pursuant to subsections 81(1)(a)(c), (d), (p), (p.1), (q) and (r) of the *Indian Act*, R.S.C., c. I-5, including:

(a) to provide for the health of residents on the reserve and to prevent the spread of contagious and infectious diseases;

**NOW THEREFORE** the Council of the Lytton First Nation enacts this by-law as follows:

***Pandemic Community Emergency Protection By-law***

1. This by-law may be cited as the “Lytton First Nation Pandemic Community Emergency Protection By-law No. 2020-01”.
2. In this by-law, unless the context otherwise requires:
 

“**Council**” means the elected Chief and Councilors of the Lytton First Nation;

“**Non-Member**” means a person that is not a member of the Lytton First Nation;

“**Officer**” means any Emergency Operations Centre representative, public health officer, peace officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on Reserve pursuant to a resolution of the Council;

“**Reserve**” means all Indian Reserves of the Lytton First Nation under the *Indian Act*, R.S.C. 1985, c. I-5; and

“**Trespass**” means entering or remaining on the Reserve without lawful authority or the authorization of the Chief and Council.
3. The Council declares that a state of emergency exists as a result of the pandemic spread of COVID-19;
4. The risk of an outbreak of COVID-19 among our membership constitutes a health hazard;
5. All Non-Members that are not ordinarily resident on Reserve are prohibited from frequenting any Reserve, unless the Non-Member has a lawful right to be on a Reserve. Any Non-Member on a Reserve without lawful authorization shall be deemed to be frequenting the Reserve for a prohibited purpose and in Trespass;
6. An Officer has the authority to Order a Non-Member in Trespass to leave a Reserve by verbal command;
7. Any social gathering of people in excess of 5 people at any place on Reserve is prohibited;

- 8. For greater certainty, a social gathering does not include a funeral on Reserve or the presence of immediate and extended family members in a residence or vehicle on Reserve;
- 9. An Officer has the authority to Order the social gathering to cease immediately by verbal command;
- 10. Where a person who has received an Order pursuant to sections 6 or 9 and fails or refuses to comply with such an Order, an Officer may take such reasonable measures as are necessary to enforce that Order.
- 11. A person who fails or refuses to comply with an Order made under sections 6 or 9 or who resists or interferes with an Officer acting under section 10, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00).
- 12. This bylaw expires on May 30, 2020 and is subject to revision, cancellation, or extension by Council.

This by-law is hereby enacted by the Council of the Lytton First Nation at a duly convened meeting held on the \_\_\_\_ day of April, 2020

The quorum of the Council is 5 members.

Voting in favour of the ***Pandemic Community Emergency Protection*** are the following members of the Council:

\_\_\_\_\_  
Chief Janet Webster

\_\_\_\_\_  
Councilor

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Being the majority of those members of the Council of the Lytton First Nation present at the aforesaid meeting.

I, \_\_\_\_\_, Chief of the Lytton First Nation, do hereby certify that a true copy of the foregoing by-law was published pursuant to subsection 86(1) of the *Indian Act*, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chief Janet Webster

\_\_\_\_\_  
Witness