

# MICMACS OF GESGAPEGIAG

## COVID-19 BYLAW

### A BYLAW CONCERNING PREVENTIVE MEASURES ASSOCIATED WITH THE COVID19 EPIDEMIC/PANDEMIC

2021

#### WHEREAS:

COVID-19 is a highly contagious virus and poses a serious and immediate threat to the health and lives of the members of the Micmacs of Gesgapegiag, especially elders and members with underlying health conditions;

International, Canadian and Quebec health authorities have made it clear that reducing the spread of COVID-19 requires physical (or “social”) distancing and limiting the size of gatherings;

The Council must take exceptional emergency measures on a temporary basis to protect residents of the community and thereby prevent or limit the spread of the COVID-19 epidemic;

Section 81(1) of the *Indian Act* (R.S.C., 1985, c. I-5) confirms the authority of the Council to make by-laws:

The *Bylaw Concerning Preventive Measures Associated with the COVID-19 Epidemic* (“**COVID-19 Bylaw**”) aims to protect the health and safety of members of the community, in particular the members most vulnerable to the spread or risk of spread of COVID-19 and its variants;

**NOW THEREFORE, the Council enacts as follows:**

#### CHAPTER I

#### DEFINITIONS

#### ARTICLE 1

The following definitions apply to this COVID-19 Bylaw:

- a) “Community” means the population of Gesgapegiag;
- b) “Council” means the Chief and Council of the Micmacs of Gesgapegiag;
- c) “Director of Public Security” means the Gesgapegiag Director of Public Security or any other person duly authorized to replace him or act in his name. The director of Public Security may also be referred to as the Gesgapegiag Chief of Police;
- d) “Director General” means the Director General of the Micmacs of Gesgapegiag or any other person duly authorized to replace him or act in his name;
- e) “Essential Service” means all services, facilities or activities that are or may be necessary for the health and safety of all or part of the residents, occupants or members of the Community, in particular, the Council, the Gesgapegiag Pandemic Team, the Gesgapegiag Emergency Preparedness Team, the GHCS and other health services, police force / public

security services, fire department, social services, waste collection, packages and postal mail delivery, services related to the production, transformation, transport, provision and delivery of essential goods or services (which include in particular food, supplies for food markets and grocery stores, medical supplies, products for the production and treatment of drinking water, gas and fuel oil) and other services that may be authorized by the Council after recommendation by Unified Command;

- f) “GHCS” means the Gesgapegiag Health and Community Services;
- g) “GHCS Director” means the Director of the Gesgapegiag Health and Community Services or any other person duly authorized to replace her or act in her name;
- h) “High Risk Region” means any Quebec’s Region, Province or Country deemed to be high risk of Covid-19 by Unified Command;
- i) “Officer” means a member of the Gesgapegiag police force / Public Security services or any person designated in writing as such by the Director of Public Security;
- j) “Private Gathering” means any meeting of persons indoor or outdoor, within the vicinity of a dwelling unit or elsewhere on the Reserve whenever organized or sponsored by one or more person outside the context of a Public Activity;
- k) “Proof of Vaccination” means any written or electronic evidence, formally issued by a Province or a Territory, that a person has received at least two (2) doses of vaccines recognized by Health Canada or one dose for the person who got infected with the COVID-19 virus;
- l) “Public Activity” means any social, cultural, religious/ceremonial (including wedding celebration or funeral), recreational/sport activity or event organized on the Reserve and generally made available to the public or specific to certain groups within the public;
- m) “Reserve” means the tract of land reserved for the use and for the benefit of the Micmacs of Gesgapegiag, designated as a reserve under the *Indian Act* (R.S.C., 1985, c. I-5) and referred to by the name of Gesgapegiag;
- n) “Unified Command” means the GHCS Director, the Director of Public Security and the Incident Commander acting together pursuant to the provisions of this bylaw;

## **CHAPTER II**

### **PURPOSE AND APPLICATION**

#### **ARTICLE 2**

The purpose of this COVID-19 Bylaw is to:

- a) Introduce a Covid-19 Pandemic/epidemic bylaw that will impose protective measures and restrictions applicable in the Community
- b) Implement the Quebec Public Health recommendations concerning COVID-19 recommendations with exception to the recommendations on quarantine and isolation, which will be specific to Gesgapegiag as recommended by GHCS

#### **ARTICLE 3**

This COVID-19 Bylaw applies on the Reserve and to all persons within.

## **CHAPTER III**

### **PREVENTIVE MEASURES**

#### **ARTICLE 4**

The specific measures and restrictions which are further described in this bylaw shall apply on the Reserve to all persons within.

The said measures and restrictions may differ from those in effect in the Province of Quebec and the measures and restrictions mentioned in this bylaw shall prevail over those identified by the Government of Quebec in case of conflict or incompatibility.

A state of emergency may be declared by Council after recommendation by Unified Command. Once declared, this bylaw shall be activated and fully enforced until the state of emergency is lifted by Council.

A state of community lockdown shall be declared by Council after recommendation from Unified Command for a duration up to 30 days which can be renewed for an additional 30 days, for a maximum of 60 days.

#### **ARTICLE 5**

The following mandatory quarantine and self-isolation measures are in force:

- a) Any person who has tested positive to COVID-19 Quebec Public Health will notify the Gesgapegiag Health and Community Services, however confirmed cases must follow treatment and abide by our Covid-19 bylaw quarantine and isolation measures until a

medical test confirms that such person has recovered and is not infected with COVID-19 anymore.

- b) Any person (1<sup>st</sup> line) who has been in direct contact with a person mentioned in a) must immediately notify the Gesgapegiag Health and Community Services and remain at their residence in quarantine: (1) until the person in paragraph a) is tested negative, (2) until the 1<sup>st</sup> line individual is tested negative at the satisfaction of the Gesgapegiag Health and Community Services or (3) for a period of 14 days if individuals are not tested;
- c) Any person (1<sup>st</sup> line) who has been in direct contact with a person mentioned in a) must be tested after 5 days of the initial contact
- d) Any person who has been tested for COVID-19 and who is waiting to get their results must remain at their residence in quarantine until tested negative;

## ARTICLE 6

The following physical and social distancing measures are based on Quebec Public Health and are recommended by GHCS and adopted for use in Gesgapegiag and applicable in the situations identified herein. These conditions are subject to change as provincial measures change. (for further clarification you may visit <https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus> )

### **Face covering, Vaccination passport Measures in force as described;**

Public gatherings

Essential activities (work, educational, selected ceremonies)

Union and workplace meetings; diploma, recognition, marriage and funeral ceremonies; places of worship; libraries; amateur school events attended by a parent or close friend, etc.

### **Without the vaccination passport:**

- Face covering at all times indoors except when eating or drinking.
- One metre physical distancing.
- Maximum 250 attendees indoors (subject to distancing capacity) and 500 outdoors (except for libraries).
- Standing and dancing authorized.
- Places of worship that occupy an entire building: the limit applies to the building.

### **With the vaccination passport:**

- Face covering at all times indoors except when eating or drinking.
- No physical distancing.
- No capacity limit.
- Standing and dancing authorized.

Non-essential activities (other activities)

**Events; performances; movies; conferences; congresses; amateur non-school events (a parent or friend attends an extracurricular or association event), etc.**

- Face covering at all times indoors except when eating or drinking.
- No physical distancing.
- No capacity limit.
- Standing and dancing authorized.

**Recreation and sports /Outdoor winter sports**

\*Some conditions apply

- Except for sports and outdoor activities do not require a vaccination passport.
- Capacity enabling one-metre physical distancing.
- Inside chalets, vaccination passport required for access to food service areas (cafeterias, restaurants, multi-use rooms, bars). Other chalet areas: vaccination passports at the discretion of owners and/or operators. Face covering at all times indoors except when eating or drinking.

Recreation and sports Controlled access (organized activity, subscription, registration, crowd management feasible), team sports, etc.

- Face covering when moving about indoors. May be removed during an intensive physical activity.
- No physical distancing.
- No limit on attendees.

**Gyms:**

- Face covering when moving about indoors.
- One-metre physical distancing between individuals.
- Face covering may, however, be removed during an intensive physical activity such as treadmill use, but two-metre physical distancing is then mandatory.

Open access (spontaneous activities)

Youth and community centres; without food or bar service (shelters, skating huts), etc.

- Face covering indoors.
- Capacity must enable one-metre physical distancing.

**Restaurants, bars, brasseries, taverns, casinos • Face covering at all times indoors except when eating or drinking.**

- Indoors: 10 guests or members of three homes per table\*\*
- Outdoors: 20 guests or members of three homes per table\*\*
- No limits on group reservation guests.
- Standing and dancing authorized.
- Karaoke permitted (singer must wear a face covering if unable to maintain two-metre physical distancing or remain behind a physical barrier).
- One-metre distance between tables or separators in place.

Workplace • Return to face-to-face work with emphasis on mixed formulas enabling telework.

Learn more and view all applicable measures at [Québec.ca/coronavirus](https://quebec.ca/coronavirus) .

## ARTICLE 7

Should unified command identify an uncontrollable epidemic in the community all businesses opened to the public, including gaming facilities **with the exception** of the local groceries/convenience/gas stores and Essential Services, shall remain closed until such time the epidemic is under control. Each business that remains open will operate under the Unified Commands' specific instructions regarding Public Health measures applicable to such business. Unified Command shall notify the Council in writing of all specific instructions applicable to local businesses;

The restrictions covered by this COVID-19 Bylaw shall not prevent, upon verification, the delivery of essential goods and services as long as such delivery respects the health directives and rules established by the Unified Command.

## CHAPTER IV

### ENFORCEMENT AND PENALTIES

#### ARTICLE 8

It is the responsibility of the Gesgapegiag police force / Public Security services or, failing this, any police force having jurisdiction, to enforce the provisions of this COVID-19 Bylaw and the Director of Public Security is authorized to take all necessary measures to ensure their strict observance.

## ARTICLE 9

An Officer may order any person who should be staying at their residence under the quarantine and self-isolation requirements provided in Article 5 to return to their residence.

Any person that visits a household, business, or public service while having been confirmed to test positive for COVID-19 or variant will be held in violation of this bylaw.

## ARTICLE 10

A person who commits an offence under this COVID-19 Bylaw is liable on summary conviction to a fine for up to \$1,000, to imprisonment for up to 30 days, or to both, pursuant to section 81(1)(r) of the *Indian Act* (R.S.C., 1985, c. I-5).

## ARTICLE 11

Where an act in contravention of this COVID-19 By-law continues for more than one day, each day on which the offence is committed will be deemed a separate offence and may be punished as such.

## ARTICLE 12

Violation or breach of this COVID-19 By-law may, in addition to any other remedy and to any penalty imposed by the COVID-19 By-law, be restrained by court action at the instance of the Council.

## ARTICLE 13

The offences created by this COVID-19 Bylaw are in addition to, and do not replace, any applicable provincial or federal offences.

## **CHAPTER V**

### **COMING INTO FORCE AND DURATION**

## ARTICLE 14

This amended COVID-19 Bylaw comes into force on the date of its publication in the First Nation Gazette.

ARTICLE 15

This COVID-19 Bylaw is in effect until such time that federal and provincial public health agencies declare the COVID-19 pandemic/epidemic to be over, in which case a resolution of the Council shall be adopted to suspend or repeal this bylaw following a recommendation to that effect by Unified Command.

CHAPTER VI

AMENDMENTS

ARTICLE 16



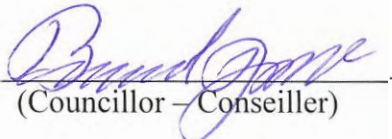
The Council may approve written amendments to this COVID-19 Bylaw, including additional preventive measures, by vote at a duly convened meeting. Given the emergency situation, no consultation with membership will be required for any amendments.

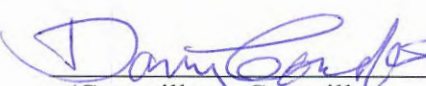

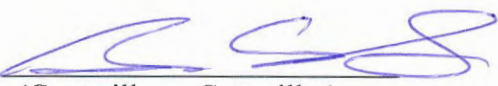
ARTICLE 17

If the Council approves amendments to this COVID-19 Bylaw, the amendments or the amended bylaw shall be promptly posted on the Council website and in prominent locations on the Reserve.

APPROVAL

This COVID-19 Bylaw is presented at a duly convened special Council meeting on December 2<sup>nd</sup>, 2021 in Gesgapegiag. Approved and adopted on December 2<sup>nd</sup>, 2021.

 _____ (Chief – Chef)	 _____ (Councillor – Conseiller)	 _____ (Councillor – Conseiller)
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