

**BY-LAW NO. 2020-14
of the Fisher River Cree Nation**

**Being a By-Law for the Declaration and Implementation
of Emergency Measures**

WHEREAS the Council of the Fisher River Cree Nation ("FRCN") desires to establish a By-Law to provide for the declaration and implementation of emergency measures within FRCN lands;

AND WHEREAS the Council of the FRCN is empowered to make such By-Law, and any matter ancillary thereto pursuant to, the sovereign authority which flows from the inherent and inalienable rights of the First Nation, and, without recognizing that such hereinafter mentioned legislation has any such authority over the sovereign and inherent rights of the First Nation, acknowledging that by-law provisions exist by way of paragraphs 81(1)(a), (b), (c), (h), (l), (m), (n), (p), (p.1), (q), and (r) of the *Indian Act*, R.S.C. 1985, c. I-5;

AND WHEREAS it is deemed to be expedient and necessary, for the safety, security, and best interests of the inhabitants of the FRCN reserve, to provide for the power for Council to declare and implement emergency measures for the FRCN community;

NOW THEREFORE the Council of the FRCN hereby makes the following By-Law:

Short title

1. This By-Law may be cited as "Fisher River Cree Nation Emergency Measures By-Law".

Interpretation

2.1 In this By-Law,

"*Council*" means the Chief and Council of the Fisher River Cree Nation;

"*officer*" means any police officer, Community Safety Officer, police constable, special constable or other person charged with the duty to preserve and maintain the public peace, and any person appointed or contracted by the Council for the purpose of maintaining law and order on the reserve;

"*reserve*" means all of those lands defined as a "Reserve" within the meaning of the *Indian Act*, R.S.C. 1985, c-15, and set apart for the use and benefit of the Fisher River Cree Nation Band;

"emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit loss of life, harm or damage to the safety, health, or welfare of community members, or damage to property or the environment.

Emergency Response

- 3.1 When an emergency crisis or disaster either exists or is imminent, the Council may declare a state of emergency for the FRCN community or any part thereof.
- 3.2 A declaration made under section 3.1 must be made through Band Council Resolution ("BCR"), and must describe the emergency that is the subject of the declaration and provide a duration for the declaration, which may not exceed 30 days in length.
- 3.3 Once a state of emergency has been declared under section 3.1, Council must take immediate steps to ensure that notice of the declaration is provided to the FRCN membership through postings and notifications through such means as to make efforts to reach the greatest number of members.
- 3.4 A declaration under section 3.1 may not initially exceed 30 days, but may be reviewed within 7 days prior to or upon the expiry of the initial 30-day period. In reviewing the declaration, Council shall consult with any experts and professionals about the state of the emergency affecting the FRCN community. Council shall then make a determination on whether to extend, amend, or allow the declaration to expire. Subsequent extensions may not exceed further periods of 30 days.
- 3.5 Council may terminate a declaration of a state of emergency at any point if, in the opinion of Council, the emergency no longer exists, and shall communicate this termination to the members of FRCN.

Emergency Powers

- 4.1 Upon the declaration of a state of emergency under section 3.1, Council may issue an order to any party to do everything necessary to prevent or limit the loss of life, harm or damage to the safety, health, or welfare of community members, or damage to property or the environment.
- 4.2 Included among the orders that Council may make under section 4.1 are:
 - a. The use of any real or personal property necessary to prevent, combat, or alleviate the effects of any emergency;
 - b. Authorize or require any qualified person to render aid of such type as that person is qualified to provide;

- c. Control, permit, or prohibit travel to or from any area or on any road, street or highway within the FRCN reserve lands;
 - d. Cause the evacuation of persons and personal property and provide for the adequate protection and care thereof;
 - e. Control or prevent the movement of people from any area that may have a contaminating disease;
 - f. Authorize the entry into any building, or upon any land, without warrant;
 - g. Cause the demolition or removal of any trees, structure, or crops in order to prevent, combat, or alleviate the effects of an emergency;
 - h. Authorize the procurement and distribution of essential resources and the provision of essential services;
 - i. Regulate the distribution and availability of essential goods, services, and resources;
 - j. Expend such sums as are necessary to pay expenses caused by the emergency;
 - k. Any other such action as is deemed necessary by Council to respond to circumstances of the emergency being confronted.
- 4.3 Council shall make such exemptions as are necessary in the circumstances when issuing orders under sections 4.1 or 4.2. For greater clarity, all measures shall be deemed to exempt all emergency responders and medical professionals to the extent required to perform their duties.
- 4.4 Where Council has taken an action under sections 4.1 or 4.2 and as a result an FRCN community member suffers the loss of any real or personal property, Council shall provide reasonable compensation to the member for the associated loss.
- 4.5 No action or proceeding may be brought against any person acting under the authority of this by-law, including a member of Council, unless the person was acting in bad faith.
- 4.6 A person who fails or refuses to comply with an order made under sections 4.1 or 4.2 commits an offence and is subject to all applicable penalties.

Penalty

- 5.1 A person who violates any provision of this By-Law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

Coming Into Force

6.1 This By-Law shall come into force upon the proclamation of its effect by the Chief and Council of the Fisher River Cree Nation, and, without recognizing that such hereinafter mentioned legislation has any such authority over the sovereign and inherent rights of the First Nation, acknowledging that such By-Law may also be published pursuant to subsection 86(1) of the *Indian Act*.

This By-Law is hereby made at a duly convened meeting of the Council of the Fisher River Cree Nation this 15th day of April, 2020.

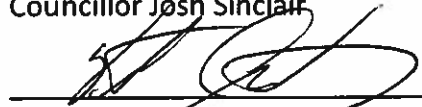
Voting in favour of the By-Law are the following members of the Council:


Chief David Crate


Councillor Darrell Thaddeus


Councillor Josh Sinclair


Councillor Carl Cochrane


Councillor Vince Crate

Being the majority of those members of the Council of the Fisher River Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting: 5