

**Garden River First Nation**

**Order No. 2020-02-02**

***Specific Order Implementing Travel Restrictions Onto The Garden River  
First Nation***

**(Issued Under By-Law No. 2020-02 – GRFN COVID-19 Virus By-Law)**

**Consolidated Date: January 5<sup>th</sup>, 2020**

**WHEREAS** The Garden River First Nation passed *By-Law No. 2020-02* indexed as the *Garden River First Nation COVID-19 Virus By-Law* at a duly convened meeting of Council on December 1<sup>st</sup>, 2020;

**AND WHEREAS** Section 6(b) of the *Garden River First Nation COVID-19 Virus By-Law* empowers Council or persons designated by Council to make orders with respect to matters which include making decision, taking actions and implementing safety measures as the Council considers necessary in order to prevent, respond to or alleviate the effects of the COVID-19 virus;

**AND WHEREAS** The Garden River First Nation implemented measures previously for the safety, well-being and health of the residents;

**AND WHEREAS** On December 26<sup>th</sup>, 2020, the District of Algoma Health Unit entered a *Provincial Lockdown of Stage 1, Schedule 1 of Ontario Regulation 363/20 of the Re-Opening Ontario Act*;

**AND WHEREAS** On December 26<sup>th</sup>, 2020, the District of Algoma Health Unit began following the *Rules For Areas in Stage 1 Lockdown of Ontario Regulation 82/20 under the Re-Opening Ontario Act*;

**AND WHEREAS** There are higher incidence of confirmed cases of the COVID-19 Virus in the District of Algoma since January 1<sup>st</sup>, 2021 which may impact the status of confirmed COVID-19 cases for the Garden River First Nation;

**AND WHEREAS** The geographical location of the Garden River First Nation, being adjacent to the City of Sault Ste. Marie in the Province of Ontario, results in the community being more vulnerable to the spread of the COVID-19 Virus with the frequency of vehicular and pedestrian traffic within the community;

**AND WHEREAS** The Garden River First Nation is of the opinion that the entry of persons into the Garden River First Nation may introduce or contribute to the spread of the COVID-19 Virus on the Reserve;

**AND WHEREAS** The Garden River First Nation deems it appropriate to enact additional safety measures to protect the community members who are particularly vulnerable to experiencing serious adverse health impacts including a risk of death due to the COVID-19 Virus.

**AND WHEREAS** The Garden River First Nation is operating under a State of Emergency that was declared on March 31<sup>st</sup>, 2020;

**AND WHEREAS** It is desirable to make Orders for restrictions under *Section 6(b)* of the *Garden River First Nation COVID-19 Virus By-Law No. 2020-02*;

**NOW THEREFORE IT IS RESOLVED THAT:**

## **SECTION 1**

### **1. SHORT TITLE**

- a. This Order may be cited as the ***“Specific Order Implementing Travel Restrictions Onto The Garden River First Nation”*** and shall be deemed to be an Order for all purposes and within the meaning of the *Garden River First Nation COVID-19 Virus By-Law* enacted on December 1<sup>st</sup>, 2020 at a duly convened meeting of Council.

## SECTION 2

### 2. COMPLIANCE WITH OTHER LAWS

- a. Notwithstanding anything in this Order, all other applicable Provincial Legislature related to the COVID-19 Pandemic, including the *Re-Opening Ontario (A Flexible Response to COVID-19) Act, 2020* and all Regulations under this Act, shall be enforced by officers on the Garden River First Nation pursuant to this Order for the safety, well-being, protection and health of the residents of the Garden River First Nation.
- b. The Orders created herein, are in addition to, and do not replace any applicable provincial or federal offences.
- c. The Orders created herein, are in addition to, and do not replace *Order No. 2020-02-01* enacted on December 23<sup>rd</sup>, 2020.
- d. The terms of this Order are set out the *Garden River First Nation COVID-19 Virus Bylaw Number 2020-02*.

## SECTION 3

### 3. TRAVEL RESTRICTIONS

- a. No person shall enter on, be situated upon, or travel upon the Garden River First Nation by any vehicle or on foot unless specifically identified as an authorized person listed in Section 4 in accordance with this Order.

## SECTION 4

### 4. RESTRICTIONS ON ACCESS TO PERSONS ENTERING THE GARDEN RIVER FIRST NATION

- a. An authorized person may only enter or be present on the Garden River First Nation if they are:
  - i. A resident of the Garden River First Nation;
  - ii. An occupant, tenant or lessee of the Garden River First Nation, including their employees, provided that such persons are solely situated within their respective work location or making direct ingress or egress to and from their respective work location;
  - iii. An employee of the Garden River First Nation who is an essential worker, and must perform their work duties as determined by the Senior Management Team;
  - iv. A dependent child who normally enters the Reserve under the terms of a written/verbal agreement or court order regarding custody, access or parenting;
  - v. A driver of a vehicle who enters the Reserve to drop off or pick up a dependent child under the terms of a written/verbal agreement or court order regarding custody, access, or parenting, only to escort the dependent child to or from the vehicle and they wear a non-medical mask or face covering anytime they are outside the vehicle;
  - vi. A person who is permitted to work on the Reserve as a provider of emergency services and who enters the Reserve for the purpose of providing those services, including:
    1. Police Officers,

2. Paramedics,
  3. Nogdawindamin;
  4. Child and Family Services;
  5. Search and Rescue Services;
  6. Firefighters;
- vii. A person who enters the Reserve for the purpose of providing medical care, transporting essential medical equipment, supplies or means of treatment, or delivering, maintaining or repairing medically necessary equipment or devices;
- viii. A licensed health care practitioner with proof of employment on the Reserve who enters the Reserve for the purpose of performing their duties as a licensed health care practitioner for a resident;
- ix. A person caring for a resident with a diagnosed medical condition that requires respite services or personal care;
- x. A person conducting emergency repairs, exclusive to:
1. Appliance repairs,
  2. Furnace or heating unit repairs,
  3. Emergency roof repairs to prevent leaks or damage to the home,
  4. Sewage systems,
  5. Home flooding, water leaks, major infrastructure repairs that require immediate attention to preserve loss of property;
- xi. A person delivering goods and services to a home or a private business, except not alcohol or drugs, unless they are being delivered as part of an essential health service;
- xii. A person doing work to maintain or repair utilities or public infrastructure, including:

1. Hydro,
2. Gas,
3. Phone,
4. Internet,
5. Snowplowing,
6. Garbage Removal;

- xiii. A person who has the authority to be on the Reserve pursuant to any legal authority granted by an Act of Parliament or Act of Legislature of Ontario or Canada;
- xiv. A person whom entry is for compassionate grounds to:
1. Attend a funeral,
  2. Attend an end-of-life ceremony,
  3. Visit a family member who is palliative care and receiving home care treatments as part of a discharge plan;
- xv. A person or any person in a class of persons who, as determined by the Pandemic Response Coordinator, will provide an essential service, if the person complies with any conditions imposed on them by the Pandemic Response Coordinator to minimize the risk of introduction or spread of COVID-19;
- xvi. A person who enters the Reserve at the invitation of Council of the Garden River First Nation for the purpose of assisting in the COVID-19 Pandemic;
- xvii. A member of the Canadian Forces or a visiting force who enters the Reserve for the purpose of performing duties as a member of either of those forces to assist in the COVID-19 Pandemic.

## **SECTION 5**

### **5. EXEMPTIONS**

- a. An officer may make an exemption of any parts of this Order, they deem necessary, pursuant to exigent circumstances and that is not contrary to any other law, for the health, safety, welfare and property of the members, residents and persons of the Reserve.

## **SECTION 6**

### **6. ENFORCEMENT OF ORDERS**

- a. Any person violating this Order shall be deemed to be on the Garden River First Nation without legal authority or colour of right to do so, and is therefore deemed to be Trespassing on the Garden River First Nation.
- b. Without limiting the generality of Section 9 of the Garden River First Nation COVID-19 Virus By-Law, a person to whom powers under Section 9 of the Garden River First Nation COVID-19 Virus By-Law have been delegated, and any Officer, may,
  - i. Stop any person entering onto, leaving from, or travelling within the Reserve to enforce compliance with this Order; and
  - ii. Require any person entering onto, leaving from, or travelling within the Reserve to produce evidence excusing the person from compliance with any restrictions imposed by this Order.

## **SECTION 7**

### **7. IMPLEMENTATION OF THE EMERGENCY COVID-19 PANDEMIC RESPONSE WORKPLAN**

- a. Pursuant to *Section 4* of the *Garden River First Nation COVID-19 Virus By-Law*, and notwithstanding any other Order, the Garden River First Nation implements the Emergency COVID-19 Pandemic Response WorkPlan.

## **SECTION 8**

### **8. EFFECTIVE DATE**

- a. This Order takes effect at 12:00PM on January 7<sup>th</sup>, 2021 and will remain in force until revoked.