



CHIPPEWAS OF RAMA FIRST NATION

Being a Band within the meaning of the Indian Act

**RAMA FIRST NATION
MANDATORY FACE-COVERING BY-LAW
BY-LAW NO. 20-01**

A by-law to require face coverings in indoor public spaces and on shared transit vehicles in Rama First Nation

This by-law shall come into force and effect on November 16, 2020

WHEREAS by its inherent jurisdiction and under section 81(a) of the *Indian Act* (the "Act"), the Chippewas of Rama First Nation may pass by-laws in respect of the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases in the Chippewas of Rama First Nation;

AND WHEREAS the Province of Ontario has declared an emergency as a result of the COVID-19 pandemic pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended;

AND WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of *Emergency Management and Civil Protection Act* to permit certain businesses to re-open for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials;

AND WHEREAS the Chippewas of Rama First Nation, in accordance with its own assessment of the particular risks and vulnerabilities of the Members of the Chippewas of Rama First Nation, has determined that many of its businesses and public spaces may re-open safely to meet the needs of Members of the community;

AND WHEREAS physical distancing is difficult to maintain in indoor public spaces and in certain other spaces, such as in shared transit vehicles;

AND WHEREAS there continues to be increased movement of visitors to and from Rama First Nation's territory for various services and businesses;



AND WHEREAS Rama First Nation's Director of Health and Social Services, recommended the First Nation similarly implement the July 7th, 2020, Simcoe Muskoka District Health Unit Medical Officer of Health's written instructions to all employers/persons responsible for businesses or organizations within the Simcoe Muskoka District Health Unit service area, requiring owners and operators of all businesses or organizations and all shared transit services to have a policy in place to restrict persons from entering or remaining in the indoor public space if the person is not wearing a face covering to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the Chippewas of Rama First Nation;

AND WHEREAS it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance;

NOW THEREFORE, THE CHIEF AND COUNCIL OF THE CHIPPEWAS OF RAMA FIRST NATION ENACTS AS FOLLOWS:

1. For the purpose of this By-law, the following terms shall have the following meanings:

"Business or Organization" includes a structure containing one or more businesses or organizations, whether owned by the Chippewas of Rama First Nation or an individual, or a business entity such as but not limited to a sole proprietorship, a limited partnership, a corporation, a joint venture, but being located within the Chippewas of Rama First Nation reserve, and may include but is not limited to the following:

- Places of worship
- Community Hall
- Convenience stores
- Farmers' markets
- Gas station
- Medical/Health Centre
- Independent health facilities
- Library
- Mechanics shops, garages and repair shops
- Offices of regulated health professionals
- Personal service settings
- Retail stores, including tobacco retailers
- Restaurants, pubs and bars
- Commercial enterprises located in Rama First Nation, including casinos



“Chief and Council” means the Chief and Council of the Chippewas of Rama First Nation

“Face Covering” means a medical mask or a non-medical mask or other face covering such as a bandana, scarf or cloth (including hijab and niqab) that covers the nose, mouth and chin that provides a barrier that limits community transmission. Face shields (clear plastic coverings to protect the eyes and possibly the lower part of the face) are not an acceptable alternative to a face covering for the purpose of this by-law. A face shield may be used by a person in addition to a face covering for added protection and can also be used in situations when an individual is unable to use any other type of face covering.

“First Nation” means the Chippewas of Rama First Nation.

“Indoor Public Space” means any wholly enclosed areas within the business or organization that are open or accessible to members of the public and not exclusively to employees/employers only.

“Officer” means:

(a) a Rama By-Law Officer or other person appointed by or under the authority of Chief and Council to enforce Rama by-laws; or

(b) an officer of the Rama Police Service, Ontario Provincial Police or the Royal Canadian Mounted Police.

“Operator” means a Person or organization who alone or with others, owns, is responsible for, has control over and/or directs, the operation of a business, organization or shared transit vehicle. For greater certainty Operator includes the Chippewas of Rama First Nation administration, government, and all of its related departments including Health, Social Services, Lands and Membership, Information Systems, Housing, and Finance;

“Person” means any customer, patron, employee or visitor, who enters the premises.

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended;

“Rama” means Chippewas of Rama First Nation and/or the boundaries of the Chippewas of Rama First Nation reserve;

“Shared Transit Service” means any vehicle which is used as part of the Chippewas of Rama First Nation transportation system including Rama owned vans and buses used for health, recreation and other purposes.



“Sufficient Barrier” means a solid surface such as glass or Plexiglas that forms a complete barrier between employees/volunteers and members of the public.

2. (a) Operators are required to restrict entry to customers wearing Face Coverings at all times while attending the Business or Organization or Shared Transit Service. For customers not wearing a Face Covering while in or on the Business or Organization or Shared Transit Service, Operators shall:

- i) verbally remind the customer that they must be wearing a Face Covering and services should be refused, unless the customer states they are exempted under section 4(a) of this by-law; and,
- ii) for customers seen removing their Face Covering for extended periods of time, a verbal reminder shall be issued to that customer of the requirement to wear Face Coverings at all times until they have left the premises of the Business or Organization or Shared Transit Service, and that service may be refused without a Face Covering.
- iii) Notwithstanding the above, a person may temporarily remove their Face Covering where it is reasonably required for services provided by the Business or Organization, such as eating, or Shared Transit Service.

(b) The Operator of any Business or Organization or Shared Transit Service shall adopt a policy to restrict Persons from entering the Indoor Public Space or public transit vehicle, and to restrict Persons from remaining in the Indoor Public Space or vehicle, if the Person is not wearing a Face Covering in a manner which covers their mouth, nose and chin.

(c) The Operator of the Business or Organization or Public Transit Service shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.

3. (a) The policy shall include the following exemptions for Persons from the requirement to wear a Face Covering in the Business or Organization or on Shared Transit Service:

- i. A child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
- ii. Persons who are incapacitated and unable to place or remove their Face Covering without assistance;
- iii. Persons with an underlying medical reason that does not permit the Person to safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information; and
- iv. Persons who are precluded from wearing a Face Covering for a religious reason.



(b) The policy shall permit the temporary removal of a Face Covering where the wearing of a Face Covering would inhibit the Person's ability to breathe such as, but not limited to, during moderate to intense physical activity (such as running) or activity that would preclude its use (such as swimming, or eating).

(c) The policy may permit an employee or volunteer of the Business or Organization or Shared Transit Service to not wear a Face Covering where:

- i. The Indoor Public Space or vehicle is limited to access by employees or volunteers only or during hours where an Indoor Public Space is limited to access by employees or volunteers only; or
- ii. Where Sufficient Barriers are provided for employees that protect the employee from close contact with a member of the Public.

(d) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 4(a).

4. The policy should be enacted and enforced in good faith and used as a means to educate people on Face Covering use in Premises where physical distancing can be a challenge. The Operator shall not be required to deny entry to their Indoor Public Space or Public Transit Service if the Operator has provided the necessary verbal reminders outlined in Section 2 of this by-law and the Person(s) has continued to refuse to wear a Face Covering for reasons other than those outlined in Section 3(a) of this by-law.

5. The Operator shall conspicuously post clearly visible signage containing the following text:

**ALL PERSONS ENTERING OR REMAINING
IN THESE PREMISES SHALL WEAR A
FACE COVERING WHICH COVERS
THE NOSE, MOUTH AND CHIN AS REQUIRED**

**Chippewas of Rama First Nation Council
By-Law No. 20-01**

6. The Operator shall ensure that all persons working at the Business or Organization or Public Transit Service are trained in the requirements of the policy and this By-law.



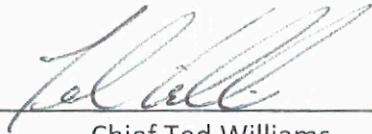
7. Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction by a Provincial Court is liable to a fine as provided for in the *Indian Act*.
8. Despite section above, the following Businesses or Organizations are not an Indoor Public Space for purposes of this By-law:
- a) Mnjikaning Kendaaswin Elementary School;
 - b) Binoojiinsag Kinoomaagewgamig; and
 - c) Day camps,
- all of which shall follow best practices, policies, regulations and directives for health and safety.
9. This By-law may be enforced by:
- a) a police officer of the Rama Police Service or Ontario Provincial Police; and
 - b) a Rama By-Law enforcement officer;
10. (a) Every person who contravenes any provision of this By-law is guilty of an offence.
- (b) Upon conviction, every person who contravenes any provision in this By- Law is liable to a fine not exceeding one thousand dollars (\$1,000).
11. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.
12. This By-law shall not be interpreted so as to conflict with a Provincial or Federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended.



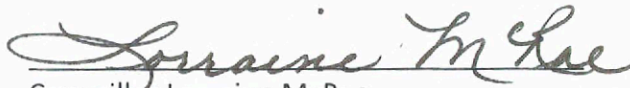
13. This By-law may be cited as the "Face Covering By-law".

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this 16th day of November, 2020.

Chief and Council Signatures of Approval



Chief Ted Williams



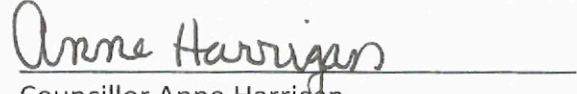
Councillor Lorraine McRae




Councillor Ted Snache



Councillor Rodney Noganosh



Councillor Anne Harrigan



Councillor Jeremy St. Germain



Councillor Dillon Bickell

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of Chief and Council.

The quorum of Chief and Council is four (4) members.

Number of members of Chief and Council present at the meeting _____.