

**Millbrook First Nation Band
By Law 2020-01**

*A By Law against public health nuisance and to prevent the
spreading of communicable diseases and contagions*

WHEREAS paragraphs (A) and (R) of section 81 of the *Indian Act* (R.S.C., 1985, c. I-5) empower the Council of a Band to make by laws respecting health of residents on the reserve and to impose a penalty for the violation thereof;

AND WHEREAS history and modern epidemiology suggest Indigenous communities face greater peril from the spread of communicable diseases and contagions;

AND WHEREAS the council of the Millbrook First Nation band finds it necessary to impose measures to contain nuisances in an effort to limit the spread of communicable diseases and contagions;

NOW THEREFORE Council of Millbrook Band hereby enacts the following By Law;

1. Title

This Law may be cited for all purposes as the "*Millbrook Public Health Nuisance By Law*"

2. Interpretation

In this By Law, unless the context otherwise requires:

"Council" means the Council of the Millbrook Band;

"Lands" means the all Millbrook Indian Reserve lands at I.R. #27 at Truro, Beaver Lake Indian Reserve #17, Sheet Harbour Indian Reserve #36 and Cole Harbour Indian Reserve #30 or any future lands acquired by the Millbrook Band subject to an Additions-to-Reserve Process

"Peace Officer" means a member of the Royal Canadian Mounted Police or other Police force that may in future become responsible for policing Millbrook Lands;

"Person" for the purposes of this By Law, includes, but is not limited to, Millbrook Band Members, non-Band Member Residents of the Millbrook Band and any and all visitors to the Lands of the Millbrook Band.

3. Application

This By law applies

- (a) to every Person or Business within the confines of Lands of the Millbrook First Nation and
- (b) to every installation, building, place or thing constructed, made, set up or established within the confines of the Lands of Millbrook First Nation Band.

4. Powers of Council in the event of a communicable disease or illness

Where the Chief and Council of the Millbrook First Nation believe upon reasonable and probable grounds, that

- (a) a communicable disease or illness exists or may exist or that there is an immediate risk of an outbreak of a communicable disease or illness that presents a risk to the public health; and
- (b) that the peril to the public health posed by the communicable disease or illness justifies an order or directive to decrease or eliminate the risk to public health presented by the communicable disease;
- (c) the Chief and Council, may by written order or directive require a Person, business or organization to take an action or to refrain from taking an action that is specified in the order or directive, in respect of a communicable disease and public health.

- (d) The order or directive shall be made at a duly convened meeting of the Chief and Council of the Millbrook First Nation

5. Offence of Public Health Nuisance

1. Every Person or business causes a public health nuisance who:
 - a. Creates a condition, takes an action or permits an action within the Lands of the reserve that is or may become a risk to the safety or the health of the public;
 - b. Creates a condition or takes an action or permits an action within the Lands of the reserve that prevents or hinders or may prevent or hinder in any manner the suppression of communicable disease or illness;
 - c. Disobeys any directive or order of the Millbrook First Nation Chief and Council issued to limit the risk to the safety or the health of the public within the Lands of the Millbrook Band;
2. Every Person or business who causes a public health of nuisance on the Lands of the Millbrook Band, is guilty of an offence.

6. Enforcement

1. Where a Person or business who has been ordered to stop their public health nuisance, fails or refuses to comply a Peace Officer may take such reasonable measures as are necessary to stop the public health nuisance.
2. A Person or business who fails or refuses to comply with an order by a Peace Officer under this By Law or who resists or interferes with a Peace Officer acting under the authority of this By Law commits an additional offence.

7. Penalty

1. A Person or business who commits an offence under this By Law is liable to a fine not exceeding \$1,000 per occurrence, or to imprisonment for a term not exceeding thirty days, or both.
2. Each day that a Person or business is in violation of this By Law shall constitute a distinct offence.
3. A charge laid under this By Law does not fetter the discretion of the Chief and Council of the Millbrook First Nation to pursue their own administrative remedies against any Person or business committing a public health nuisance under this By Law.

8. Severability

Should a court of competent jurisdiction determine that a provision of this By Law is invalid for any reason, the offending provision shall be severed from the By Law and the validity of the rest of the By Law shall not be affected.

9. Amendments

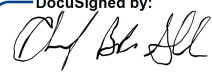
1. Amendments to or repeal of this By Law may be done by a quorum of Council at a duly convened meeting of the Chief and Council of the Millbrook First Nation.

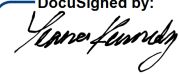
2. Band members must receive 15 days notice prior to the repeal of this By Law and any member or any person who may possibly be affected its amendment or repeal may present written or oral comments in advance of meeting.

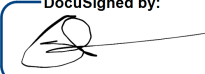
3. Council may set reasonable restrictions on the amount of time allowed for such comments.

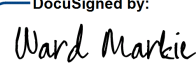
THIS BY LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Millbrook First Nation this 28th day of March, 2020.

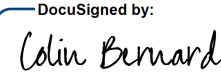
Voting in favour of the By Law are the following members of the Council:

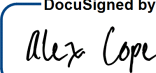
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 Chief Robert Gloade

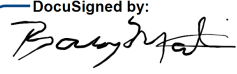
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 Councillor Leana Kennedy


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 Councillor Gordon Johnson

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 Councillor Ward Markie

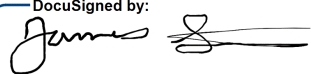
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 Councillor Colin Bernard

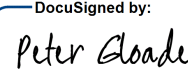
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 Councillor Alex Cope

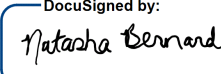
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 Councillor Barry Martin

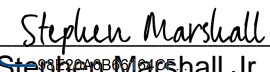
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 Councillor Carley Gloade

Councillor Lisa Marshall


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 Councillor James Stevens

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 Councillor Peter Gloade

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 Councillor Natasha Bernard

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 444444444444444...
 Stephen Marshall Jr.

The quorum for this Council is set at five (5).

Witnessed by:
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Shelly A. Martin
 Barrister & Solicitor
 Millbrook First Nation