

BYLAW NO. 261-20

BEING A BYLAW OF CLEAR HILLS COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROTECTING THE AGRICULTURAL PRODUCTIVITY OF LANDS WITHIN CLEAR HILLS COUNTY.

WHEREAS, the Municipal Government Act Chapter M-26 as stated, in Part 2, Section 7 states that the Council of a municipality may make bylaws for the safety, health and welfare of people and the protection of people and property;

WHEREAS, the Agricultural Pests Act of Alberta list specific concerns whose presence threatens the economic well-being and viability of the agricultural producers in Clear Hills County;

WHEREAS, Clear Hills County has deemed it in the public interest to ensure that Fusarium Graminearum is scouted for so that producers can be made aware when it is present and how the establishment and spread of the pest can impact the economic viability of their cereal crops;

NOW THEREFORE, the Council of Clear Hills County in the Province of Alberta, duly assembled, enacts as follows:

1.0 DEFINITIONS

- (a) "Fusarium Graminearum" means a fungal disease of cereals, including wheat, barley, oats, rye, and triticale;
- (b) "Inspector" means the Agricultural Fieldman appointed by Clear Hills County or such other person(s) appointed as a pest inspector under the Agricultural Pest Act by Clear Hills County to administer and enforce this Bylaw;
- (c) "Livestock" includes cattle, sheep, diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*, goats and other captive ruminants, swine, horses and poultry.
- (d) "Municipality or County" means Clear Hills County or the area contained within the boundary thereof as the context requires;
- (e) "Municipal Government Act or MGA" means the Municipal Government Act of Alberta, Revised Statutes of Alberta Chapter M-26, the most current edition
- (f) "Council" means the council presiding for Clear Hills County;
- (g) "Owner" means a Person who controls the property under consideration, holds themselves out as the person having the powers and authority of ownership or who at the relevant time exercises the powers and authority of ownership, and includes:
 - (i) The Person registered on title at the Land Titles Office;

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- (ii) A Person who is recorded as the owner of the property on the assessment roll of Clear Hills County;
 - (iii) A Person who has purchased or otherwise acquired the property and has not become the registered owner thereof; and
 - (iv) A Person who is the occupant of the property under a lease, license, permit or other agreement;
- (h) "Property" includes any lands, buildings or structures, whether or not affixed to land;
- (i) "Person" includes an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society or any other legal entity;
- (j) "Retailer" means any person or company who promotes, cleans or offers for sale or any service related to seed, plants or plant parts, livestock, soil or soil amendments or any other organism to an Owner that could adversely impact agriculture in Clear Hills County

2.0 AUTHORITY OF INSPECTORS

Within the boundaries of Clear Hills County, the Inspector's powers will include:

- (a) The right to enter onto any Property at any reasonable time to inspect and seek to identify the presence of *Fusarium Graminearum*;
 - (i) The inspector shall not enter a private dwelling for inspection unless consent is granted by the Owner or written notice is given;
 - (ii) The inspector may be accompanied by a Peace Officer;
- (b) To survey for or collect samples of seeds, plants or other substances or items from any Property and test or send such samples for testing to verify or determine the presence of *Fusarium Graminearum*;
- (c) To take such other reasonable steps as may be required to uncover and identify the presence of *Fusarium Graminearum*
- (d) To educate producers and retailers on the benefits of keeping Clear Hills County free of *Fusarium Graminearum*.

3.0 OBSTRUCTION

- 3.1 No Person, whether or not he is the Owner or Retailer which is the subject of any inspection or action under this Bylaw, shall interfere with or attempt to obstruct an Inspector who is attempting to inspect, identify, or take possession of suspect samples or otherwise carrying out any duty under this Bylaw.

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3.2 A Person who feels aggrieved by this Bylaw or actions taken by an Inspector under this Bylaw may request a review by council per Section 547 of the MGA.

4.0 SEVERABILITY

Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

5.0 NAMING

This Bylaw shall be known as the Fusarium Graminearum Bylaw.

6.0 EFFECTIVE DATE

This Bylaw shall come into force and effect on the date of final reading and signing.

Read a first time this 24 day of NOVEMBER , 2020

Read a second time this 24 day of NOVEMBER , 2020

Read a third time this 24 day of NOVEMBER , 2020



Amber Bean, Reeve



Allan Rowe, Chief Administrative Officer