

# BYLAW NO. 21-63-459

## COUNTY OF NORTHERN LIGHTS IN THE PROVINCE OF ALBERTA BEING A BYLAW FOR THE PURPOSE OF PROTECTING THE AGRICULTURAL PRODUCTIVITY OF LANDS WITHIN COUNTY OF NORTHERN LIGHTS

**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 and Weed Control Act of Alberta list specific animals, birds, insects, plants, weeds and diseases whose presence threatens the economic well-being and viability of the agricultural producers in the County of Northern Lights;

**WHEREAS**, the County of Northern Lights has deemed it expedient and in the public interest to ensure that certain animals, birds, insects, plants, weeds, diseases and other organisms within the municipality not listed under the Agricultural Pests Act, Weed Control Act or their Regulations are not allowed to establish or spread and do not impact the economic viability of our agricultural producers;

**NOW THEREFORE**, the Council of the County of Northern Lights, in the Province of Alberta, duly assembled, **HEREBY ENACT AS FOLLOWS:**

This Bylaw shall be known as the "Invasive Species Bylaw".

### 1.0 DEFINITIONS

- (a) "Council" means the council presiding for County of Northern Lights);
- (b) "Inspector" means the Agricultural Fieldman appointed by the County of Northern Lights or such other person(s) appointed as a designated officer by the County of Northern Lights to administer and enforce this Bylaw;
- (c) "*Invasive species*" means those animals, birds, insects, plants, weeds, diseases and other organisms listed in Schedule "A" attached hereto that could adversely impact the agricultural productivity of land or livestock including the quality and marketability of crops or livestock;
- (d) "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;
- (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) "Municipality or County" means the County of Northern Lights or the area contained within the boundary thereof as the context requires;
- (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;
- (ii) A Person who is recorded as the owner of the property on the assessment roll of the County of Northern Lights;
- (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) "Person" includes an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society or any other legal entity;
- (i) "Property" includes any lands, buildings or structures, whether or not affixed to land;
- (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 in County of Northern Lights.

## **2.0 PROHIBITION**

- 2.1 No Person shall cultivate, store, transport, market or sell Property or Livestock known to contain or be afflicted with an Invasive Species.
- 2.2 No Retailer shall import, store, market or sell Property or Livestock known to contain or be afflicted with an Invasive Species.
- 2.3 No Owner shall allow the cultivation, storage, marketing or sale of Property or Livestock known to contain or be afflicted with an Invasive Species to occur on the Owner's land.
- 2.4 Within the boundaries of the County of Northern Lights, every Owner shall take active measures, in accordance with the County of Northern Lights' Policies, if such policies exist, to:
  - (a) prevent the establishment of Invasive Species on or in their land, Property or Livestock,
  - (b) control or destroy all Invasive Species on or in their land, Property or Livestock, and
  - (c) destroy any crop, vegetation or other matter that contributes or may contribute to the maintenance or spread of an Invasive Species on or in their land, Property or Livestock.

## **3.0 AUTHORITY OF INSPECTORS**

- 3.1 Within the boundaries of the County of Northern Lights, 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 any *Invasive species*, except that:
    - (i) The Inspector shall not enter a private dwelling for inspection unless consent is granted by the Owner or written notice is given; and
    - (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 any *Invasive species*;
  - (c) Being a designated officer for the purpose of issuing an order to remedy contraventions pursuant to section 545 of the *Municipal Government Act*, for the purpose of remedying any breach of this Bylaw and eliminating the presence of any *Invasive species*; and;

(d) To take such other reasonable steps as may be required to uncover and identify the presence of and to prevent the marketing, sale, or importation of any *Invasive species* at any Retailer within the County of Northern Lights.

#### **4.0 OBSTRUCTION**

4.1 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, destroy or take possession of any *Invasive species* or otherwise carrying out any duty under this Bylaw.

#### **5.0 OFFENCES AND PENALTIES**

5.1 If an Inspector finds that a Person is contravening this Bylaw within the County of Northern Lights, the Inspector may, by an order to remedy contraventions issued pursuant to section 545 of the *Municipal Government Act*, require that steps be taken to remedy the contravention, which may include those steps outlined in the County of Northern Lights Policies, and if no Policy for the Invasive Species exists, as directed by Council.

5.2 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty in lieu of prosecution, as set out in Schedule "B" of this Bylaw.

5.3 Where an Inspector reasonably believes that a Person has contravened any provision of this Bylaw, he may serve upon such a Person a Violation Tag as provided by this Section, either personally on the Person or by leaving it for the Person at his/her residence with a person on the premises who appears to be at least eighteen years of age, or by regular mail, and such service shall be deemed adequate for the purpose of this Bylaw.

5.4 A Violation Tag shall be in such form as determined by the County of Northern Lights and shall state the section of the Bylaw which was contravened and the amount of the penalty as provided for in Schedule "B" of this Bylaw that will be accepted by the County of Northern Lights in lieu of prosecution..

5.5 If the penalty specified on a Violation Tag is not paid within the prescribed time period then an Inspector or peace officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended.

5.6 A Person who has been issued an order to remedy contraventions issued pursuant to section 545 of the *Municipal Government Act* in respect of a contravention of a provision of this Bylaw, and has carried out the steps to be taken to remedy the contravention within the time allowed, or who has been issued a Violation Tag in respect of a contravention of a provision of this Bylaw, and who has fully paid the penalty as indicated within the time allowed for payment, shall not be liable to prosecution for the subject contravention.

5.7 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw or the *Municipal Government Act*, R.S.A. 2000, c. M-26.

5.8 A Person who receives an order to remedy contraventions issued pursuant to section 545 of the *Municipal Government Act* in respect of a contravention of a provision of this Bylaw may by written notice request Council to review the order pursuant to section 547 of the *Municipal Government Act*.

5.9 A person in contravention of this bylaw will be subjected to debt recovery in the event the municipality needs to carry out enforcement per Section 549 of *Municipal Government Act*

## **Invasive Species Bylaw 21-63-459 'Schedule A'**

These species listed under this 'Schedule A' will be regulated under this Bylaw:

Genetically Engineered Alfalfa, *Medicago sativa*

*Fusarium graminearum*



SCHEDULE B - BYLAW VIOLATION TAG # \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ A.M P.M.

Location: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Invasive Species Bylaw # 21-63-459**

Species named in 'Schedule A': \_\_\_\_\_

Cultivation of Invasive Species	\$ 10,000
Storage of Invasive Species	\$ 10,000
Transportation of Invasive Species	\$ 10,000
Marketing/Advertising of Invasive Species	\$ 10,000
Sale of Invasive Species	\$ 10,000
Obstructing an Inspector	\$ 10,000

Additional Information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Issued by \_\_\_\_\_

Voluntary payment option: You may avoid prosecution for this offence by forwarding payment within 30 days:

1. Pay directly at County of Northern Lights office at #600-7<sup>th</sup> Avenue NW, Manning AB
2. Pay by mail to County of Northern Lights, Box 10 Manning AB TOH 2M0  
WHITE – Owner/retailer      CANARY - County

**6.0 SEVERABILITY**

6.1 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.

**7.0 EFFECTIVE DATE**

7.1 Bylaw No. 18-63-402 cited as: "Genetically Engineered Alfalfa", is hereby found obsolete and is therefore rescinded upon Third and Final Reading of Bylaw No. 21-63-459.

7.2 This bylaw shall have force and take effect upon third and final reading.

READ a FIRST time this 27 day of April 2021

READ a SECOND time this 27 day of April 2021

READ a THIRD time this 27 day of April 2021



Chief Elected Official



Chief Administrative Officer