

MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133

BYLAW NO. 07-2022

A BYLAW TO PROTECT THE AGRICULTURAL PRODUCTIVITY AND MARKET VALUE OF AGRICULTURAL PRODUCTS WITHIN THE MUNICIPALITY DISTRICT OF SPIRIT RIVER NO.133

Whereas, the Municipal Government Act Chapter M-26, RSA 2000 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;

And Whereas, the Agricultural Pests Act and Weed Control Act of Alberta list specific concerns whose presence threatens the economic well-being and viability of the Agricultural producers in the Province;

And Whereas, the Municipal District of Spirit River No. 133 has deemed it expedient and in the public interest to ensure that pests, diseases, insects, invasive plants, and organisms within the municipality not listed under the Agricultural Pests Act, Weed Control Act or their regulations are not allowed to establish or spread so as to impact the economic viability of our agricultural producers;

Now therefore, the Council of the Municipal District of Spirit River No. 133, duly assembled hereby enacts as follows:

1. TITLE

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

2. DEFINITIONS

- 2.1. "Acts" means the Agricultural Pest Act (R.S.A 2000, Chapter A-8) and the Weed Control Act (S.A. 2008, Chapter W-5.1) including any amendments or successor legislation thereto, as applicable.
- 2.2. "Control" means to inhibit the growth or spread, or to destroy.
- 2.3. "Council" means the Council of the Municipal District of Spirit River No. 133.
- 2.4. "Destroy" means to kill all growing parts, or to render reproductive mechanisms non viable.
- 2.5. "Inspector" means a person appointed as an Inspector, including the Agricultural Fieldman, under the Agricultural Pests Act or the Weed Control Act.
- 2.6. "Invasive species" means any organism not listed as pests or Nuisances under the Agricultural Pests Act, Weed Control Act, or their associated Regulations that, in the opinion of the Council of the municipality, could adversely impact the agricultural productivity of land or livestock including the marketability of crops and livestock.

- 2.7. "Land" includes:
 - 2.7.1. Fixtures on the land; and
 - 2.7.2. The land down to the low water mark of a stream, lake or other body of water that borders or is located on land
- 2.8. "Livestock" includes cattle, sheep, goats, swine, horses, poultry, other captive ruminants, and diversified livestock animals within the meaning of the Livestock Industry Diversification Act.
- 2.9. "Municipal District" means the Municipal District of Spirit River No. 133.
- 2.10. "Municipality" means either the Municipal District of Spirit River No. 133 or another municipal District or County.
- 2.11. "Occupant" means a person occupying or exercising control or having the right to occupy or exercise control over land or Property
- 2.12. "Owner" means:
 - 2.12.1.1. In respect of land, the person who is registered as an owner of the land under the Land Titles Act: or
 - 2.12.1.2. In respect of personal property or livestock, the person who:
 - 2.12.1.2.1. Is the legal owner of it,
 - 2.12.1.2.2. Has lawful possession of it,
 - 2.12.1.2.3. Has the right to exercise control over it.
- 2.13. "Property" means personal property and includes vegetation but does not include livestock.
- 2.14. "Seed-cleaning Facility" means a building, structure, or vehicle that is designed, intended, or used to clean, grade, or size seed.

PART 1 INVASIVE SPECIES CONTROL

3. DUTIES OF AN OCCUPANT/OWNER

- 3.1. A person shall not import, purchase, sell or otherwise dispose of, transport, distribute, or plant any invasive species without the prior written authorization to do so of an inspector.
 - 3.1.1 Section 3.1 does not apply with respect to the purchase and sale at a market of livestock that bears a pest identification tag attached to it or any incidental importation and transportation of that livestock to, and any transportation of it from the market.

- 3.2. If any livestock or property containing an invasive species or a suspected invasive species is or was imported, purchased, sold, or otherwise disposed of, transported, distributed or planted, each person involved in that activity shall provide to an inspector, on request, the names and addresses of all other persons known to be so involved, within 24 hours of the request or within such longer period as is specified by the inspector.
- 3.3. To facilitate the identification of livestock, property and materials to help prevent the spread of an infestation, and to place it under detention, an inspector may attach an invasive species identification tag to the livestock, property or materials.
- 3.4. A person shall not remove or have removed an inspector's notice, or an invasive species infestation tag attached under subsection 3.5 until:
 - 3.4.1 authorized to do so by an inspector, or
 - 3.4.2 in the case of cattle, the cattle have been sold at and removed from a market.
- 3.5 A person shall not sell or otherwise dispose of, purchase, transport, distribute, or plant anything detained under subsection 3.3 and in accordance with the acts before it is released under subsection 3.4.

4. SPREAD, DISPOSAL, AND STORAGE OF INVASIVE SPECIES

- 4.1. A person shall not use or move any property or livestock that, if used or moved, might spread an invasive species.
- 4.2. Subsection 4.1 does not apply if the property or livestock is used or moved in a manner directed by an inspector under section 5.
- 4.3. A person shall store any property or refuse that contains or may contain invasive species, including screenings from cleaning, sizing, or grading seed, in a container capable of preventing the spread of the invasive species.
- 4.4. Subsection 4.3 does not apply if the refuse is disposed of in a manner directed by an inspector under section 5.

**PART 2
INSPECTORS**

5. INSPECTORS

- 5.1. The Municipal District shall appoint inspectors for the purpose set out in the Acts, and to enforce and monitor compliance with this Bylaw, within the municipality.

6. INSPECTORS - JOINT AUTHORITY

- 6.1. An inspector appointed by the Municipal District of Spirit River No. 133, with the consent of another municipality, may monitor compliance with this Bylaw within the

other Municipality.

7. INSPECTOR'S IDENTIFICATION

- 7.1 The Municipal District shall provide appointed inspectors with identification in the form required by the Acts and/or the municipality.
- 7.2 Inspector identification for the Acts shall be deemed valid for identification pursuant to this Bylaw.
- 7.3 An inspector shall, on request, produce the inspector's identification while acting under the authority of this Bylaw, and/or the respective Acts:
 - 7.1.1. in respect of land, to the occupant or owner of the land, and
 - 7.1.2. in respect to personal property, to the owner of the personal property.

PART 3 INSPECTOR POWERS AND NOTICES

8. OBSTRUCTION OF AN INSPECTOR

- 8.1. A person shall not willfully obstruct or delay an inspector in the exercise of the inspector's duties or powers to enforce and monitor compliance with this Bylaw.

9. ENTRY AND INSPECTION POWER

- 9.1. An Inspector may enter land or inspect land or personal property at a reasonable time of day and with a minimum notice of 48 hours:
 - 9.1.1. to monitor compliance with this Bylaw including making inquiries, taking samples, or performing tests, or
 - 9.1.2. to enforce an Inspector's notice, in accordance with section 14.
- 9.2. An Inspector shall not enter a building unless the owner or occupant of the land which the building is situated:
 - 9.2.1. consents, or
 - 9.2.2. has been given written Notice.
- 9.3. Subsection 9.2 does not apply if the building is, or is part of a seed-cleaning facility; grain holding facility; or auction market.
- 9.4. An Inspector shall not enter a private residence unless the owner of the land or occupant consents.
- 9.5. A written Notice of entry under subsection 9.2.2 must name a reasonable time of entry and be given at least 48 hours before time of entry.

- 9.6. An Inspector who finds on any premises evidence of an infestation on the property or the livestock may notify persons engaged in the growing, transporting, or processing of any property or livestock that may be affected by the infestation, or any organizations representing them, of the infestation, including the location of the premises and the name of the occupant if the Inspector considers such notification necessary or advisable with a view to preventing the spread of or controlling the infestation.

10. INSPECTOR'S NOTICE

- 10.1. If an Inspector finds a circumstance of non-compliance with this Bylaw, an Inspector may issue an Inspector's Notice in writing requiring compliance:
 - 10.1.1 in respect of land, to the occupant of the land and to the owner of the land, and
 - 10.1.2 in respect to personal property, to the owner of the personal property.
- 10.2. Any Inspector's notices issued in respect to the land will be attached to the land files maintained by the municipality.
- 10.3. Inspectors' Notices will be handled according to the Applicable Acts for non-compliance of regulated species.

11. SUBSEQUENT OWNER OR OCCUPANT SUBJECT TO NOTICE

- 11.1. A Notice given under this Bylaw is effective against a subsequent owner or occupant of land or a subsequent owner of personal property from the time that the Notice was originally given.
- 11.2. It is the responsibility of an owner of land or personal property to provide a copy of the Notice to any person who enters into an agreement to acquire the interest in the land or personal property for which a Notice has been issued.
- 11.3. The Chief Administrative Officer shall, upon request, provide a mortgagee or purchaser of land a copy of all active Notices given under this Bylaw and/or Acts that relate to that land in accordance with the Freedom of Information and Protection of Privacy (FOIP) Act.

12. CONTENTS OF INSPECTOR'S NOTICE

- 12.1. An Inspector's Notice must direct the method of compliance to be followed by the recipient, subject to the Municipal District's policies, and time for compliance with this Bylaw.
- 12.2. The Notice may contain directions, including limiting the use of land, for the year in which it is given and the following years as per the applicable Municipal District policies.
- 12.3. The Notice must not require the destruction of crops unless in the Inspector's opinion the destruction of crops is necessary to control the invasive species.

- 12.4. The Notice may, with local authority approval, require the destruction of up to 160 acres of growing crops as per any applicable Municipal District policies.
- 12.5. Subsection 12.4 does not apply if the growing crop:
 - 12.5.1. does not have, or no longer has significant commercial value; or
 - 12.5.2. is a crop of an invasive species.

13. COMPLIANCE WITH NOTICE

- 13.1. A person given a Notice under this Bylaw in accordance shall, subject to the right to appeal a Notice, comply with the Notice.
- 13.2. If a Notice of appeal is filed, a Notice is stayed until the appeal is heard.

14. ENFORCEMENT OF NOTICE

- 14.1. An Inspector, or any person authorized by an Inspector, may take any action that the Inspector determines is necessary to fulfil a requirement of a Notice given under this Bylaw that has not been complied with when in respect of an Inspector's Notice the appeal period as stated in the Bylaw and in the Inspector's Notice has expired.

15. REMEDIAL MEASURES

- 15.1. Where an owner does not comply with a Notice within the period specified in the notice, an Inspector or a person authorized by an Inspector may:
 - 15.1.1. enter onto the land specified in the Notice, and
 - 15.1.2. carry out remedial measures set out in the Notice.
- 15.2. Subject to section 19.1, where payment of the expenses demanded under subsection 19.2 is not made within the 30-day period, the municipality may do one or both of the following:
 - 15.2.1. add the unpaid expenses to the tax roll as an additional tax against the land in respect of which the expenses were incurred;
 - 15.2.2. recover the unpaid expenses as a debt due to the municipality by action against the occupant, and if the occupant is not the owner, against the owner.

16. SERVICE OF A NOTICE

- 16.1. A Notice given under Part 3 must:
 - 16.1.1. Be in the form required by this Bylaw, and/or applicable Acts
 - 16.1.2. Be served on a person:

- 16.1.2.1. By delivering it personally to the person;
- 16.1.2.2. By leaving it with a person who appears to be 18 years of age or older at the private residence or place of business of the person.
- 16.1.3. If service under subsection 16.1.2.1 or subsection 16.1.2.2 is impractical, service may be done:
 - 16.1.3.1. by posting the Notice:
 - 16.1.3.1.1. on the land or, if practicable, on the personal property to which the Notice relates; or
 - 16.1.3.1.2. at the private residence of the person intended to be served; and
 - 16.1.3.2. by sending a copy of the Notice by regular mail:
 - 16.1.3.2.1. in respect of land, to the last address listed in the assessment roll of the municipality where the land are located; or
 - 16.1.3.2.2. in respect of personal property, to the last known address of the owner, or
 - 16.1.3.3. if sending the Notice by regular mail, the Notice will be deemed to be delivered after seven business days.

**PART 4
APPEAL OF A NOTICE**

17. APPEAL OF AN INSPECTOR'S NOTICE AND DEBT RECOVERY NOTICE

- 17.1. The Municipality shall appoint members annually to an independent appeal panel to determine Appeals of Inspector's Notices, and debt recovery Notices.
- 17.2. A person who is given an Inspector's Notice, or debt recovery Notice may, in accordance with the Regulations or the Bylaw, appeal it to the Agricultural Appeal Committee of the Municipal District of Spirit River No. 133 (Committee)
- 17.3. The Committee may confirm, rescind, or vary the Inspector's Notice, or debt recovery Notice.
- 17.4. Within 5 days after receipt of a Notice of Appeal, the Committee shall hear and determine the appeal and the Committee may confirm, rescind, or vary the Notice that was issued.
- 17.5. The CAO of the municipality shall, on determination of the appeal, send a copy of the decision together with the written reasons by certified mail to the appellants.

18. APPEAL PROCESS

- 18.1. A person who:
- 18.1.1. has an interest in land, as an owner or occupant; or
 - 18.1.2. has an interest in livestock as an owner or person in control of livestock and feels personally aggrieved by a Notice issued by an Inspector under section 10 may appeal to the CAO of the Municipality within which the land or livestock is located by filing a Notice of appeal under this section.
- 18.2. A Notice of Appeal shall be in writing and shall set out:
- 18.2.1. The name and address of the appellant;
 - 18.2.2. A copy of the Notice in respect of which the appeal is being taken;
 - 18.2.3. The legal description of the land affected, or a description of the livestock affected and the legal description of the land on which the livestock was located; and
 - 18.2.4. The grounds for appeal.
- 18.3. Notice of appeal shall be served on the CAO of the Municipality:
- 18.3.1. by any of the methods set out in section 16 excepting subsection 16.1.3; and
 - 18.3.2. within the time frame specified in the Notice issued under section 10 for taking any measure; or within 10 days after service of the Notice, whichever is less.
- 18.4. A Notice of appeal shall be accompanied with a deposit in an amount of \$500 which shall be refunded if the appellant is successful in the appellant's appeal under this section.

PART 5 RECOVERY OF INSPECTOR'S EXPENSES

19. DEBT RECOVERY NOTICES

- 19.1. Expenses incurred by an Inspector enforcing an Inspector's Notice are a debt due to the Municipal District by the person subject to that Notice.
- 19.2. The Chief Administrative Officer, or any person authorized by the Chief Administrative Officer, may give a debt recovery Notice to the debtor.
- 19.2.1. Demanding recovery of the debt due, including a statement of expenses, and

- 19.2.2. Advising of the debtor's right to appeal the debt recovery Notice.
- 19.3. The Municipal District may recover the debt in accordance with subsection 19.4 from any person who is given a debt recovery Notice if:
- 19.3.1. the person has agreed in writing to repay the debt due;
 - 19.3.2. the person's rights of appeal and review of the debt recovery Notice under sections 17 and 18 have expired; or
 - 19.3.3. the appeal and review of the debt recovery have been determined and the person has been deemed responsible
- 19.4. The Municipal District may recover the debt due from any person who is given a debt recovery Notice in either or both of the following manners:
- 19.4.1. in the same manner as property taxes against land to which the Inspector's Notice relates;
 - 19.4.2. by filing a certificate with the clerk of the Queen's Bench at any judicial centre certifying the amount owing.
- 19.5. A certificate filed under subsection 19.4.2 becomes an Order of the Queen's Bench and may be enforced as a judgement of the Court.

PART 6 MISCELLANEOUS MATTERS

20. OFFENCE AND PENALTY

- 20.1. A person who contravenes any provision of this Bylaw is guilty of an offence and liable to a fine of not more than \$10,000 or such lower maximum penalty as may be set out in the Invasive Species Bylaw Acts.
- 20.2. An Inspector is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedures Act to any person who the Inspector has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

21. DISPOSITION OF FINES

- 21.1. A fine imposed for an offence under this Bylaw committed within the Municipality belongs to the Municipality as per section 566 of the Municipal Government Act, R.S.A. 2000, c. M-26.

22. POLICIES

- 22.1. The Council may make policies and other bylaws:

- 22.1.1. respecting the designating of an invasive plant, animal or disease as an invasive species, in respect of any part of the Municipality;
- 22.1.2. respecting the directions that may be given in a policy;
- 22.1.3. respecting the sale, use, handling or movement of a thing that might contain or cause the growth or spread of an invasive species;
- 22.1.4. respecting appeals, appeal panels, and review of appeals;
- 22.1.5. respecting the licensing of a seed-cleaning facility or who provides a seed-cleaning facility for rent or lease;
- 22.1.6. respecting the forms for the purpose of this Bylaw.

23. SEVERABILITY PROVISIONS

- 23.1. Should any provisions of this Bylaw be invalid, those provisions shall be severed, and the remaining Bylaw maintained.

24. REPEAL

- 24.1. Upon third reading of Bylaw 07-2022 The Invasive Species; Bylaw No. 01-2019 Genetically Engineered Alfalfa and Bylaw 08-2002, Fusarium Graminearum and all amendments thereto are hereby repealed.

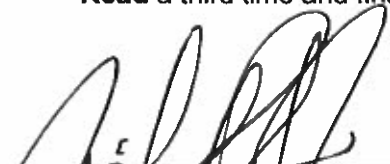
25. EFFECTIVE DATE

This Bylaw shall come into effect upon the date of the final passage thereof.

Read a first time this 7th day of September, 2022

Read a second time this 7th day of September, 2022

Read a third time and finally passed this 7th day of September, 2022.


 Tony van Rootselaar, Reeve
 Nick van Rootselaar Deputy Reeve


 Dan Dibbelt, Chief Administrative Officer

“SCHEDULE 1”

LIST OF INVASIVE SPECIES

1. PLANT DISEASE SPECIES

1.1. Fusarium Head Blight – *Fusarium Graminearum*

1.2. Aphanomyces – *Aphanomyces euteiches*

2. PLANT SPECIES

2.1. Glyphosate Tolerant Alfalfa

3. ANIMAL SPECIES

4. INSECT SPECIES

“SCHEDULE 2”
FORM CONTENT

The following templates display the minimum content requirements. Additions in content, and amendments to sections referral into this Bylaw as well as formatting are deemed acceptable.

INSPECTOR IDENTIFICATION must contain the following information:

Photo	
	<p align="center">Weed, Pest, and Invasive Species Inspector Identification Card</p> <p>This Certifies that (name) of (address) is an Inspector under the <i>Weed Control Act, Agricultural Pests Act, and Invasive Species Bylaw</i> for the jurisdiction of <u>Municipal District of Spirit River no. 133</u></p> <p>This appointment is effective from (Date) to (Date)</p> <p align="center">_____) CAO Signature</p> <p align="center">IMPORTANT. SEE REVERSE</p>

Back

<p>(Reprinted from the Invasive Species Bylaw)</p> <p>Obstruction of an Inspector</p> <p>S8 A person shall not willfully obstruct or delay an Inspector in the exercise of the Inspector’s duties or powers to enforce and monitor compliance of this Bylaw.</p> <p>S20.1 A person who contravenes any provision of this Bylaw is guilty of an offence and liable to a fine of not more than \$10,000 or such lower maximum penalty as may be set out in the Invasive Species Bylaw, Acts or the Regulations</p>

INSPECTORS NOTICE must contain the following:

INSPECTOR'S NOTICE

You are hereby directed to:

Destroy the Invasive Species

Control the Invasive Species

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

4. _____

4. _____

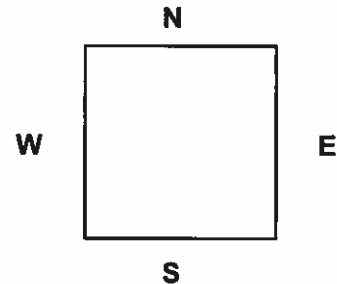
Which are infesting the property of:

Municipality known as:

Municipal District of Spirit River No. 133.

Lot(s) _____ Block _____ Plan _____

Or as described as:



Location on property (approximate)

	¼ of	Township	Range	Meridian
				W6M

Invasive Species are considered Destroyed/Controlled if:

Action to be completed on or before: _____

If this Notice is not complied with, action will be taken according to Bylaw No. 07-2022.

INSPECTOR: _____

Municipality: Municipal District of Spirit River No. 133

DATE: _____

Address: Box 389, Spirit River, AB, T0H 3G0
780-864-3500

FILE NO.: _____

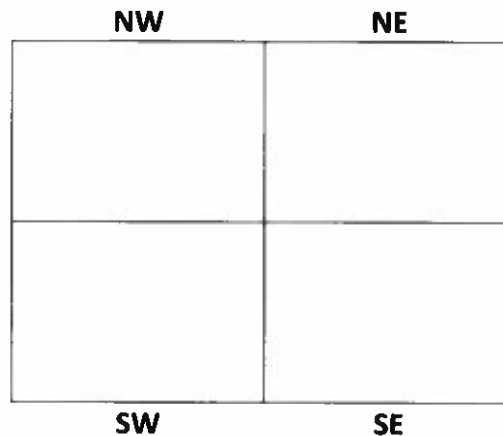
Mdsr133@mdspiritriver.ab.ca

Pest or Invasive Non-Plant Species Inspector's Notice

To (Owner or occupant of land or property, or owner or person in control of Livestock) of
(address)

You are hereby notified that (description of land or livestock or other property) located on the
() quarter section of () township () Range () west of the () meridian,
 Alberta, as indicated on the diagram below, contains or is likely to contain or should be
 protected against (Name of Invasive Species or Pest), which has been declared a pest or
 invasive species by the *Pest and Nuisance Control Regulation* made under the *Agricultural
 Pests Act*, and/or *Invasive Species Bylaw*, and you are directed to take the following
 measures:

(Description of measures to be taken, including
 the material, if any to be used against the pest or
 invasive species)



All of the above measures must be completed within () days from the date of
 issue of this notice, failing which action may be taken in accordance with the legislation or
 bylaw referred to above. If this notice is issued under section 12(1) of the *Agricultural Pests
 Act*, an appeal against this notice may be served on the municipal clerk, accompanied by a
 deposit of \$100, before the expiry of the time limit stated above or the period of 10 days
 from the service of the notice, whichever expiry date occurs first, and otherwise made in
 accordance with the *Agricultural Pests Act*. If this notice is made under section 10 of the
Invasive Species bylaw, an appeal against this notice may be served on the Chief
 Administrative Officer, accompanied by a deposit of \$500, before the expiry of the time limit
 stated above or the period of 10 days from service of the notice, whichever expiry date
 occurs first, and otherwise made in accordance with *Bylaw 07-2022*.

(Date of Issue)

(Inspector)

Telephone Number: ()

DEBT RECOVERY NOTICE must contain the following information:

In DEMAND for recovery of debt owed regarding the enforcement of an Invasive Species Notice under the Invasive Species Bylaw No. 07-2022, the Municipal District of Spirit River No. 133 issues a Debt Recovery Notice to:

Name: _____ File No.: _____

Address: _____

Legal Land Location:
Roll Number: _____

This Debt Recovery Notice is authorized by Section 19 of the Invasive Species Bylaw No. 07-2022 to receive expenses incurred by an Inspector enforcing an Inspector's Notice and is a debt payable to the Municipal District of Spirit River No. 133, Box 389, Spirit River, AB, T0H 3G0 by 30 days from date of issuance.

STATEMENT OF EXPENSES DUE

Date: 08/08/2019 Enforcement Mechanism:

Labour \$__x __/hr		\$__
Mileage (__ km @ \$._/km)		\$__
Subsistence (__ day rate x __)		\$__
Truck \$__ (__ day rate)		\$__
Ranger \$__ (__ day rate)		\$__
Product ____ \$__/ha(__ ha)		\$__
Product ____ \$__ (__ ha)		\$__
Enforcement total		\$_____
Re-Inspection	_hr@\$__ /hr	\$_____
Admin enforcement	_hr@\$__ /hr	\$_____
Admin billing	_hr@\$__ /hr	\$_____
Fees and Penalties		\$_____
Total		\$_____

IF THE DEBTOR does not remit payment in satisfaction of the debt within 30 days of the date of issuance or at such time as the debtor's appeal period expires, or an appeal of the Debt Recovery Notice has been determined in favour of the Municipal District, the Municipal District will take such steps to recover the debt as authorized in the Invasive Species Bylaw No. XX including but not limited to the following:

1. In the same manner as property taxes against land to which the Notice relates; or
2. By filing a certificate with the clerk of the Queen's Bench certifying the amount owing.

Inspector

Chief Administration Officer

Municipal District of Spirit River No. 133
Box 389,
Spirit River, AB,
T0H 3G0