

BYLAW NO. 1/2021

**BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135**

For the purpose of protecting the agricultural productivity of lands within the Municipal District of Peace No. 135.

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 concerns whose presence threatens the economic well-being and viability of the agricultural producers in the MD of Peace No. 135;

WHEREAS, the MD of Peace No. 135 has deemed it expedient and in the public interest to ensure that pests, diseases, insects, invasive plants or 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 Municipal District of Peace No. 135, in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 GENERAL

This bylaw shall be cited as the **"Invasive Species Bylaw"**.

2.0 DEFINITIONS

- (a) "Invasive species" means any organism not listed as Pests or Nuisances under the *Agricultural Pests Act*, Pest and Nuisance Regulation or prohibited noxious or noxious weeds under the *Weed Control Act*, Weed Control Regulation, that in the opinion of an inspector could adversely impact the agricultural productivity of land or livestock including the quality and marketability of crops or livestock;
- (b) "Inspector" means the Manager of Agricultural Services appointed by the MD of Peace No. 135 or such other person(s) appointed as a designated officer by the MD of Peace No. 135 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" means the MD of Peace No. 135 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 the MD of Peace No. 135;
- (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 MD of Peace No. 135;
 - (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 MD of Peace No. 135.

3.0 AUTHORITY OF INSPECTORS

Within the boundaries of the MD of Peace No. 135, 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 agricultural invasive species. The inspector shall not enter a private dwelling for inspection unless consent is granted by the owner or written notice is given. 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, if so directed by Council and
- (d) to take such other reasonable steps as may be required to uncover and identify the presence of and to prevent the sale or importation of any invasive species at any retailer within the MD of Peace No. 135.

4.0 OBSTRUCTION

No person, whether or not he is the owner or retailer who 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

- (a) An inspector who discovers any invasive species within the MD of Peace No.135 may require that steps be taken as outlined in the MD of Peace No. 135's policies, and if no policy for the invasive species exists, as directed by Council. Such steps to be taken will be directed in an "Order to Remedy Contraventions" per Section 545 of the *MGA*.
- (b) Any person or owner who contravenes any provision of this bylaw is also guilty of an offence and may be liable to a specified penalty in the form of a Violation Ticket of \$5000.
- (c) Where an inspector reasonably believes that a person has contravened any provision of this bylaw, he may serve a Violation Tag as provided by this section, or if the delivery of the directions of Council to a person is required, delivery shall be deemed effected if:
 - (i) delivery is made 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
 - (ii) delivered in a manner by which the person must affix his signature accepting delivery of the item
 - (iii) posted on the land and sent by regular mail, email or fax, such delivery shall be deemed completed after 7 days, or
 - (iv) delivery of documents may also be considered effected if done in accordance with Section 608 of the *MGA* "Sending documents".
- (d) A Violation Tag shall be in such form as determined by the MD of Peace No. 135 and shall state the section of the bylaw which was contravened.
- (e) If the actions specified on a Violation Tag are not taken 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.

(f) A person who has been issued a Violation Tag in respect of a contravention of a provision of this bylaw, and has carried out the actions as indicated by the MD of Peace No. 135 within the time allowed, shall not be liable to prosecution for the subject contravention. Any actions directed by Council must be complied with whether a Violation Ticket penalty is paid or not.

(g) 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.

(h) 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*.

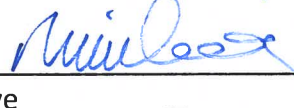
6.0 SEVERABILITY

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.

7.0 EFFECTIVE DATE

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

Read a first time this 13th day of April, 2021




Reeve



Chief Administrative Officer

Read a second time this 13th day of April, 2021

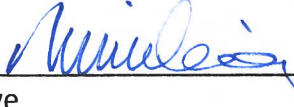


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Read a third time this 13th day of April, 2021



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