



BIG LAKES COUNTY BYLAW NO. 10-2021

Being a bylaw of Big Lakes County, in the Province of Alberta, for protecting the agricultural productivity of lands within Big Lakes 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 and Weed Control Act of Alberta list specific concerns whose presence threatens the economic well-being and viability of the agricultural producers in Big Lakes County;

WHEREAS, Big Lakes County 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, hereby enact as follows:

1.0 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 council could adversely impact the agricultural productivity of land or livestock including the quality and marketability of crops or livestock;
- (b) “Inspector” means the Agricultural Fieldman appointed by Big Lakes County or such other person(s) appointed as the inspector of fields by Big Lakes 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 Big Lakes 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 Big Lakes County;



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- (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 Big Lakes 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 Big Lakes County

2.0 AUTHORITY OF INSPECTORS

- 2.1 Within the boundaries of Big Lakes 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 any agricultural *Invasive species* to determine the level of severity and whether further action is required;
 - (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;



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- (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) Call upon the County's 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 sale or importation of any *Invasive species* at any Retailer within Big Lakes County.

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

4.0 OFFENCES AND PENALTIES

- 4.1 An Inspector who discovers any *Invasive species* within the Big Lakes County may require that steps be taken as outlined in the Big Lakes County's Policies. Such steps to be taken will be directed in an "Order to remedy contraventions" per Section 545 of the MGA.
- 4.2 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 **\$500.00**
- 4.3 Where an inspector reasonably believes that a Person has contravened any provision of this Bylaw, they may use the County's designated officer to 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;



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- 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.

Delivery of documents may also be considered effected if done in accordance with Section 608 of the MGA "Sending documents".

- 4.4 A Violation Tag shall be in such form as determined by Big Lakes County and shall state the section of the Bylaw which was contravened.
- 4.5 If the actions specified on a Violation Tag is not taken within the prescribed time period, then a 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.
- 4.6 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 Big Lakes County within the time allowed, shall not be liable to prosecution for the subject contravention.
- 4.7 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.
- 4.8 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.



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5.0 SEVERABILITY

- 5.1 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.

6.0 EFFECTIVE DATE

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

Read a first time this 9th day of June, 2021

Read a second time this 9th day of June, 2021

Unanimous consent was provide to proceed to third reading this 9th day of June, 2021

Read a third time this 9th day of June, 2021



Reeve



Chief Administrative Officer



Date of Final Signature