



Bylaw # 3180

Fusarium Graminearum Bylaw

A Bylaw of the County of Grande Prairie No. 1, in the Province of Alberta for protecting the agricultural productivity of lands within the County of Grande Prairie.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, 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; and

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 producer in the County of Grande Prairie; and

WHEREAS the County of Grande Prairie has deemed it expedient and in the public interest to ensure that Fusarium Graminearum, which is not listed under the Agriculture Pest Act, is not allowed to establish or spread and thus negatively impact the economic viability of our agricultural producers.

THEREFORE, the Council of the County of Grande Prairie No. 1, in the Province of Alberta, duly assembled and having complied with the requirements of the Municipal Government Act, enacts as follows:

INTERPRETATION

1. This Bylaw shall be cited as the "Fusarium Graminearum Bylaw"
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or visa versa whenever the context so requires.

DEFINITIONS

5. In this Bylaw unless the context specifically indicates otherwise:
 - a. COUNCIL means the duly elected Council Members of the County of Grande Prairie No.1;

- b. COUNTY or MUNICIPALITY means the municipal corporation of the County of Grande Prairie No. 1, or the area contained within the boundaries thereof, as the context requires;
- c. INSPECTOR means the Agricultural Fieldman appointed by the County of Grande Prairie or such other person(s) appointed as a designated officer by the County of Grande Prairie to administer and enforce this Bylaw;
- d. FUSARIUM GRAMINEARUM means the scientific name for the primary pathogen causing fusarium head blight in small seeded grains;
- e. MUNICIPAL GOVERNMENT ACT OR MGA means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the most current edition;
- f. OWNER OCCUPANT means the 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 Title Office;
 - ii. A Person who is recorded as the owner of the property on the assessment roll of the County of Grande Prairie;
 - 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.
- g. PERSON means an individual, firm, partnership, joint venture, proprietorship, corporation, association, society or any other legal entity;
- h. PROPERTY means any lands, building, or structures, whether or not affixed to land; and
- i. 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 the County of Grande Prairie

SEED CLEANING PLANTS

6. Seed cleaning plants operating within the boundaries of the County of Grande Prairie will continue to require a negative Fusarium Graminearum test in advance of accepting seed to be cleaned.

AUTHORITY OF INSPECTIONS

7. Within the boundaries of the County of Grande Prairie, 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 Fusarium Graminearum, except that:
 - i. The inspector shall not enter a private dwelling for inspection unless consent is granted by the Owner/Occupant or written notice is given; and
 - ii. The Inspector may be accompanied by a Peace Officer.
 - b. To survey for or collect sample 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. Being a designated officer for the purpose of issuing an order to remedy contraventions pursuant to sections 545 of the Municipal Government Act, for the purpose of remedying any breach of this Bylaw and eliminating the presence of Fusarium Graminearum; and
 - d. To take such other reasonable steps as may be required to uncover and identify the presence of and prevent the marketing, sale or import of any Fusarium Graminearum afflicted materials within the County of Grande Prairie if such actions have reasonable likelihood of increasing the presence or severity of Fusarium Graminearum infection within the County.

OBSTRUCTION

8. No person, whether or not they are the Owner/Occupant 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, or identify any Fusarium Graminearum or otherwise carrying out any duty under this Bylaw.

STEPS IF FUSARIUM GRAMINEARUM IS DETECTED

9. If an Inspector finds that a Person has Fusarium Graminearum in their crop, the Fieldman or designated staff will work with the producer to develop Best Management Practices to reduce the presence and spread of Fusarium Graminearum on their land.

SEVERABILITY

10. Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, 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.

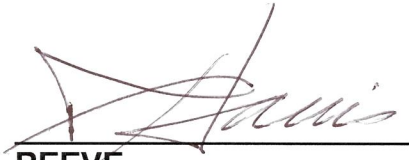
EFFECTIVE DATE

11. This Bylaw shall come into force and effect on the third and final reading thereof.

Read a FIRST time this 24th day of January 2022.

Read a SECOND time this 24th day of January 2022.

Read a THIRD and FINAL time this 24th day of January 2022.


REEVE


CHIEF ADMINISTRATIVE OFFICER