



BIRCH HILLS COUNTY

BYLAW 2016-09

FUSARIUM GRAMINEARUM BYLAW

Bylaw No. 2016-09

**A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA
TO ESTABLISH A SYSTEM FOR IDENTIFICATION AND CONTROL OF FUSARIUM
GRAMINEARUM.**

WHEREAS pursuant to Section 6 of the Agricultural Pest Act, A-8 RSA 2000 a local authority shall take active measures (a) to prevent the establishment of, or (b) to control or destroy, pests in the municipality.

AND WHEREAS pursuant to Section 2 (w) of the Pest and Nuisance Control Regulation, AR 184/2001, Fusarium head blight (*Fusarium graminearum*) continues to be declared a pest throughout Alberta.

AND WHEREAS the Council for Birch Hills County considers it beneficial and desirable to prevent the establishment of Fusarium head blight (*Fusarium graminearum*) within the municipality.

AND WHEREAS the Council for Birch Hills County believes that it is in the best interest of all grain producers that all cereal grain seed sold and/or planted within the municipality be tested to ensure that the seed is free of Fusarium head blight (*Fusarium graminearum*).

**NOW THEREFORE THE MUNICIPAL COUNCIL OF BIRCH HILLS COUNTY, IN
THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:**

PART I: BYLAW TITLE

- 1.1 This bylaw shall be known and may be cited as the "Fusarium Bylaw".

PART II: PURPOSE

- 2.1 The purpose of this bylaw is to prevent and control the spreading of Fusarium head blight (*Fusarium graminearum*).

PART III: DEFINITIONS

- 3.1 "*Cereal Grain*" means any plant from the grass family that yields an edible grain (seed) and includes, without restricting the generality of the foregoing, the most popular cereal grains grown within the Municipality, which are wheat, barley, oats and rye.

- 3.2 “*Cereal Grain Seeds*” means Cereal Grain that will be planted on farmland to produce a crop.
- 3.3 “Council” means the Municipal Council of Birch Hills County.
- 3.4 “*Local Producers*” means those persons who are the owners or lessees of farmland who grows Cereal Grain on such land situated within the Municipality.
- 3.5 “*Municipality*” or “*County*” means Birch Hills County.

PART IV: RESPONSIBILITIES

- 4.1 All Cereal Grain Seeds for sale within the Municipality must be tested for Fusarium graminearum prior to it being sold.
- 4.2 Any Local Producers who plant their own Cereal Grain Seeds shall have the seeds tested for Fusarium graminearum and shall submit a copy of the test to the Municipality.
- 4.3 Birch Hills County strongly encourages the use of the “Alberta Fusarium Management Plan” (schedule A) found <http://open.alberta.ca/dataset/f6916387-b95c-4af0-866c-deeb9b999574/resource/c41da72d-618b-466d-af86-081b8672d833/download/6044352-2012-Alberta-Fusarium-Graminearum-Management-Plan-110-632-3-2012-11.pdf> or request a copy from the County office.

PART V: ADMINISTRATIVE DUTIES

- 5.1 The Council of the Municipality may by resolution each year resolve to reimburse Local Producers for the cost of two (2) tests for the testing of Cereal Grain Seeds for Fusarium graminearum, in such manner, or in such other amount, as Council may direct. Birch Hills County will not reimburse for tests done in previous years that were not submitted. Only tests done for the upcoming crop year will be reimbursed.
- 5.2 In order to carry out the responsibilities of enforcement, the CAO has the authority to:
 - 5.2.1 hire, promote, or reward any municipal employee tasked with enforcement;
and

5.2.2 take such other actions as necessary to carry out the responsibilities and duties assigned by Council and Provincial Regulations,

in accordance with any bylaw or approved policy of Council.

PART VI: SEVERABILITY

- 6.1 If at any time any provision of this bylaw is declared or held to be illegal, invalid or ultra vires, in whole or in part, then that provision shall not apply and the remainder of this bylaw shall continue in full force and effect and shall be constructed as if it had been enacted without the illegal, invalid or ultra vires provision.
- 6.2 Failure to comply with this Bylaw may result in private loss of income, insurance claims including deductible, costs of cleanup and/or removal of infection.
- 6.3 Failure to comply with this Bylaw may result in fines to persons who directly aided in the spread of infection and/or ultimately made no action to prevent the spread of infection, or cleanup known infections. These fines could be as low as \$100.00, or as high as the costs incurred in 6.2 to other infected neighbouring crops.
- 6.4 Failure to follow the recommendations in the “Alberta Fusarium Management Plan” may result in enforcement under the Alberta Agricultural Pests Act.

PART VII: REPEAL

- 7.1 Any previous Bylaws relating to Fusarium Graminearum are hereby repealed.

PART VIII: ENACTMENT

- 8.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.
- 8.2 This Bylaw shall supersede any policy, however, ultimately severability, enforcement and over-ruling legislation shall be superseded by the Province of Alberta or the Government of Canada and any of their respective departments.



READ a first time this 9th day of February, 2017.

READ a second time this 9th day of February, 2017.

READ a third time this 9th day of February, 2017.

Signed this 9th day of February, 2017.

Original Signed By _____

Reeve
Marvin Doran

Original Signed By _____

Chief Administrative Officer
Hermann Minderlein