BIRCH HILLS COUNTY
BY-LAW 2016-12
ESTABLISH AN AGRICULTURAL APPEAL BOARD BYLAW

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Bylaw No. 2016-12

A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN AGRICULTURAL APPEAL BOARD AND TO DEFINE THE DUTIES, POWERS AND FUNCTIONS OF THAT COMMITTEE.

WHEREAS Section 14(5) of the Agricultural Pests Act Statutes of Alberta, 2000 Chapter A- 8, states that the local authority shall at the beginning of each calendar year appoint a committee to hear and determine appeals under this act;

WHEREAS Section 19(1) of the Weed Control Act, RSA 2008, Chapter W- 5.1, states that the local authority shall establish at least annually an independent appeal panel to determine appeals under this act;

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 as the "Agricultural Appeal Board Bylaw".

PART II: DEFINITIONS

2.1. *Act* means the *Agricultural Service Board Act*, Revised Statutes of Alberta 2000, Chapter A-10 and amendments.

2.2. *Agricultural Fieldman or Ag Fieldman* means the person appointed to the position of Director of Agriculture or DoA by the CAO.

2.3. *Chief Administrative Officer or CAO* means the person appointed to the position of Chief Administrative Officer by Council.

2.4. *Council* means the Council of Birch Hills County.

2.5 The *County* means "Birch Hills County".

2.6 The *Board* shall mean the Agricultural Appeal Board.

2.7 The *G3* consists of: The Municipal District of Spirit River #133, Saddle Hills County #20 and Birch Hills County #19.

2.8 *Pest Act* shall mean the *Agricultural Pests Act,* RSA 2000, Chapter A-8.

2.9 *Weed Act* shall mean the *Weed Control Act* RSA 2008, Chapter W-5.1

PART III: APPOINTMENT, TERMS AND CONDITIONS

3.1. Council hereby establishes the Agricultural Appeal Board.

3.2. Council shall, by resolution, once year at the annual Organizational meeting appoint for a term of one (1) year following their appointments unless terminated or otherwise vacated.

3.3. When a member's position on the Board is terminated or becomes vacant for any reason the Council may appoint a new member to fulfil the unexpired portion of the term of the position.

3.4. Appointment, terms and conditions must be in accordance with Section 4 of *the Act*.

PART IV: RESPONSIBILITIES

4.1 The Agricultural Appeal Board shall:

4.1.1. Appoint a Chair, and Vice Chair;

4.1.2. To hear and render decisions in respect to appeals under the Agricultural Pests Act and Weed Control Act.

4.1.3. Two (2) members will constitute a quorum at a meeting of the Board and two (2) members may be selected randomly from the list of the appointed members by the Agricultural Service Board for the G3, or other neighbouring Municipalities, for purpose of Multi-Municipal appeals if needed.

4.1.4. A decision of the majority of the members of the Board, quorum, shall be a decision of the Board.

4.1.5 The Board may adopt such other procedures and rules of conduct which in the opinion of the Board allows them to adequately fulfil their functions and duties pursuant to the Agricultural Pests Act and Weed Control Act.

PART V: ADMINISTRATIVE DUTIES

5.1 In order to carry out the responsibilities of the Agricultural Appeal Board, administration must:

5.1.1 Ensure each position of the *Agricultural Appeal Board* is filled at the earliest possibility;

5.1.2 Appoint inspectors and ensure enforcement of the *Agricultural Pest Act* and the *Weed Control Act;*

5.1.3 Ensure operations are in accordance with the *Agricultural Pest Act* and the *Weed Control Act;*

5.1.4 Ensure all financial aspects pertaining to the *Agricultural Appeal Board,* including but not limited to, expense claims, mileage, fundraising and budgeting is administered as per County Policy and Bylaws where applicable.

PART VI: SEVERABILITY

6.1 Ultimately the *Agricultural Service Board Act, Agricultural Pest Act* and the *Weed Control Act* shall supersede this Bylaw and this Bylaw shall be used generally as provision for the establishment and guide for the Agricultural Appeal Board, using the *Agricultural Service Board Act, Agricultural Pest Act* and the *Weed Control Act* as the main source of governance.

6.2 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.

6.3 All fines, penalties, prohibitions, stop orders, remedial orders and likewise, shall be enforced directly through the *Agricultural Service Board Act, Agricultural Pest Act* and the *Weed Control Act* and this Bylaw shall simply govern the authority to establish an *Agricultural Appeal Board.*

PART VII: REPEAL

7.1 Any previous Bylaws pertaining to the Agricultural Appeal Board, Weed Appeal Board or likewise, is hereby repealed.

PART VIII: ENACTMENT

8.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

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 9h day of February, 2017

Reeve
Marvin Doran

Chief Administrative Officer
Hermann Minderlein