

BYLAW NO. 01-2019

**MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133
PROVINCE OF ALBERTA**

**BEING A BYLAW TO PROVIDE FOR THE RESTRICTION OF GENETICALLY
ENGINEERED ALFALFA WITHIN THE MUNICIPAL DISTRICT OF SPIRIT RIVER
NO. 133**

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 cultivation or presence of Genetically Engineered Alfalfa in the Municipal District of Spirit River No. 133 threatens the economic well-being and viability of the agricultural producers in the M.D.;

WHEREAS the M.D. has deemed it expedient and in the public interest to restrict the cultivation and spread of Genetically Engineered Alfalfa within the municipality;

NOW THEREFORE, the Council of the Municipal District of Spirit River No. 133, in the Province of Alberta, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

Title

1. This Bylaw may be cited as the Municipal District of Spirit River No. 133 'Genetically Engineered Alfalfa Bylaw'.

Interpretation and Application

2. In this Bylaw unless the context otherwise requires:
 - (a) "Genetically Engineered Alfalfa" or "GE Alfalfa" means any Alfalfa species, *Medicago sativa*, that has been genetically engineered or genetically modified, including seeds;
 - (b) "Inspector" means the Agricultural Fieldman appointed by the M.D. or such other person(s) designated by the M.D. to administer and enforce this Bylaw;
 - (c) "Municipality or M.D." means the Municipal District of Spirit River No. 133 or the area contained within the boundary thereof as the context requires;
 - (d) "Council" means the council residing for the Municipal District of Spirit River No. 133;

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- (e) “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 M.D.;
 - (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;
- (f) “Property” includes any lands, buildings or structures, whether or not affixed to land;
- (g) “Person” includes an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society or any other legal entity;
- (h) “Retailer” means any person or company who promotes or may sell GE Alfalfa seed within the Municipal District of Spirit River No. 133.

Prohibition

- 3.1 No Person or Retailer shall cultivate, store, transport, market or sell GE Alfalfa within the M.D.
- 3.2 No Owner shall allow the cultivation, storage, marketing or sale of GE Alfalfa to occur on the Owner’s Property.

Authority of Inspectors

- 4. Within the boundaries of the M.D., the Inspector’s powers will include:
 - (a) The ability to enter onto any Property at any reasonable time to inspect and seek to identify the presence of GE Alfalfa;
 - (b) To 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 GE Alfalfa;
 - (c) Being a designated officer for the purpose of issuing an order to remedy

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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 GE Alfalfa; and

- (d) To take such other reasonable steps as may be required to search for and identify the presence of GE Alfalfa at any location within the M.D., and to prevent the cultivation, storage, marketing or sale of GE Alfalfa within the M.D.

Obstruction

- 5. 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 GE Alfalfa or otherwise carrying out any duty under this Bylaw.

Offences and Penalties

- 6.1 Any Person or Owner who contravenes any provision of this Bylaw is guilty of an offence and is liable to a specified penalty of \$10,000.00.
- 6.2 An Inspector who finds GE Alfalfa growing within the County may take the steps outlined in the County's GE Alfalfa Policy to destroy all plants whether seeded intentionally by an Owner or growing voluntarily.
- 6.3 Where an Inspector reasonably believes that a Person has contravened any provision of this Bylaw, he may serve upon such a Person a Violation Tag as provided by this Section, either 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 by regular mail, and such service shall be deemed adequate for the purpose of this Bylaw.
- 6.3 A Violation Tag shall be in such form as determined by the M.D. and shall state the section of the Bylaw which was contravened, and the amount of the penalty that will be accepted by the M.D. in lieu of prosecution.
- 6.4 If the penalty specified on a Violation Tag is not paid within the prescribed time period then an Inspector or other 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.
- 6.5 A Person who has been issued a Violation Tag in respect of a contravention of a provision of this Bylaw, and who has fully paid the penalty as indicated to the County within the time allowed for payment, shall not be liable to prosecution for the subject contravention.
- 6.6 The levying and payment of any fine or the imprisonment for any period provided in this

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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.

Severability

7. 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.

Effective Date

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

Read for a **FIRST** time this 16 day of January 2019.

Read for a **SECOND** time this 16 day of January 2019.

Read for a **THIRD** and **FINAL** time this 16 day of January 2019.



Chief Elected Official



Chief Administrative Officer