

No. 112

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 112

A Bill respecting Soil Conservation

HON. MR. HALMRAST

Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,
Edmonton, Alberta, 1962

Explanatory Note

1. This new Act is intended to provide a means of controlling soil deterioration. It repeals The Soil Drifting Control Act.

2. Definitions.

3. Appointment of officers.

BILL

No. 112 of 1962

An Act respecting Soil Conservation

(Assented to _____, 1962)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Soil Conservation Act*".

2. In this Act,

- (a) "appeal committee" means the persons designated under section 8;
- (b) "Board" means an Agricultural Service Board constituted under *The Agricultural Service Board Act*;
- (c) "council" means the council of a city, town, village, county or municipal district and in the case of an improvement district or special area, the Minister of Municipal Affairs;
- (d) "Minister" means the Minister of Agriculture;
- (e) "municipality" means a city, town, village, county, municipal district, improvement district or special area;
- (f) "officer" means a soil conservation officer appointed under section 3.

3. (1) Every council shall appoint such soil conservation officers as are required for the proper administration of this Act within its municipal boundaries.

(2) The powers and duties conferred upon an officer by this Act may only be exercised within the municipality for which he is appointed.

(3) The Minister may appoint such officers within a municipality as he considers necessary and may prescribe their duties and determine their remuneration.

(4) The salaries and expenses of an officer appointed by the Minister pursuant to subsection (3)

- (a) shall be paid by the municipality to the Minister upon demand, and
- (b) are recoverable by the Minister as a debt due to the **Crown**.

4. Duty of landholder.

5. An officer may direct remedial action.

6. Report to Agricultural Service Board.

7. Right of appeal.

- 4.** Every person who owns, occupies or controls land
- (a) shall take active measures to prevent soil deterioration upon the land by the action of wind or water or by any other cause, and
 - (b) shall obey any notice given pursuant to this Act.

5. (1) Where an officer is satisfied that any practices that are being followed with respect to land are causing or are likely to cause soil deterioration, he shall serve upon the person who owns, occupies or controls the land a notice directing such person to take such action to prevent soil deterioration on the land as may be specified in the notice.

(2) A notice under subsection (1) shall state the maximum time within which the recommended soil conservation practice is to be carried out by the person to whom the notice is addressed.

(3) A notice under subsection (1) shall be served by

- (a) personal service,
- (b) double registered mail addressed to the person to be served at his last known address and such service shall be deemed to be served two days after such double registered letter is posted, or
- (c) by personal service upon any adult member of the same household where the person to whom the notice is addressed resides.

(4) The officer shall serve a copy of any notice given under subsection (1) on the council of the municipality.

6. (1) Where in the opinion of an officer in a municipality for which a Board has been appointed, farm land in the municipality

- (a) is impoverished or in the process of becoming impoverished through
 - (i) wind or water erosion, or
 - (ii) any other cause that has seriously affected or may seriously affect the productivity of the land or the welfare of the owner or occupant of the land, and

(b) may become a menace to the community, the officer shall report his findings to the Board who after investigation and inquiry shall report its findings and recommendations to the council.

(2) Upon receipt of the report under subsection (1), the council may declare the land referred to in the report to be subject to supervision, rehabilitation or reclamation as set out in *The Agricultural Service Board Act*.

7. (1) Any person

- (a) who owns, occupies or controls land affected by a notice given by an officer pursuant to this Act, and

8. Constitution of appeal committees.

9. Hearing of appeals and decisions.

(b) who is aggrieved by the notice, may appeal therefrom to the appeal committee of the municipality within the time fixed by the order of the officer for carrying out the recommended soil conservation practice and not afterward.

(2) An appeal shall be commenced by the delivery, within the time limited by subsection (1), of a notice of appeal, which shall be in writing and shall set out

- (a) the name and address of the appellant,
- (b) a description of the notice appealed from,
- (c) the location of the land in respect of which the notice was given, and
- (d) the grounds of the appeal.

(3) The notice of appeal shall be delivered,

- (a) in the case of a municipality other than an improvement district or special area, to the person for the time being in charge of the office of the secretary or clerk of the municipality, and
- (b) in the case of an improvement district or special area, to any person employed in the office of the Minister of Municipal Affairs.

(4) In the case of an appeal to the council or to the members of the council of a municipality the appellant shall, before the hearing of the appeal, deposit with the secretary or clerk of the municipality the sum of five dollars which shall be returned to him if the appeal is allowed, but in any other event shall be forfeited to and become the property of the municipality.

8. (1) In a municipal district or county, the appeal committee shall consist of such members of the council, being not less than two in number, or the members of the Agricultural Service Board, as may from time to time be appointed by resolution of the council for that purpose, and in default of either such appointment, the whole council.

(2) In a city, town or village, the appeal committee shall consist of such members of the council, being not less than two in number, as may from time to time be appointed by a resolution of the council for that purpose, and in default of any such appointment, the whole council.

(3) In an improvement district or special area the appeal committee shall consist of not less than two persons who shall be appointed by the Minister of Municipal Affairs.

9. (1) As soon as conveniently possible after the service of the notice of appeal the appeal committee to whom the appeal lies, shall

- (a) fix a place for the hearing of the appeal, which may be on the land affected by the notice,
- (b) fix a time for the hearing of the appeal, and

10. Power of officer to perform remedial work, the cost of which may be charged to the landholder.

11. By-laws governing the removal of top soil and the burning of stubble.

(c) cause notice of the place and time to be sent to the appellant.

(2) At the time and place stated the appeal committee shall hear the appeal and may, by order, confirm the notice of the officer or

- (a) set aside the notice of the officer,
- (b) vary the notice,
- (c) extend the time within which any thing required to be done by the notice is to be performed, or
- (d) direct any thing to be done that an officer by notice given under this Act can direct to be done either in addition to or in substitution for the directions in the notice appealed from.

10. (1) An officer or a person duly authorized by him may enter upon the land affected and perform the required work

- (a) when the notice is not complied with within the time limited by the notice and the notice has not been appealed,
- (b) when the notice is not complied with within the time limited by the notice and an appeal has been dismissed, and
- (c) when the varied notice or the substituted notice of the appeal committee is not complied with within the time limited by such varied notice or substituted notice.

(2) The expenditures made as a result of the work performed pursuant to subsection (1) shall be paid by the municipality or if the Minister pays for such expenditures, the amount so paid is a debt due from the municipality to the Crown.

(3) The council

- (a) may notify the owner or occupier of the land of the amount of the expenditure chargeable against the land, and
- (b) may collect the amount of the expenditures from the owner or occupier in the manner set out in sections 277 and 278 of *The Municipal District Act*.

11. A council, by by-law, or in the case of an improvement district or special area the Minister of Municipal Affairs, by order, may provide for all or any of the following:

- (a) a system of permits controlling the removal of top soil from land;
- (b) a system of permits controlling the burning of stubble on land;
- (c) the terms and conditions under which a permit may be issued, suspended, reinstated or revoked;
- (d) the prohibition of the removal of top soil or the burning of stubble on land.

12. Penalty section.

13. Right to enter upon lands.

14. Right of action barred.

15. Regulations.

16. Construction of Act.

17. Repealing section.

18. Commencement of Act.

12. A person

- (a) who fails to comply with a notice served upon him pursuant to this Act,
- (b) who fails to comply with the condition of a permit granted pursuant to a by-law or order under section 11,
- (c) who contravenes a provision of a by-law or order under section 11, or
- (d) who obstructs an officer in any way while the officer is carrying out his duties pursuant to this Act,

is guilty of an offence and is liable on summary conviction to a fine of not less than twenty dollars and not more than two hundred dollars and in default of payment thereof to imprisonment for a term of not more than thirty days.

13. An officer, the members of a Board, the members of a council, the Minister of Municipal Affairs, the Minister, or any person duly authorized by them may, in carrying out any duties imposed upon them by this Act and generally to carry out the provisions of this Act, enter upon the lands within a municipality at any reasonable time.

14. No action lies against

- (a) the Minister,
- (b) the Minister of Municipal Affairs,
- (c) a municipality or an official of a municipality,
- (d) a member of a Board, or
- (e) an officer or other person,

for an act done or performed in good faith and purporting to have been done or performed under the provisions of this Act or the regulations.

15. The Lieutenant Governor in Council may make regulations respecting any matter or thing as may be required for the purpose of giving effect to the provisions of this Act.

16. Nothing in this Act shall be construed as repealing or abrogating sections 12 to 14 of *The Agricultural Service Board Act* or section 23 of *The St. Mary and Milk Rivers Development Act*.

17. *The Soil Drifting Control Act*, being chapter 316 of the Revised Statutes, is hereby repealed.

18. This Act comes into force on the day upon which it is assented to.

No. 112

FOURTH SESSION
FOURTEENTH LEGISLATURE
10 ELIZABETH II
1962

BILL

An Act respecting Soil Conservation

Received and read the

First time

Second time

Third time

HON. MR. HALMRAST
