

1990 BILL 23

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

AGRICULTURE STATUTES AMENDMENT ACT, 1990

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 23

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1990

AGRICULTURE STATUTES AMENDMENT ACT, 1990

(Assented to _____, 1990)

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

Hail and Crop Insurance Act

1(1) The Hail and Crop Insurance Act is amended by this section.

*(2) Section 7.2(1)(a) is amended by adding "and expenses" after
"premiums".*

(3) Section 7.3 is repealed and the following is substituted:

7.3 Money advanced to the corporation under section 7.2 shall not be used by the corporation as contributions by the Government of Alberta to the corporation in respect of premiums payable under contracts of insurance entered into by the corporation unless the contributions are made pursuant to a federal-provincial agreement.

Explanatory Notes

Hail and Crop Insurance Act

1(1) This section will amend chapter H-1 of the Revised Statutes of Alberta 1980.

(2) Section 7.2(1)(a) presently reads:

7.2(1) For the purposes of enabling the corporation to meet its obligations under Part 3, the Provincial Treasurer, on the requisition of the Minister, may from time to time advance to the corporation from the General Revenue Fund

(a) in respect of premiums, an amount that is equal to all or part of the amount or estimated amount that the Government of Canada is or will be liable to pay to the Government of Alberta pursuant to a federal-provincial agreement, and

(3) Section 7.3 presently reads:

7.3 Money advanced to the corporation under section 7.2 shall not be used by the corporation

(a) as contributions by the Government of Alberta to the corporation in respect of premiums payable under contracts of insurance entered into by the corporation, unless the contributions are made pursuant to a federal-provincial agreement, or

(b) to pay the expenses of the corporation.

Livestock and Livestock Products Act

2(1) The Livestock and Livestock Products Act is amended by this section.

(2) Section 12 is amended

(a) by repealing subsection (3) and substituting the following:

(3) The Fund or any amount of the Fund may, at the direction of the Provincial Treasurer,

(a) be invested in bonds or debentures issued or guaranteed by the Government of Canada or the Government of Alberta, or

(b) be a participant in the Consolidated Cash Investment Trust Fund.

(b) in subsection (4) by striking out "\$1 000 000" and substituting "an amount established by the regulations".

(3) Section 15 is amended by adding the following after clause (g):

(g.1) establishing the maximum amount of the Fund for the purposes of section 12(4);

Weed Control Act

3(1) The Weed Control Act is amended by this section.

(2) Section 1(1) is amended

(a) in clause (a) by striking out "or nuisance";

(b) by repealing clause (j) and substituting the following:

(j) "municipal secretary" means

(i) in a city, the city clerk,

(ii) in an improvement district or special area, the Minister of Municipal Affairs or an officer of the Department of Municipal Affairs designated by him, and

(iii) in any other municipality, the person appointed by the council as municipal secretary;

Livestock and Livestock Products Act

2(1) This section will amend chapter L-24 of the Revised Statutes of Alberta 1980.

(2) Section 12(3) and (4) presently read:

(3) Any amount in the Fund in excess of \$50 000 may, at the direction of the Provincial Treasurer, be invested in

(a) bonds or debentures issued by the Government of Canada, or

(b) bonds or debentures guaranteed as to the payment of principal and interest by the Government of Canada or the Government of Alberta.

(4) The amount of the Fund shall not exceed \$1 000 000.

(3) Section 15(g) presently reads:

15 The Lieutenant Governor in Council may make regulations

(g) respecting the terms and conditions of a payment from the Fund;

Weed Control Act

3(1) This section will amend chapter W-6 of the Revised Statutes of Alberta 1980.

(2) Section 1(1)(a) and (j) presently read:

1(1) In this Act,

(a) "control" means, with reference to a noxious or nuisance weed, to

(i) carry out measures designed to inhibit propagation of the weed,

(ii) destroy the weed, or

(iii) carry out measures prescribed by an inspector for the control of the weed;

(j) "municipal secretary" means

(c) by adding the following after clause (p):

(p.1) “rural municipality” means a county, municipal district, improvement district or special area;

(d) by adding the following after clause (q):

(q.1) “subdivided land” means a parcel of land not exceeding 20 acres in area that is described in a certificate of title issued under the *Land Titles Act*;

(q.2) “urban municipality” means a city, town, new town, village or summer village;

(3) Section 12(3) is repealed and the following is substituted:

(3) Except in the case of restricted weeds, no notice shall require the destruction of more than 20 acres of growing crop without the written consent of the local authority of the municipality in which the land is located.

(4) An inspector may give a notice requiring the destruction of restricted weeds or the control of noxious weeds in the next following year and that notice shall have the same effect as if it were a notice given under subsection (1) in the year in which the work is to be done.

(4) The following is added after section 12:

12.1(1) A local authority may on or before July 31 in any year give a general notice to the owners or occupants of subdivided land within the municipality to destroy restricted weeds and noxious weeds that are located on their land.

(2) A notice given under subsection (1) may contain directions setting out the methods by which and the time period within which the weeds are to be destroyed.

(i) in the case of a city, the official designated by the local authority to carry out any of the duties of a municipal secretary,

(ii) in the case of an improvement district or special area, the Deputy Minister of Municipal Affairs or an officer of the Department of Municipal Affairs designated by him,

(iii) in the case of a county, the county administrator, or

(iv) in the case of any other municipality, the secretary-treasurer;

(3) Section 12 presently reads:

12(1) An inspector who finds any restricted weeds or noxious weeds in or on any land, premises, vehicle, standing crop, hay, grain, fodder, machine, grain elevator, crop processing plant or equipment shall, in the case of restricted weeds, and may, in the case of noxious weeds, give a notice in writing

(a) in the case of land, to the occupant or, if the land is unoccupied, to the owner, and

(b) in the case of personal property, to the owner

to destroy the restricted weeds or control the noxious weeds.

(2) A notice under subsection (1) may include a direction to destroy crops containing restricted or noxious weeds if the destruction of crops is necessary, in the inspector's opinion, in order to destroy the restricted weeds or control the noxious weeds.

(3) A notice under subsection (1) shall set out the time and methods by which the weeds or crops are to be destroyed or controlled, and the methods may include systems of tillage, cropping or management that the inspector considers constitute good agricultural practice for the land and district concerned.

(4) General notice.

(3) Nothing in this section shall be construed so as to limit the giving of a notice under section 12 to a person who was given a general notice under this section.

(5) *Sections 14 and 15 are repealed and the following is substituted:*

14 Subject to section 12.1, a notice under this Act shall set out the methods by which and the time period within which the weeds or crops are to be destroyed or controlled.

15 The methods by which weeds or crops are to be destroyed or controlled may include systems of tillage, chemical control or other management practice that the inspector considers to be good agricultural practice for the land and district concerned.

(6) *Section 16 is repealed and the following is substituted:*

16(1) An owner or occupant of land who receives a notice under this Act shall, subject to any right of appeal given by this Act, carry out the actions required under the notice.

(2) Subject to section 28, if a person fails to comply with a notice given by an inspector under section 12 or 12.1, the inspector or a person designated by the inspector may carry out, by any means that is consistent with good agricultural practice, the action that is required to be carried out under the notice.

(7) *Section 18 is repealed and the following is substituted:*

18 Notwithstanding anything in this Act, an inspector for a rural municipality has concurrent jurisdiction under this Act with an inspector for an urban municipality in respect of a seed cleaning plant, grain elevator, farm produce processing plant,

(5) Sections 14 and 15 presently read:

14 An inspector may give a notice requiring the destruction of restricted weeds or the control of noxious weeds in the next following year and that notice shall have the same effect as if given in the year in which the work is to be done.

15(1) In this section, "selective herbicide" means a herbicide commonly used for the control or destruction of weeds in growing crops and registered for that purpose under the Pest Control Products Act (Canada).

(2) Except in the case of restricted weeds, no notice shall require the destruction of more than 20 acres of growing crop without the written consent of the local authority of the municipality in which the land is located.

(3) Notwithstanding subsection (2), an inspector may

(a) spray with a selective herbicide, or

(b) direct the spraying with a selective herbicide of

an area in excess of 20 acres without the prior written consent of the local authority.

(4) A selective herbicide applied under subsection (3) shall be applied pursuant to the regulations and to the Agricultural Chemicals Act and regulations under that Act.

(6) Section 16 presently reads:

16 If a person fails to comply with a notice given by an inspector under section 12(1) or 14 the inspector may, subject to section 30, cause the acts required to be done under the notice to be carried out by any means consistent with good agricultural practice.

(7) Section 18 presently reads:

18(1) In this section,

(a) "rural municipality" means a county, municipal district, special area or improvement district;

auction market, farm implement storage lot or feed or fertilizer plant that is located in the urban municipality if the urban municipality is completely bounded by the rural municipality.

(8) Section 19 is repealed.

(9) Section 20(4) is amended by striking out “\$500” and substituting “\$1000”.

(10) Section 21 is repealed and the following is substituted:

21(1) A notice given by an inspector under this Act shall be in the form prescribed by the regulations.

(2) A notice referred to in subsection (1) shall be served on the person to whom it is addressed

(a) by being delivered personally to the person who is intended to be served,

(b) by being left with a person apparently over the age of 18 years at the dwelling place or place of business of the person who is intended to be served, or

(b) "urban municipality" means a city, town, new town, village or summer village.

(2) Notwithstanding anything in this Act, an inspector for a rural municipality has concurrent jurisdiction under this Act with an inspector for an urban municipality in respect of a seed cleaning plant, grain elevator, farm produce processing plant, auction market, farm implement storage lot or feed or fertilizer plant that is located in the urban municipality, if the urban municipality is completely bounded by the rural municipality.

(8) Section 19 presently reads:

19(1) In this section, "subdivided land" means a parcel or lot of 20 acres or less that is shown on a certificate of title issued under the Land Titles Act.

(2) A local authority may, on or before June 30 in any year, give a notice to the owners or occupiers of subdivided land within the municipality to destroy restricted weeds or control noxious weeds within the time specified in the notice.

(3) A notice may be given under subsection (2) by forwarding it by regular post to the owners or occupants of the subdivided land to which the notice relates at their last known address as shown on the assessment roll of the municipality.

(4) If an owner or occupant fails to comply with a notice given to him under subsection (2), the local authority may direct an inspector to carry out the terms of the notice.

(9) Section 20(4) presently reads:

(4) A person to whom a stop order is directed and who fails to comply with the order forthwith on service of a copy of it on him or subsequently, is guilty of an offence and liable to a fine of not more than \$500 for each day that the offence continues.

(10) Section 21 presently reads:

21 A notice given by an inspector under this Act shall be in the form prescribed by the regulations and shall be served on the person to whom it is addressed

(a) by delivering it personally to that person,

(b) by leaving it with a person apparently over the age of 18 years at the dwelling place or place of business of the person to whom it is addressed,

(c) by being sent by double registered mail or certified mail to the last known address of the person who is intended to be served as shown on the assessment roll of the municipality within which the land or property to which it relates is situated.

(3) If, in the opinion of the inspector, service under subsection (1) cannot reasonably be effected, the inspector may post the notice or a copy of the notice in a conspicuous place on the land or property to which the notice relates, or on the private dwelling place of the person who is intended to be served.

(4) Notwithstanding subsection (2), a notice given under section 12.1 may be served on the owner or occupant of subdivided land by forwarding the notice by regular post to the owner or occupant of the subdivided land to which the notice relates at, as the case may be, the owner's or occupant's last known address as shown on the assessment roll of the municipality in which the subdivided land is situated.

(11) Section 27 is amended

(a) in subsection (1) by striking out “, 17(3) or 19(4)” and substituting “or 17(3)”;

(b) by adding the following after subsection (2):

(2.1) The expenses incurred in issuing and enforcing a notice under this Act may, at the direction of the inspector, be included in determining the amount of the expenses referred to in subsection (1).

(c) in subsection (3)(b) by striking out “, 17(3) or 19(4)” and substituting “or 17(3)”;

(d) in subsection (4) by adding “and the cost of collecting the amount owing” after “for the amount owing”.

(c) by sending it by double registered mail or certified mail to the last known address of the person to whom it is addressed as shown on the assessment roll of the municipality in which the land to which the notice relates is situated, or

(d) if, in the opinion of the inspector, service under clause (a), (b) or (c) cannot reasonably be effected, by posting it in a conspicuous place on the land referred to in the notice.

(11) Section 27 presently reads:

27(1) If expenses are incurred by an inspector appointed under section 5 in the carrying out of any work under section 13(1), 16, 17(3) or 19(4), the municipal secretary shall serve a statement of the expenses and a demand for payment of them on the owner of the land in respect of which the work was carried out.

(2) The statement and demand under subsection (1) shall be served in the same manner as a notice is served under section 21.

(3) If,

(a) in the case of work carried out under section 13(1), the owner fails to file a notice of dispute with the municipal secretary under subsection (4), or

(b) in the case of work carried out under section 16, 17(3) or 19(4), the owner fails to pay the amount set out in the statement

within 30 days of receiving the statement, the municipal secretary shall immediately cause the amount owing to be placed on the tax roll as an additional tax against the land concerned and it shall be collected in the same manner as taxes.

(4) If a statement and demand for payment is served for work carried out under the authority of section 13(1), the owner may file with the municipal secretary, within the 30-day period referred to in subsection (3), a notice of dispute denying his liability for the expenses or disputing the amount owing, and the

(12) Section 28 is amended

(a) by repealing subsection (1) and substituting the following:

28(1) A person who

(a) has an interest in land as an owner or occupant, and

(b) considers himself aggrieved by a notice that relates to the land and that is given by an inspector under section 12, 12.1 or 17(1),

may appeal to the local authority of the municipality in which that land is located by filing a notice of appeal under this section.

(b) in subsection (3) by striking out “15” and substituting “10”;

(c) by repealing subsections (4) to (8) and substituting the following:

(4) A notice of appeal shall be accompanied by a deposit in an amount prescribed by the regulations.

(5) The deposit made under subsection (4) shall be refunded if the appellant is successful in his appeal under this section or in a review under section 29.

(6) A local authority shall at the beginning of each calendar year appoint a committee to hear and determine appeals under this section and on receipt of a notice of appeal a local authority shall refer the appeal to that committee.

(7) Within 5 days from the day of receipt of a notice of appeal, the committee shall hear and determine the appeal and the committee may confirm, rescind or vary the notice that was issued.

(8) The municipal secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, to the appellant by double registered mail or certified mail.

local authority may thereafter proceed against that person only by action for the amount owing.

(12) Section 28 presently reads:

28(1) A person who

(a) has an interest in land as an owner or occupant, and

(b) considers himself aggrieved by a notice given by an inspector under section 12, 14 or 17(1) that relates to the land

may appeal to the local authority of the municipality in which that land is located by filing a notice of appeal under this section.

(2) A notice of appeal shall be in writing and shall set out

(a) the name and address of the appellant,

(b) a copy of the notice in respect of which the appeal is being taken,

(c) the legal description of the land affected, and

(d) the grounds for appeal.

(3) A notice of appeal shall be delivered personally or sent by double registered mail or certified mail to the municipal secretary, within the time specified in the notice for doing the thing required by the notice or 15 days, whichever is less.

(4) A notice of appeal shall be accompanied by a deposit of \$50 which shall be refunded if the appellant is successful in his appeal under this section or in a review under section 29.

(5) If the local authority appealed to is the Minister of Municipal Affairs he shall, within 30 days of receipt of the notice of appeal, appoint a committee to hear and determine the appeal.

(6) If the local authority appealed to is a body other than the Minister of Municipal Affairs it shall, within 30 days of receipt of the notice of appeal, hear and determine the appeal or appoint a committee to hear and determine it.

(7) The local authority or committee may confirm, rescind or vary the notice that was given.

(8) The municipal secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, by double registered mail or certified mail to the appellant.

(13) *Section 29 is amended*

(a) *in subsection (1)*

(i) *by striking out “local authority or”;*

(ii) *by striking out “7” and substituting “3”;*

(b) *in subsection (2) by striking out “local authority or”.*

(14) *Section 31 is repealed and the following is substituted:*

31 An occupant of land, or if the land is unoccupied, the owner of the land, shall as often as is necessary

(a) destroy all restricted weeds located on the land to prevent the spread, growth, ripening or scattering of the restricted weeds,

(b) control in accordance with this Act and the regulations all noxious weeds located on the land to prevent the spread, growth, ripening or scattering of the noxious weeds, and

(c) prevent the spread or scattering of nuisance weeds.

(15) *Section 38 is repealed and the following is substituted:*

38 A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$5000 and in default of payment to a term of imprisonment of not more than 60 days.

(16) *Section 40 is amended by adding the following after clause (c):*

(c.1) prescribing the amount of a deposit to be made under section 28;

(c.2) respecting seed and labelling of seed sold or used in Alberta;

(17) *An appeal commenced under section 28 of the Weed Control Act before subsection (12) of this section comes into force shall be dealt with as if subsection (12) had not come into force.*

(18) *The Seed Control Areas Act is repealed.*

(13) Section 29 presently reads:

29(1) An appellant who is dissatisfied with the decision of a local authority or committee under section 28 may, within 7 days after he receives a copy of the decision, request a review of the decision or any part of it by the Minister.

(2) The Minister may confirm, rescind or vary the decision of the local authority or committee.

(14) Section 31 presently reads:

31 An occupant of land or, if the land is unoccupied, the owner of the land, shall destroy all restricted weeds growing or located on the land as often as is necessary to prevent the spread, growth, ripening or scattering of the restricted weeds.

(15) Section 38 presently reads:

38 A person who contravenes section 26(2), 31, 32, 33, 34, 35, 36 or 37, the regulations, a final decision of a local authority or committee under section 28 or a decision of the Minister under section 29 is guilty of an offence and liable to a fine of not less than \$50 or more than \$500.

(16) Section 40 presently reads in part:

40 The Minister may make regulations

(a) designating plants as restricted, noxious or nuisance weeds, generally or in respect of any part of Alberta;

(b) respecting qualifications of inspectors;

(c) respecting the content and use of forms;

(17) Transitional.

(18) Consequential; repeals chapter S-8 of the Revised Statutes of Alberta 1980.

Commencement

4 This Act comes into force on Proclamation.

Commencement

- 4** Coming into force.