

THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133

BY-LAW NO. 08-2002

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133
TO ESTABLISH A SYSTEM FOR IDENTIFICATION 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 the Municipal District of Spirit River No. 133 considers it beneficial and desirable to prevent the establishment of *Fusarium head blight (Fusarium graminearum)* within the municipality

And whereas, the Council for the Municipal District of Spirit River No. 133 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 Council for the Municipal District of Spirit River No. 133 duly assembled, hereby enact as follows:

1. SHORT TITLE:

1.1 This by-law shall be known and may be cited as the "Fusarium By-law" of the Municipal District of Spirit River No. 133.

2. PURPOSE:

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

3. 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 the Municipal District of Spirit River No. 133.
- 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”** means the Municipal District of Spirit River No. 133.

4. COMPULSORY TESTING OF CEREAL GRAIN SEEDS

- 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.

5. REIMBURSEMENT FOR THE COST OF FUSARIUM GRAMINEARUM TESTS

- 5.1 The Council of the Municipality may by resolution each year resolve to reimburse Local Producers for the cost of the testing of Cereal Grain Seeds for Fusarium graminearum, in such manner, or in such other amount, as Council may direct.

6. GENERAL

This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 19th day of December, 2002

Read a second time this 9th day of January, 2003

Read a third time this 9th day of January, 2003

REEVE

MUNICIPAL ADMINISTRATOR