



<b>Title: Weed and Pest Appeal Committee</b>	<b>Policy: AG 003</b>
<b>Section: Agriculture</b>	

**ACCOUNTABILITY TO VISION STATEMENT**

Flagstaff County provides enforcement of Provincial Statutes that are in place to help protect the viability of the Agricultural industry within the region. This legislation also requires Flagstaff County to provide for an appeal process for landowners affected by this legislation.

**POLICY STATEMENT**

The purpose of this policy is to establish guidelines for the Agricultural Weed and Pest Appeal Committees which is a requirement under the Agricultural Pests Act and Weed Control Act.

The Agricultural Pests Act and Regulations and the Weed Control Act and Regulations are provincial legislation that is delegated to local authorities to administer, direct and enforce within their jurisdiction. Under these Acts and Regulations, there is provision for an appeal process that can be initiated by a person who considers themselves aggrieved by an inspector's notice. An appeal will be heard and determined by an independent Appeal Committee in accordance with the Agricultural Pests Act, Regulation and the Weed Control Act, Regulation and this policy.

**GUIDELINES**

**APPEAL COMMITTEES**

1. Annually, Flagstaff County Council will establish an independent Weed Appeal Committee and Pest Appeal Committee pursuant to the Weed Control Act and Agricultural Pest Act to determine appeals of inspectors' notices.
2. Each Appeal Committee shall be the appointed Agricultural Service Board (ASB) Members at large. Subject to the provisions of this policy, Council may appoint one (1) member of Council as an alternate member of the Committee if a member of the Committee appointed by Council is unable to participate as a member of the Committee.
3. Quorum of each Appeal Committee will be a minimum of three (3) members.
4. The Appeal Committee shall hear and determine an appeal within five (5) days from the day of receipt of the notice of appeal, in accordance with section 14(6) of the Agricultural Pests Act and/or section 13(1) of the Weed Control Regulation.
5. The Appeal Committee may confirm, rescind, or vary the inspector's notice.
6. The Appeal Committee Chairperson shall preside over the hearing and ensure it is conducted fairly and in a business-like manner and shall ensure the hearing takes place in the prescribed order of presentation and shall ensure that questions are relevant and irrelevant information is minimized.

### SECRETARY TO THE APPEAL COMMITTEES

1. The Secretary of the Appeal Committees shall be the Chief Administrative Officer (CAO) or their designate. The Secretary of the Appeal Committees shall call a hearing within five (5) days upon receipt of a notice of appeal in accordance with section 14(6) of the **Agricultural Pests Act**, and section 13(1) of the **Weed Control Regulation**.
2. The CAO shall send a copy of the decision together with the written reasons if any to the appellant by certified or registered mail.
3. The CAO shall compile and provide agenda and meeting packages to Members, make and keep a record of Appeal Committee proceedings, and sign orders, decisions, notices, and other items given by the Appeal Committee on its behalf.

### INSPECTOR/AGRICULTURAL FIELDMAN

1. The Inspector/Agricultural Fieldman shall provide the information, documents, details and answers to relevant questions that arise during the hearing.

### APPELLANT

1. The Appellant shall provide the information, documents, details and answers to relevant questions that arise during the hearing.

### APPEAL TO LOCAL AUTHORITY – PESTS ACT APPEAL

Section 14 of the **Agricultural Pest Act** states:

1. A person who has an interest in land as an owner or occupant, and has an interest in livestock as an owner or person in control of livestock and feels personally aggrieved by a notice issued by an inspector under section 12 of the **Agricultural Pest Act** may appeal to the local authority of the municipality within which the land or livestock 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, or a description of the livestock affected and the legal description of the land on which the livestock were located and
  - d) The grounds for appeal.
3. A notice of appeal shall be served on the Chief Administrative Officer (CAO) of the municipality by delivering personally or sending by certified or registered mail, and within the time specified in the notice issued for taking any measure, or within ten (10) days after service of the notice, whichever is less.
4. A notice of appeal shall be accompanied with a deposit in the amount of \$100, in accordance with section 16 of the **Pest and Nuisance Control Regulation**, which shall be refunded if the appellant is successful in the appeal.

**APPEAL TO LOCAL AUTHORITY – WEED CONTROL ACT APPEAL**

Part 3 of the **Weed Control Regulation** states:

1. The appellant shall provide notice of the appeal to the Chief Administrative Officer of the municipality in which the land subject to the notice is located.
2. The notice of appeal must be delivered personally or sent by certified or registered mail within the time specified in the notice for doing the thing required by the notice or ten (10) days, whichever is less.
3. The notice of appeal must be in writing and include:
  - 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,
  - d) The grounds for appeal, and
  - e) An appeal fee in the amount of \$500.
4. If the appellant is successful in an appeal or review, the appeal fee will be refunded to the appellant.

**HEARING ORDER OF PRESENTATION**

1. Nomination and Election of Chairman
2. Call to order
3. Introductions
4. Call for objections
5. Hearing purpose and procedure
6. Description of Notice of appeal
7. Weed OR Pest Inspector report
8. Appellant’s statement and presentation
9. Weed OR Pest Inspector’s final comments
10. Appellant’s summary or rebuttal
11. Questions from the Appeal Committee
12. Chair’s final remarks and Hearing summation
13. Deliberation of the Appeal Committee (closed session)
14. Appeal Committee’s decision
15. Adjournment

<b>Council Approved: October 23, 2019</b>	<b>Resolution #: FC20191023.2006</b>
<b>Reference: Agricultural Pests Act and Regulation, Weed Control Act and Regulation</b>	

<b>Administrative Responsibility:</b>	<b>Review Cycle:</b>	<b>Next Review Year:</b>
Chief Administrative Officer	Every three (3) years	2022