THE FARMING PRACTICES STATUTES AMENDMENT ACT (BILL 202)

On April 29, 1999, Bill 202, The Farming Practices Statutes Amendment Act received Royal Assent. This private member’s bill amends both the Agricultural Operation Practices Act and the Municipal Government Act (MGA). The amendments have implications for municipal development plans, land use bylaws, and the municipal subdivision and development approval process. Consequently, this bulletin will be of particular interest to municipalities, planners, and those involved in the development industry.

By way of summary, Bill 202 amends the MGA as follows:

- inserts the definition of “agricultural operation” from the Agricultural Practices Operations Act into section 616. This very broad definition includes the cultivation of land, raising of livestock, and operation of farm equipment;

- provides in section 632(3) that municipal development plans must contain policies respecting the protection of agricultural operations including, but not limited to, the need for written notice to be provided to the owners of land situated adjacent to agricultural operations;

- adds a new section 639.1 which provides that municipalities must, when preparing a land use bylaw, consider the protection of agricultural operations; and

- provides in section 640 that municipalities must establish a method of providing notice to owners of land situated adjacent to an agricultural operation.

Section 2 of the Bill (which amends the MGA) comes into force on April 29, 2002. This information is provided now to advise stakeholders of possible requirements for changes to municipal development plans, land use bylaws, and the subdivision and development approval process. Alberta Municipal Affairs will be developing a further information bulletin outlining alternative approaches to implementing Bill 202. This additional bulletin will be completed and distributed to all municipalities and other stakeholders by the end of 1999. This information would be advisory only. Municipalities would not be required to follow the approaches suggested.

A copy of Bill 202 is available on the web at www.assembly.ab.ca. Go to the New Bills and Amendments site. Scroll down the list window to find Bill 202. For further information on this and subsequent bulletins contact Mr. Bill Symonds with the Planning and Coordination Unit of Alberta Municipal Affairs in Edmonton at (780) 427-2225.