

BYLAW 99 - 13

OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17 In The Province of Alberta

Being a bylaw of the Municipal District to provide for the regulation and control of Weeds,
Grass and other Nuisances

WHEREAS Section 7 off the Municipal Government Act, being Chapter M-26.1, 1994 R.S.A. as amended, provides that a Council may make Bylaws regarding the control of weeds, grass and other nuisances, and

WHEREAS the Council of the Municipal District of Opportunity No. 17 (hereafter called the "Municipality") in the Province of Alberta deems it expedient to regulate and control weeds, grass and other nuisances and to adopt fees and charges for control,

NOW THEREFORE, pursuant to the provisions of the Municipal Government Act it is hereby enacted by the Council of the Municipality that:

1. TITLE:

This Bylaw may be cited as the "Weed Control Bylaw"

2. DEFINITIONS:

- a) "Council" means the Municipal Council for the Municipal District of Opportunity No. 17.
- b) "Enforcement Officer" means the Bylaw Enforcement Officer, Weed Inspector, Building Inspector, Chief of the Fire Department, Town Manager or his designate so authorized to act on behalf of the Council of the Municipal District of Opportunity No. 17.
- c) "Grass" means a member of the grass family, which is of an objectionable, and unsightly nature, form a nuisance or a fire hazard, or is not controlled.
- d) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and,
 - i) includes
 - a) a sidewalk (including the boulevard portion of the sidewalk)
 - b) if a ditch lies adjacent to and parallel with the roadway, the ditch and
 - c) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway as the case may be, but
 - ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
- e) "Noxious Weeds" means:
 - i) those weeds as designated in the Weed Control Act, Chapter W-6, R.R.A. 1980, and under the Weed Designation Regulation being Alberta Regulation 138/80, as amended;
 - ii) grass as defined in this Bylaw;
 - iii) plants as defined in this Bylaw;
 - iv) fungus which may be destructive or injurious to gardens or lawns or trees or shrubs.
- f) "Occupant" means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.

- g) "Person" means corporation, firm, partnership, individual person, his or her heirs, executors, administrators or other legal representative.
- h) "Plant" means any vegetation, which is of objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled.
- i) "Real Property" means any land and/or buildings whether occupied or not.
- j) "Municipality" means the Municipal District of Opportunity No. 17 and the area contained within the boundaries of the same.
- k) "Weed and Seed" includes:
 - i) the seed of a noxious weed;
 - ii) the seed of a dandelion;
 - iii) the seed of
 - iv) a grass or a plant as referred to in this Bylaw;

3. APPLICATION

This Bylaw applies to all lots, developments, boulevards, properties and yards within the boundaries of the Municipal District of Opportunity No. 17.

4. SCHEDULES

That attached hereto and not forming part of this Bylaw is a schedule, which may be amended by resolution of the Council:

- a) "Schedule A" which contains a list of plants within the municipality which are designated as restricted, noxious or nuisance weeds;
- b) "Schedule B" Administration Fee and Maintenance Fee.

5. BOUNDARIES AND RESPONSIBILITIES

- 5.1 The occupant or owner of any land within the boundaries of the Municipal District of Opportunity No. 17, shall for the purpose of the Weed Control Bylaw, be considered to be the occupant of that portion of any highway that lies between the boundary of his land and the centre line of the highway.
- 5.2 No person, being owner, agent, lessee or occupier of any lot, development, or yard within the Municipal District of Opportunity No. 17 shall permit said lot, development, or yard to become infested with crabgrass, dandelions or noxious weeds or otherwise remain in untidy condition.

6. DUTIES OF OCCUPANT AND OWNER

Every occupant or owner of any real property with the Municipal District of Opportunity No. 17 or if such property is unoccupied the owner shall:

- a) Eradicate or control any weeds growing on such property to prevent propagation and the spreading from such plants or weeds of any seeds, or roots or rhizomes or spores, to the property of other persons.
- b) Control dandelions and noxious weeds on property they own or occupy.

7. ENFORCEMENT

- 7.1 Every Enforcement Officer is hereby authorized to, enter at any reasonable hour, upon any lands within the Municipal District of Opportunity No. 17 for the inspection of conditions that may contravene, or fail to comply with the provision of this Bylaw.
- 7.2 When in the opinion of this Officer set forth in Section 7(1) of this Bylaw, a condition exists which contravenes any of the provisions of this Bylaw, the Enforcement Officer or Inspector may:

- a) Issue a written warning notice to the owner, agent, lessee and/or occupier of the land or premises in question advising them of the condition, and directing that the condition be rectified within a specific length of time. Except in extraordinary situations the maximum time allowed to rectify a condition will be 14 days.
- b) Each notice issued pursuant to this section shall specify when and by what method the grass, weed or weed seeds named are to be controlled or destroyed and such method may include such definite systems of spraying, mowing, cutting, tillage, cropping and management as in the enforcement officer's judgement constitute good agricultural practice for the land and district concerned.
- c) An Inspector who finds noxious weeds or weed seeds on land that is unoccupied or on land the occupant of which is not readily determinable and after inquiry determines that it is not practicable to serve a notice of 5 days may cause the noxious weeds or weed seeds to be destroyed immediately by any means consistent with good agricultural practice.
- d) Immediately upon undertaking action under subsection (1), the inspector shall notify the owner of the land of action taken by:
 - i) mail addressed to his/her address as shown on the tax roll of the municipality within which the land is situated.

7.3 A notice issued pursuant to Subsection (2) shall be served on the owner or occupant:

- a) personally, or
- b) by mail sent to the person's last known address shown on the tax roll or in the record of the appropriate Land Titles Office, or
- c) by publication in one issue of a newspaper published or circulating in the Municipality.

7.4 Any person, who enters property to remedy a condition as directed by the Bylaw Enforcement Officer, shall be deemed to have the authorization of Council and shall not incur any liability therefor.

8. FEES

8.1 The Municipality, through its appointed officials may enter the said land and cause the removal of noxious weeds and the cost thereof shall be charged to the owner to be recovered as a debt owing to the Municipality and collected in the same manner as real property taxes as per section 10. Those costs may include any or all of the following:

- a) An administration fee as designated in attached Schedule "B".
- b) Labor equipment rental fees and contract fees as designated in attached Schedule "B".
- c) Large areas of land may be tendered for clean up or maintenance and cost recovery shall include administration fees.

9. PENALTY

9.1 Any owner, agent, lessee, or occupier of any lot development of yard within the Municipality who contravenes any provisions of this Bylaw or fails to comply with any notice issued under this Act is guilty of an offense pursuant to "Schedule B". Specified fees in "Schedule B" may be amended from time to time by resolution by the Council of the Municipal District of Opportunity No. 17.

9.2 Any person who willfully obstructs or delays the work of an Enforcement Officer is guilty of a fine of not less than \$50.00 and not more than \$500.00.

9.3 Monies paid for fines shall belong to the general revenue of the Municipal District of Opportunity No. 17.

10. RECOVERY OF EXPENSES

- a) In the event a person fails, neglects or refuses to remedy the condition as directed by the Enforcement Officer, Chief Administrative Officer, designate, or Council, the Municipal District of Opportunity No. 17 may: a) cause the work to be performed to remedy the condition, and b) charge the costs of such work done to the owner, or occupant, and in default of payment:
 - i) recover the cost as debt due the Municipality by service of a statement of expense and demand of payment for work carried out on land specified in the notice to the owner of the land.
 - ii)
 - a) if the owner of the property fails to pay the amount of the statement, or
 - b) has not filed written appeal with the municipal secretary regarding the work carried out

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.
- c) Any person authorized in writing by the Municipality to carry on any work under this Bylaw shall have the right to enter any property, other than a dwelling house, to carry on such work.

10.1 All money accruing from fines or penalties under this Bylaw shall form part of the general revenue of the Municipality.

11. APPEAL PROCEDURE

- 11.1 A person who receives a written order under this Bylaw may request council to review the order by written notice within 14 days of the date the order is received, or such longer period as a bylaw specifies.
- 11.2 After reviewing the order, the council may confirm, vary, substitute or cancel the order.
- 11.3 Appeal of Council decision:

A person affected by the decision of a council under section 11 may appeal to the Court of Queen's Bench within 30 days of the date the decision is served on the person if

 - a) the procedure required to be followed by this Act is not followed, or
 - b) the decision is patently unreasonable.
- 11.4 The application for the appeal must state the reasons for the appeal.
- 11.5 The Court may
 - a) confirm the decision, or
 - b) declare the decision invalid and send the matter back to the council with directions.

12. EFFECTIVE DATES

- 12.1 This Bylaw shall come into effect on the date of final reading thereof.

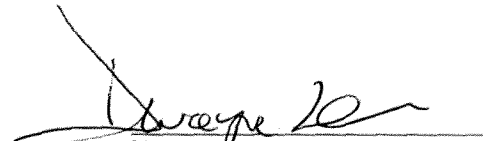
Read the First time in Council this 8 day of September, 1999.

Read the Second time in Council this 22 day of September, 1999.

WITH UNANIMOUS CONSENT,

READ the Third time in Council, and finally passed, this 22 day of
September, 1999.


Reeve


Manager

SCHEDULE "A"
Bylaw 99 - 13 Weed Control Bylaw

THE WEED CONTROL ACT
Weed Designation Regulation (138/80)

1. The following plants are designated as restricted weed:
 - a) Red Bartsia - *Odontites serotina* L.
 - b) Diffuse Knapweed - *Centaurea diffusa* L.
 - c) Spotted Knapweed - *Centaurea maculosa* L.
 - d) Nodding Thistle - *Carduus nutans* L.
 - e) Eurasian Water Milfoil - *Myriophyllum spicatum* L.
 - f) Dodder - *Cuscuta* spp.
 - g) Yellow Star Thistle - *Centaurea solstitialis* L.
2. The following plants are designated as noxious weeds:
 - a) Toadflax - *Linaria Vulgaris*
 - b) Scentless Chamomile - *Matricaria maritima* L.
 - c) Common Tansy - *Tanacetum vulgare* L.
 - d) Blueweed - *Echium vulgare* L.
 - e) Spreading dogbane - *Apocynum androsaemifolium* L.
 - f) Field scabious - *Knautia arvensis* (L.) Duby
 - g) Hound's tongue - *Kynoglossum afficinale* L.
 - h) Oxeye daisy - *Chrysanthemum leucanthemum* L.
 - i) Tall buttercup - *Ranunculus acres* L.
3. The following plants are designated as nuisance weeds:
 - a) Dalmation toadflax - *Linaria dalmatica* L.
 - a1) Wild radish - *Raphanus raphanistrum* L.
 - b) Creeping bellflower - *Campanula rapunculoides* L.
 - b1) Hedges bindweed - *Convolvulus sepium* L.
 - c) Blueweed - *Lappula echinata*
 - c1) Downy brome - *Bromus tectorum*
 - d) Tartary buckwheat - *Fagopyrum tataricum*
 - d1) Wild buckwheat - *Polygonum convolvulus*
 - e) Biennial campion - *Silene scerai*
 - e1) Night-flowering catchfly - *Silene noctiflora* L.
 - f) Common chickweed - *Stellaria media* L.
 - f1) Field chickweed - *Cerastium arvense* L.
 - g) Mouse-eared chickweed - *Cerastium vulgatum* L.
 - g1) Rough cinquefoil - *Potentilla norvegica* L.
 - h) Cow cockle - *Saponaria vaccaria* L.
 - h1) Flixweed - *Doszestovia sophia* L.
 - i) Green foxtail - *Setaria viridis* L.
 - i1) Quack grass - *Agropyron repens* L.
 - j) Narrow-leaved hawk's beard - *Crepis tectorum* L.
 - j1) Hemp nettle - *Galeopsis tetrahit* L.
 - k) Henbit - *Lamium amplexicaule* L.
 - l) Lady's thumb - *Polygonum persicaria* L.
 - m) Round-leaved mallow - *Malva rotundifolia* L.
 - n) Ball mustard - *Neslin paniculata*
 - o) Dog mustard - *Brucastrium gallicum*
 - p) Green tansy mustard - *Erysimum chieranthoides*
 - q) Wild mustard - *Brassica kaber*
 - r) Wormseed mustard - *Erysimum chieranthoides*
 - s) Wild oats - *Avena fatua* L.
 - t) Redroot pigweed - *Amaranthus retroflexus* L.
 - u) Shepherd's purse - *Capsella bursa-pastoris* L.
 - v) Annual sow thistle - *Bonchus oleraccus* L.
 - w) Corn spurry - *Spergula arvensis* L.
 - x) Stinkweed - *Thlaspi arvense* L.
 - y) Russian thistle - *Salsola kali*
 - z) Dandelion - *Taraxacum officinale*

SCHEDULE "B"
Bylaw 99 - 13 Weed Control Bylaw

<u>Section No.</u>	<u>Amount</u>
FEES:	
B.1 (a) Administration fee for every lot or group of lots requiring Enforcement of Bylaw No. 99 - 13.	\$30.00
(b) i) labor/contract fee (minimum 50' - maximum 65')	\$40.00 per lot
ii) rental fees for equipment shall be charged at cost	At Cost
(c) large areas of land shall be charged at: or tendered:	\$100.00/acre At Cost