

WEED CONTROL ACT

CHAPTER 432

Interpretation

1. In this Act

“council” means the council of a municipality, and includes the board of a regional district;

“inspector” means a person appointed by the minister under section 3, and includes a weed control officer appointed by a council under section 10;

“minister” includes any person designated in writing by the minister;

“municipality” includes a village municipality and a regional district;

“notice” means a notice issued by an inspector under section 4;

“noxious weed” means any weed designated by regulation to be a noxious weed, and includes the seeds of the noxious weed;

“occupier” means a person who

(a) is in physical possession of land, premises or property; or

(b) is responsible for, and has control over, the condition of, the activities conducted on and the persons allowed to enter or use, land, premises or property,

and, for the purposes of this definition and this Act,

(c) there may be more than one occupier of land, premises or property;

(d) a municipality may be an occupier of land, premises or property; and

(e) the government of the Province may be an occupier of land, premises or property.

1973-162-1; 1975-2-7.

Duty to control noxious weeds

2. Every occupier shall control, in accordance with the regulations, noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by him.

1973-162-2.

Inspectors

3. (1) The minister may appoint pursuant to the *Public Service Act* inspectors he considers necessary for the purpose of enforcing this Act and the regulations.

(2) An inspector may, at any time during daylight hours, enter any land, premises, except a residence, and property for any purpose relating to the administration or enforcement of this Act or the regulations, and may inspect and examine the land, premises and property.

(3) Where an inspector enters land, premises or property under subsection (2), he may require any occupier of the land, premises or property to give him all reasonable assistance in connection with his entry, inspection and examination, and to answer all proper questions relating to his inspection and examination and, for those purposes, require any occupier of the land, premises or property to attend at the land, premises or property with him.

1973-162-3; 1975-2-7.

Notice to control noxious weeds

4. (1) An inspector may issue and serve under this Act a notice directing an occupier to control, in accordance with the notice, noxious weeds growing or located on land, premises or property occupied by him.

(2) Where a notice is served on an occupier under subsection (1), he shall promptly bring the notice to the attention of the owner of the land, premises or property that is the subject matter of the notice.

1973-162-4.

Noxious weed control regulations

5. The Lieutenant Governor in Council may, where he is of the opinion that any land, premises, property or process, or any class of land, premises, property or process, is particularly susceptible to noxious weeds or to the injurious distribution or effect of noxious weeds, make regulations he considers necessary or appropriate to control noxious weeds on the land, premises or property, or respecting that process.

1973-162-5.

Notices

6. (1) A notice issued under this Act shall be in the form prescribed by, and shall contain the information that may be authorized by, the regulations.

(2) A notice issued under this Act

- (a) may be served personally on the occupier to whom it is directed;
- (b) may be sent by double registered mail addressed to the occupier to whom it is directed; or
- (c) may be left with any person who is, in the opinion of the inspector leaving the notice,
 - (i) over the age of 16 years; and
 - (ii) occupying residential or business premises on the land that is the subject of the notice,

and the notice shall then be deemed to be validly and effectively served for the purposes of this Act.

(3) Where an inspector

- (a) is unable to serve a notice under subsection (2) because the occupier to whom the notice is directed is, in the opinion of the inspector, evading service;
- (b) is unable to ascertain any occupier of the land, premises or property that is the subject of the notice; or
- (c) is of the opinion that it is unreasonable or impractical to serve under subsection (2) the occupier to whom the notice is directed,

the inspector may serve the notice by posting it in a conspicuous place on the land, premises or property that is the subject of the notice, and the notice shall then be deemed to be validly and effectively served for the purposes of this Act at the expiration of 3 days immediately following the date that the notice was so posted.

1973-162-6.

Control of noxious weeds by inspector

7. (1) Where

- (a) a notice is served under section 6 and, in the opinion of an inspector, noxious weeds are not controlled

- (i) within the time, which shall not be less than 5 days, specified in the notice; or
- (ii) in the manner specified in the notice; or
- (b) an inspector is of the opinion that, in order to prevent the injurious distribution and effect of noxious weeds, it is necessary to immediately control the noxious weeds,

an inspector may, without notice, but subject to subsection (2), take the action he considers necessary to enter on any land, premises or property and control noxious weeds in the manner he considers necessary and appropriate.

(2) No inspector shall enter land, premises or property and control noxious weeds under subsection (1) unless,

- (a) where the land, premises or property is situated within the boundaries of a municipality, other than a regional district, he first obtains the consent of the council of that municipality; and
- (b) where the land, premises or property is not situated within the boundaries of a municipality, other than a regional district, he first obtains the consent of the minister or the board of the regional district in which the land, premises or property is situated.

(3) Where an inspector controls noxious weeds under subsection (1), he shall prepare a statement of the costs of the control, and shall send the statement, verified by affidavit,

- (a) where the noxious weeds were controlled on land, premises or property situated within the boundaries of a municipality, other than a regional district, to the clerk of the council of that municipality; and
- (b) where the noxious weeds were controlled on land, premises or property not situated within the boundaries of a municipality, other than a regional district, to the minister.

(4) Where the minister or clerk to whom a statement is sent under subsection (3) issues a certificate in respect of the amount of the statement, every occupier of the land, premises or property on which or in which the noxious weeds were controlled is jointly and severally liable to pay to the municipality or the minister the amount specified in the certificate.

1973-162-7.

Recovery of costs

8. (1) Where the amount specified in a certificate issued under section 7 is not paid, the minister or clerk who issued the certificate may,

- (a) where the noxious weeds were controlled on land or an improvement situated within the boundaries of a municipality, other than a regional district, send a certificate signed by him containing
 - (i) a legal description of the land;
 - (ii) a description of the improvement and legal description of the land on which it is located;
 - (iii) the name of the owner of the land or improvement; and
 - (iv) the total amount of the money owing,to the duly appointed collector of taxes for that municipality; or
- (b) where the noxious weeds were controlled on land or an improvement, as defined in the *Taxation (Rural Area) Act*, which are not located in a

municipality, other than a regional district, send the certificate referred to in paragraph (a) to the Surveyor of Taxes appointed under the *Taxation (Rural Area) Act*.

(2) The municipal collector or the Surveyor of Taxes as the case may be, on receipt of a certificate referred to in subsection (1), shall enter in the tax roll the amount set out in the certificate in respect of the land or improvement referred to in it and the amount shall then be deemed for all purposes to be taxes in arrear of the municipality under the *Municipal Act*, or delinquent taxes under the *Taxation (Rural Area) Act*, as the case may be, and the provisions for collection and recovery of taxes contained in those Acts apply, respectively, to those amounts.

1973-162-8; 1979-22-57.

Weed control committees

9. (1) The council of any municipality may establish one or more weed control committees, each consisting of

- (a) one member of the council to be appointed by the council;
- (b) one resident in the municipality to be appointed by the council;
- (c) one member of the Provincial Ministry of Agriculture to be appointed by the minister;
- (d) one member in good standing, to be appointed by the council, of a society that is incorporated under the *Society Act* and that has as a primary purpose the protection of the environment or the encouragement of anti-pollution measures; and

(e) one member to be appointed by the Minister of Health, each of whom shall hold office for a period of one year, and may be reappointed for further terms of one year each.

(2) Where a council establishes a weed control committee under subsection (1), that council

- (a) shall notify the minister in writing of the names of its appointees;
- (b) shall provide secretarial or clerical assistance for the weed control committee;
- (c) shall designate the member of the weed control committee who is an appointee of council to be chairman; and
- (d) may provide for the payment of expenses to weed control committee members.

(3) Every weed control committee shall, with respect to its municipality,

- (a) advise the minister and the council on all matters relating to noxious weeds and noxious weed control;
- (b) compile a list of weeds that it considers to be noxious and to require control, and submit the list to the minister and the council;
- (c) advise the council on the appointment of weed control officers, and supervise weed control officers;
- (d) assist in the organization and administration of weed control programs;
- (e) submit, not later than October 1 in each year, to the minister and the council an annual report, and estimates for the next year, respecting weed control matters; and
- (f) perform other duties the Lieutenant Governor in Council may, by regulation, prescribe.

1973-162-9; 1977-75-1.

Weed control officers

10. (1) Every council may appoint one or more inspectors and weed control officers to enforce and administer this Act within the boundaries of the municipality.

(2) Where an inspector is appointed by a council, it shall notify the minister in writing of the name of the inspector.

(3) Where the minister is of the opinion that additional inspectors or weed control officers are required in a municipality for the purpose of effectively enforcing and administering this Act and the regulations within the boundaries of that municipality, he may appoint one or more inspectors to enforce and administer this Act and the regulations within all or part of that municipality.

1973-162-10

Weed control agreements

11. (1) The councils of 2 or more municipalities may enter into an agreement respecting noxious weed control and an agreement respecting the costs of noxious weed control within all or part of those municipalities.

(2) The minister may, on behalf of the government of the Province, enter into an agreement with the council of any municipality respecting noxious weed control and the costs of noxious weed control within all or part of

(a) that municipality; or

(b) land, premises and property that are not situated within, but adjoins, the boundaries of that municipality.

1973-162-11

Highways

12. (1) In this section “highway” means a highway as defined in the *Highway Act*.

(2) Where a highway is owned by Her Majesty in right of the Province, but is in the possession of a municipality, other than a regional district, that municipality is, subject to subsection (4), the occupier of that highway.

(3) Where a highway is owned by Her Majesty in right of the Province and is not in possession of a municipality, the occupier of that highway is the Minister of Transportation and Highways on behalf of the Province.

(4) Where a new highway is constructed, or an existing highway is rerouted, within the boundaries of a municipality, other than a regional district, by or under the direction of the Crown in right of the Province, the Minister of Transportation and Highways, on behalf of the Province, shall be deemed to be the occupier of that highway while it is being constructed or rerouted.

1973-162-12, 1977-75-6, B C Reg 91/79, B C Reg 537/79

Crown land

13. Where unoccupied land is owned by Her Majesty in right of the Province, the occupier of that Crown land is that member of the Executive Council designated by the minister to be the occupier on behalf of the Province.

1973-162-13

Exemptions

14. (1) Where any area of the Province not situated within the boundaries of a municipality, other than a regional district, is, in the opinion of the Lieutenant

Governor in Council, waste land or sparsely populated land, the Lieutenant Governor in Council may exempt that area from this Act.

(2) Where any area of the Province situated within the boundaries of a municipality, other than a regional district, is, in the opinion of the council of that municipality, waste land or sparsely populated land, the council of that municipality may, by bylaw and with the consent of the minister, exempt that area from this Act.

1973-162-14.

Offence

15. Every person commits an offence who knowingly

- (a) contravenes any provision of this Act;
- (b) contravenes any regulation made under section 5;
- (c) obstructs an inspector in the lawful exercise of his duties under this Act;
- or
- (d) refuses or neglects to comply with a notice served upon him pursuant to section 4.

1973-162-15.

Regulations

16. (1) The Lieutenant Governor in Council may make regulations.

(2) No regulations in respect of methods used to control noxious weeds shall be made under subsection (1) unless the Environment and Land Use Committee established under the *Environment and Land Use Act* approves the methods.

1973-162-16.

Ministerial orders

17. The minister may, by order, prescribe, designate or approve anything that is authorized to be ordered, prescribed, designated or approved by him under this Act.

1973-162-17.