



Policy 812 WEED CONTROL

THORHILD COUNTY

REFERENCE

Adopted by Council: Resolution 057-2016 (January 26, 2016)

Supersedes: Resolution 427-2013 (October 8, 2013)

POLICY STATEMENT

PURPOSE AND INTENT:

To control noxious and prohibited noxious weeds in Thorhild County.

POLICY STATEMENT:

Thorhild County will implement a comprehensive Weed Control Program to prevent the spread of noxious and prohibited noxious weeds as defined by the Weed Control Act and Regulations there to, and as may be defined by Municipal By-Laws from time to time, on municipal road right of ways, municipally owned lands and owned/occupied lands, as required. A three (3) year No Spray Agreement will form part of the comprehensive Weed Control Program.

A handwritten signature in blue ink, appearing to read "Pat Vincent", is written over a horizontal line.

Pat Vincent - Acting Chief Administrative Officer

A handwritten date in blue ink, "February 24, 2016", is written above a horizontal line.

Date

THORHILD COUNTY

REFERENCE

Approved by: Pat Vincent , Chief Administrative Officer (February 25, 2016)

PROCEDURE

PROCEDURE:

Thorhild County will implement a comprehensive Weed Control Program to prevent the spread of noxious and prohibited noxious weeds as defined by the Weed Control Act and Regulations there to, and as may be defined by Municipal Bylaws from time to time, on municipal road right of ways, municipally owned lands and owned/occupied lands, as required. A three (3) year No Spray Agreement (Schedule "A") will form part of the comprehensive Weed Control Program.

1. General Weed Control Programs

- 1.1 A continuing awareness campaign will be delivered through local meetings, tours and newspaper articles regarding good weed control practices within Thorhild County boundaries.
- 1.2 Technical assistance and/or referrals to alternate information sources will be provided to the landowner/occupant of lands.

2. Municipal Road Right of Ways and Municipal Owned Roads

- 2.1 The County, within its operational and fiscal capacity, will implement a comprehensive program to control brush re-growth and weed infestations using hand, mechanical and chemical applications.
- 2.2 Records of annual programs will be retained at the County office.
- 2.3 Chemical application will not occur:
 - i. within 30 metres of a residential dwelling or a body of water,
 - ii. within 1metre of a crop that is sensitive to the chemical being used;
 - iii. adjacent to gardens, nurseries and shelterbelts.

3. No Spray Program

- 3.1 No spraying will be conducted on lands subject to persons entering into a No Spray Agreement and posting appropriate signage as stated on the No Spray Agreement. The No Spray Agreement (Schedule "A") forms part of this procedure.
- 3.2 The No Spray Agreement (Schedule "A") must be signed by the landowner prior to the commencement of the Weed Control Program.
- 3.3 Landowners who enter into a No Spray Agreement (Schedule "A") will be responsible for the maintenance and control of brush and weeds on the municipal property adjacent to their property by June 30th
- 3.4 In the event that a landowner/occupant does not comply with the conditions of the No Spray Agreement (Schedule "A"), control of weeds and brush will be performed as deemed necessary by the Agricultural Fieldman, in his/her sole discretion, by any method deemed by him/her to be advisable, including the use of herbicides, and the landowner will be invoiced for the related costs.
- 3.5 A news article will be placed annually in May, prior to herbicides being applied, reminding landowners/occupants of their responsibility to No Spray Agreements (Schedule "A"). The County website will also have an announcement reminding landowners/occupants of their responsibility to No Spray Agreements.

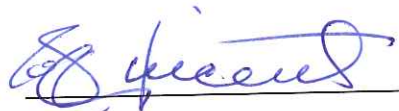
4. Inspection of Owned/Occupied Lands

- 4.1 The County, within its operational and fiscal capacity, shall conduct inspections of private and public properties as may be necessary to determine the presence of noxious or prohibited noxious weeds.

5. Enforcement

- 5.1 Enforcement shall be at the sole discretion of the Agricultural Fieldman and in accordance with the "Weed Control Act" and "Weed Regulation", attached as Schedule "B"

Pat Vincent, Acting Chief Administrative Officer



Date

February 24, 2016



NO SPRAY AGREEMENT

THIS AGREEMENT IS SIGNED AND DATED _____, 20 ____.

BETWEEN

Thorhild County

Box 10

Thorhild, Alberta

T0A 3J0

(Hereinafter referred to as "County")

AND:

(hereinafter referred to as the "Landowner/Occupant")

Thorhild County is the occupant of all road right-of-ways under the Municipal Government Act and is responsible for all weed control under the Weed Control Act of Alberta, RSA 2008.

Thorhild County uses various herbicides as weed and brush control measures on County road right-of ways.

The parties to the Agreement, in consideration of the mutual promises, terms, covenants, and conditions contained in this Agreement, agree as follows:

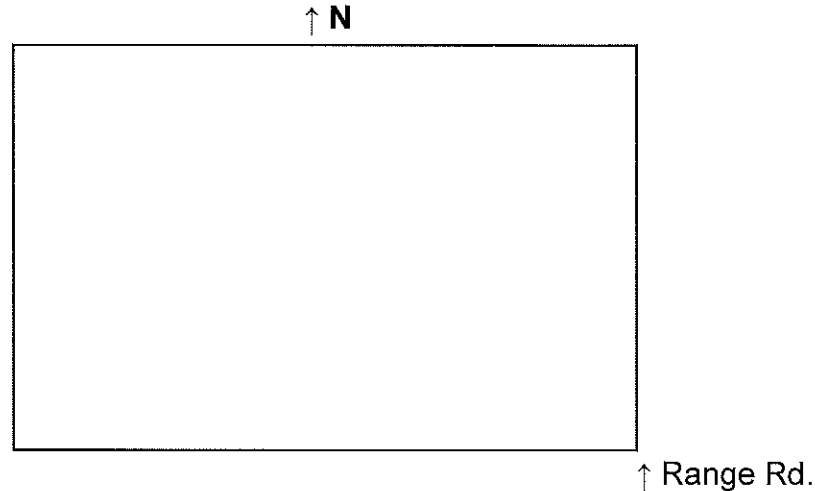
1. Thorhild County agrees to grant permission to the Landowner/Occupants whose lands abuts County road right-of-ways and who agree to provide vegetation management on those lands.
2. The Landowner/Occupant agrees to undertake and be responsible for vegetation control on that portion of the municipal roadway between the centre line of the roadway and the boundary line of the property, legally and graphically described as:

Legal Land Description and/or GPS Coordinates

(Hereinafter the Control Area)

NOTE: the diagram below must stipulate whether the NO SPRAY agreement is for the entire property or just at a specific location (i.e. garden area). Indicate your house or significant landmark so that Agricultural staff can ensure there are no misapplications.

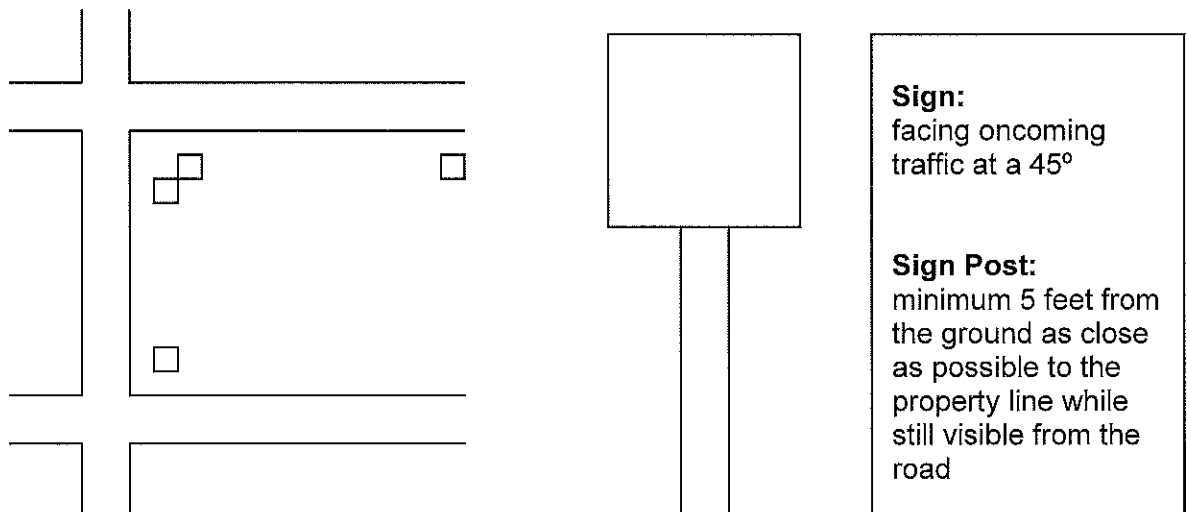
NO SPRAY AREA



3. The Landowner/Occupant has stated the reason/s for the No Spray Agreement as being _____ (e.g. medical sensitivity, sensitive vegetation, exposed groundwater).
4. The Landowner/Occupant agrees to undertake vegetation control measures in the Control Area according to the following standards:
 - (a) Brush re-growth will not exceed two feet in height.
 - (b) All Prohibited Noxious Weeds completely destroyed (all parts of the plant) as per the definition of a "Prohibited Noxious Weed" in the regulations of the Weed Control Act of Alberta, RSA 2008.
 - (c) Control the spread of all Noxious Weeds for the full season as per the definition of a "Noxious Weed" in the regulations of the Weed Control Act or Alberta, RSA 2008.
5. The Landowner/Occupant has until **June 30th** of each year to carry out their terms and conditions of the No Spray Agreement. If the Agricultural Fieldman or designate feels that the landowner has not undertaken adequate vegetation control measures, the County will control weeds and brush as deemed necessary, by any method deemed to be advisable, including the use of herbicides.

- (a) A news article will be placed annually in May, prior to herbicides being applied reminding landowners/occupants of their responsibility to No Spray Agreements.
 - (b) The County website will also remind Landowners/Occupants of their responsibility to No Spray Agreements
6. Thorhild County shall supply the Landowner/Occupant with signage marked "No Spray Area" for use by the Landowner/Occupant to identify the Control Area.
 7. The Landowner/Occupant is responsible to install the signage in the location prescribed by Thorhild County so as to be readily visible from the traveled portion of the roadway during the months of June, July, August, September and October.

See below diagram for proper installation.



8. The Landowner/Occupant agrees that Thorhild County right-of-ways shall not be used as buffer zones for sensitive area(s) or vegetation. For organic farming purposes, any required buffers will **NOT** include County owned property. The Landowner/Resident agrees that Thorhild County right-of-ways shall not be used as buffer zones for sensitive area(s) or vegetation.
9. The Landowner/Occupant agrees to indemnify and keep indemnified Thorhild County from any and all liability, claims, damages and actions whatsoever arising out of any breach of any representation, warranty, undertaking or obligation on the part of the Thorhild County contained in this Agreement.
10. This Agreement constitutes the entire agreement between the parties and no other warranties are given or implied.
11. The term of this agreement will be three (3) years

from April 1, _____ to April 1, _____.

The original agreement can be delivered in person, by mail. Only those agreements that are signed and dated will be accepted. In the event the landowner/occupant changes in the agreed term as above, it is the responsibility of the landowner/occupant to notify Agricultural Services staff. At such time the new landowner/occupant may sign into their own agreement or decide to opt out of the No Spray program.

LANDOWNER/OCCUPANT:

Signature of Landowner/Occupant

Witness to Landowner/Occupant Signature

Date

THORHILD COUNTY:

Signature of Authorized Representative

Title of Person

Date

SCHEDULE "8"



Province of Alberta

WEED CONTROL ACT

Statutes of Alberta, 2008
Chapter W-5.1

Current as of October 1, 2011

Office Consolidation

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Note

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Regulations

The following is a list of the regulations made under the *Weed Control Act* that are filed as Alberta Regulations under the Regulations Act.

Alta. Reg.	<i>Amendments</i>
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Weed Control Act

Weed Control	19/2010
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WEED CONTROL ACT

Chapter W-5.1

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) "bylaw" includes, in respect of an improvement district or special area, an order made by the local authority;
- (b) "chief administrative officer" means
 - (i) the chief administrative officer of a local authority appointed under the *Municipal Government Act*, or

- (ii) if subclause (i) does not apply, an officer of a local authority designated by the local authority;
- (c) "control" means
 - (i) to inhibit the growth or spread, or
 - (ii) to destroy;
- (d) "destroy" means
 - (i) to kill all growing parts, or
 - (ii) to render reproductive mechanisms non-viable;
- (e) "inspector" means a person appointed as an inspector pursuant to Part 2;
- (f) "land" includes
 - (i) fixtures on the land, and
 - (ii) the land down to the low water mark of a stream, lake or other body of water that borders or is located on land;
- (g) "local authority" means
 - (i) in respect of an improvement district or a special area, the Minister responsible for the *Municipal Government Act*, or
 - (ii) in respect of all other municipalities, the council of the municipality;
- (h) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) "municipality" means
 - (i) a municipality or improvement district formed under the *Municipal Government Act*,
 - (ii) a municipality formed under a special Act, or
 - (iii) a special area constituted under the *Special Areas Act*;

- (j) “noxious weed” means a plant designated in accordance with the regulations as a noxious weed and includes the plant’s seeds;
- (k) “occupant” means, subject to section 26, a person who occupies, exercises control over or has the right to occupy or exercise control over land;
- (l) “owner” means
 - (i) in respect of land, subject to section 26, the person who is registered as an owner of the land under the *Land Titles Act*, or
 - (ii) in respect of personal property, the person who
 - (A) is the legal owner of it,
 - (B) has lawful possession of it, or
 - (C) has the right to exercise control over it;
- (m) “prohibited noxious weed” means a plant designated in accordance with the regulations as a prohibited noxious weed and includes the plant’s seeds;
- (n) “seed-cleaning facility” means a building, structure or vehicle that is designed, intended or used to clean, grade or size seed.

Part 1 Weed Control

Noxious weeds — control

2 A person shall control a noxious weed that is on land the person owns or occupies.

Prohibited noxious weeds — destroy

3 A person shall destroy a prohibited noxious weed that is on land the person owns or occupies.

Spread of weeds prohibited

4(1) Subject to the regulations, a person shall not use or move any thing that, if used or moved, might spread a noxious weed or prohibited noxious weed.

(2) Subsection (1) does not apply if the thing is used or moved in a manner directed by an inspector under section 13.

Disposal and storage of weed seeds

5(1) A person shall not deposit or permit to be deposited noxious weed seeds or prohibited noxious weed seeds where they might spread.

(2) A person shall store refuse that may contain noxious weed seeds or prohibited noxious weed seeds, including screenings from cleaning, sizing or grading seed, in a container that will prevent the scattering of the seeds.

(3) Subsection (2) does not apply if the refuse is disposed of in a manner directed by an inspector under section 13.

Seed-cleaning facility

6(1) A person shall not operate a seed-cleaning facility or provide a seed-cleaning facility for rent or lease

- (a) unless the person is licensed under the regulations, and
- (b) except in accordance with the terms of the licence.

(2) Despite subsection (1), a farmer may operate a seed-cleaning facility the farmer owns to process seed for the farmer's personal use.

Part 2 Inspectors

Municipal inspectors

7(1) A local authority shall appoint inspectors to enforce and monitor compliance with this Act within the municipality.

(2) If the Minister directs an inspector appointed under section 8 to enforce and monitor compliance with this Act within a municipality on the municipality's behalf,

- (a) an appointment of an inspector previously made by the local authority is void, and
- (b) the local authority shall not make any further appointments until the Minister revokes the direction.

Provincial inspectors

8(1) The Minister may appoint inspectors to enforce and monitor compliance with this Act within Alberta.

(2) The Minister may direct an inspector appointed under subsection (1) to enforce and monitor compliance with this Act on behalf of a municipality if

- (a) the Minister gives advance written notice to the municipality, and
- (b) in the opinion of the Minister,
 - (i) the local authority failed to appoint sufficient inspectors to enforce and monitor compliance with this Act, or
 - (ii) the inspectors appointed by the local authority are not properly enforcing and monitoring compliance with this Act.

Municipal inspectors — joint authority

9 An inspector appointed by a municipality may, with the consent of the local authority of another municipality, enforce and monitor compliance with this Act within the other municipality.

Inspector's identification

10(1) A person who appoints an inspector shall provide the inspector with identification in the form required by the Minister.

(2) An inspector shall, on request, produce the inspector's identification while acting under the authority of this Act

- (a) in respect of land, to the occupant or owner of the land, and
- (b) in respect of personal property, to the owner of the personal property.

Part 3

Inspector's Powers and Notices

Obstruction of inspector

11 A person shall not wilfully obstruct or delay an inspector in the exercise of the inspector's duties or powers to enforce and monitor compliance with this Act.

Entry and inspection power

12(1) An inspector may enter land or inspect land or personal property at a reasonable time

- (a) to monitor compliance with this Act, including making inquiries, taking samples or performing tests, or
- (b) to enforce an inspector's notice, local authority's notice or Minister's notice in accordance with section 18.

(2) An inspector shall not enter a building unless the owner or occupant of the land on which the building is situated

- (a) consents, or
- (b) has been given a written notice.

(3) Subsection (2) does not apply if the building is, or is part of, a seed-cleaning facility, grain-handling facility or auction market.

(4) An inspector shall not enter a private residence unless the occupant of the land consents.

(5) A written notice under subsection (2)(b) must

- (a) name a reasonable time of entry, and
- (b) be given at least 24 hours before the time of entry.

Inspector's notice

13(1) If an inspector finds non-compliance with this Act, an inspector may give an inspector's notice in writing requiring compliance

- (a) in respect of land, to the occupant of the land and to the owner of the land, and
- (b) in respect of personal property, to the owner of the personal property.

(2) If an inspector finds prohibited noxious weeds that have not been destroyed, the inspector shall give an inspector's notice requiring the prohibited noxious weeds to be destroyed.

Contents of inspector's notice

14(1) An inspector's notice must direct the method, subject to the regulations, and time for compliance with this Act.

(2) The notice may contain directions, including limiting the use of land, for the year in which it is given and the following year.

(3) The notice must not require the destruction of crops unless in the inspector's opinion the destruction of crops is necessary to control noxious weeds or destroy prohibited noxious weeds.

(4) The notice must not require the destruction of more than 20 acres of growing crops unless the local authority of the municipality in which the crops are growing has consented in writing.

(5) Subsection (4) does not apply if the growing crop

- (a) does not have a significant commercial value, or
- (b) is a crop of noxious weeds or prohibited noxious weeds.

Local authority's notice

15(1) A local authority may give a local authority's notice to control noxious weeds and to destroy prohibited noxious weeds to the owners and occupants of land in a subdivided area that does not exceed 20 acres.

- (2) The notice may direct the method, subject to the regulations, and the time for the destruction of the weeds.
- (3) The notice may contain directions for the year in which it is given.

Minister's notice

16(1) The Minister may, by order, give a Minister's notice requiring a person to cease an activity that, in the opinion of the Minister, is in contravention of this Act.

- (2) The notice may prohibit
 - (a) the activity that, in the opinion of the Minister, is in contravention of this Act,
 - (b) the use of any facility, and
 - (c) the use or movement of anything as specified in the order.
- (3) The notice must
 - (a) contain the reasons for the making of the notice, and
 - (b) be served on the person to whom it is directed.
- (4) The Minister may apply by way of originating notice to the Court of Queen's Bench to seek an order of the court directing the person to comply with the Minister's notice.

Compliance with notice

17(1) A person given a notice under this Part in accordance with section 24 shall, subject to the right to appeal an inspector's notice or a local authority's notice, comply with the notice.

- (2) If a notice of appeal is filed, a notice is stayed until
 - (a) the appeal is disposed of, and
 - (b) a review by the Minister under section 20 is completed or the time to apply for a review has expired.
- (3) If there is a conflict between notices given under this Act,

- (a) a Minister's notice prevails over a local authority's notice or an inspector's notice, and
- (b) an inspector's notice prevails over a local authority's notice.

Enforcement of notice

18 An inspector, or any person authorized by an inspector, may take any action that the inspector determines is necessary to fulfil a requirement of a notice given under this Part that has not been complied with when

- (a) in respect of an inspector's notice or a local authority's notice,
 - (i) the appeal period in the regulations has expired or the appeal has been determined, and
 - (ii) the request for review period in the regulations has expired or the request has been considered,
- or
- (b) in respect of a Minister's notice, a court order referred to in section 16 has been served on the person to whom the notice was directed.

Part 4

Appeal of Inspector's Notice or Local Authority's Notice

Appeals

19(1) A local authority shall establish, at least annually, an independent appeal panel to determine appeals of inspector's notices, local authority's notices and debt recovery notices.

(2) A person who is given an inspector's notice, local authority's notice or debt recovery notice may, in accordance with the regulations, appeal it to an appeal panel.

(3) The appeal panel may confirm, reverse or vary the inspector's notice, local authority's notice or debt recovery notice.

Review

- 20(1)** An appellant may, in accordance with the regulations, request a review by the Minister of a decision of an appeal panel.
- (2)** The Minister may confirm, reverse or vary the decision of the appeal panel and the decision of the Minister is final.

Part 5

Recovery of Inspector's Expenses

Inspector's notices and local authority's notices

- 21(1)** Expenses incurred by an inspector enforcing an inspector's notice or a local authority's notice are a debt due to the local authority by the person subject to that notice.
- (2)** The chief administrative officer shall give a debt recovery notice to the debtor
- (a)** demanding recovery of the debt due, including a statement of expenses, and
 - (b)** advising of the debtor's right to appeal the debt recovery notice.
- (3)** A local authority may recover the debt due in accordance with subsection (4) from any person who is given a debt recovery notice if
- (a)** the person has agreed in writing to repay the debt due,
 - (b)** the person's rights of appeal and review of the debt recovery notice under sections 19 and 20 have expired, or
 - (c)** the appeal and review of the debt recovery notice have been determined.
- (4)** A local authority may recover the debt due from any person who is given a debt recovery notice in either or both of the following manners:
- (a)** in the same manner as property taxes against land to which the inspector's notice or local authority's notice relates;
 - (b)** by filing a certificate with the clerk of the Court of Queen's Bench at any judicial centre certifying the amount owing.

(5) A certificate filed under subsection (4)(b) becomes an order of the Court of Queen's Bench and may be enforced as a judgment of that court.

(6) A certificate filed under subsection (4)(b) becomes an order of the Court of Queen's Bench and may be enforced as a judgment of that court.

2008 cW-5.1 s21;2011 c14 s29

Minister's notice

22(1) Expenses incurred by the Minister to enforce a Minister's notice are a debt due to the Minister by the person subject to the notice.

(2) The debt due may be recovered by an action in debt.

Appointment of municipal inspector

23(1) The salary and expenses incurred by the Minister with respect to an inspector directed by the Minister to enforce and monitor compliance with this Act on behalf of a municipality under section 8 are a debt due to the Minister by the municipality.

(2) The debt due may be recovered

- (a) by withholding it from a grant or other money payable to the municipality by the Crown, or
- (b) by bringing an action in debt.

Part 6 Miscellaneous Matters

Service of notices

24(1) A notice given under Part 3 or 5 must

- (a) be in the form required by the Minister, and
- (b) be served on a person in accordance with subsection (2) or (3).

(2) The notice, except for a local authority's notice, must be served on a person

- (a) by delivering it personally to the person,
- (b) by leaving it with a person who appears to be 18 years of age or older at the private residence or place of business of the person, or
- (c) if service under clause (a) or (b) is impractical,
 - (i) by posting the notice
 - (A) on the land or, if practicable, on the personal property to which the notice relates, or
 - (B) at the private residence of the person intended to be served,
 - and
 - (ii) by sending a copy of the notice by regular mail
 - (A) in respect of land, to the last address listed in the assessment roll of the municipality for the owner of the land, or
 - (B) in respect of personal property, to the last known address of the owner.

(3) A local authority's notice must be sent by regular mail to the last address listed in the assessment roll of the municipality for the owner of the land subject to the notice.

(4) For the purpose of this section, a notice sent by regular mail is deemed to have been received by the person 7 days from the date of mailing.

Subsequent owner or occupant subject to notice

25(1) A notice given under this Act is effective against a subsequent owner or occupant of the land or a subsequent owner of personal property from the time the notice was originally given.

(2) An owner of land or personal property shall provide a copy of the notice to a person before that person enters into an agreement to acquire the interest in the land or personal property.

(3) A chief administrative officer shall, on request, provide a mortgagee or purchaser of land a copy of all active notices given under this Act that relate to that land.

Highways — designated owner or occupant

26(1) If a highway is owned or occupied by a municipality, the local authority may

- (a) in respect of an improvement district or a special area, by order, or
- (b) in respect of all other municipalities, by bylaw,

provide that for the purposes of this Act a person is the owner or occupant of the highway to the highway's midpoint to the extent that the person is the owner or occupant of land that borders the highway.

(2) If a local authority makes an order or bylaw under subsection (1), the municipality is not an owner or occupant of the land for the purposes of this Act.

(3) A bylaw or order made under subsection (1) is not effective unless the Minister approves it.

(4) In this section, "highway" means a highway as defined in the *Traffic Safety Act* and includes the land on which it is situated.

Refusal, revocation or suspension of licence

27 The Minister may refuse, revoke or suspend a seed-cleaning facility licence if the applicant or holder has, in the Minister's opinion, contravened this Act.

Offence and penalty

28 A person who contravenes this Act is guilty of an offence and liable to a fine of not more than \$5000 or, in the case of failure to comply with a Minister's notice, a fine of not more than \$1000 for each day the offence continues.

Disposition of fines

29 A fine imposed for an offence under this Act committed within a municipality belongs to the municipality.

Regulations

30 The Minister may make regulations

- (a) respecting the designating of a plant as a noxious weed or prohibited noxious weed, generally or in respect of any part of Alberta;
- (b) respecting the directions that may be given in a notice under Part 3 of this Act;
- (c) respecting the sale, use, handling or movement of a thing that might contain or cause the growth or spread of noxious weeds or prohibited noxious weeds;
- (d) respecting appeals, appeal panels and reviews of appeals;
- (e) respecting the licensing of a person who operates a seed-cleaning facility or who provides a seed-cleaning facility for rent or lease;
- (f) respecting forms for the purposes of this Act.

Act binds Crown

31 The Crown is bound by this Act.

32 *(This section amends the Public Lands Act; the amendment has been incorporated into that Act.)*

Repeal

33 The *Weed Control Act*, RSA 2000 cW-5, is repealed.

Coming into force

34 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force June 17, 2010.)

SCHEDULE "A"



Province of Alberta

WEED CONTROL ACT

WEED CONTROL REGULATION

Alberta Regulation 19/2010

Extract

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(no amdt)

ALBERTA REGULATION 19/2010

Weed Control Act

WEED CONTROL REGULATION

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Schedule

Definitions**1** In this Regulation,

- (a) "Act" means the *Weed Control Act*;
- (b) "authorized person" means a person authorized by the Minister;
- (c) "licence" means a licence to operate a seed-cleaning facility or to provide a seed-cleaning facility for rent or lease.

Part 1
Seed-cleaning Facility Licences
and Notice to Move a Seed-cleaning
Facility

Application for licence

2(1) An applicant for a licence shall contact the chief administrative officer of the municipality in which the seed-cleaning facility is located.

(2) On receipt of the application, the chief administrative officer shall request an inspector to inspect the facility for the purposes of issuing the licence.

Licence issue

3(1) On completion of a satisfactory inspection, the inspector may issue or renew a licence to the applicant in the form required by the Minister.

(2) An inspection will be considered to be satisfactory if the inspector

- (a) completes the inspection in the form and manner required by the Minister, and
- (b) gives the applicant a rating of 80% or more.

Contraventions

- 4(1)** If an inspector considers that an applicant or licence holder has contravened a provision of the Act or this Regulation, the inspector may report that contravention to an authorized person.
- (2)** The inspector shall give written notice to the applicant or licence holder of having made the report.
- (3)** The notice must
- (a)** be given no later than 7 days after making the report, and
 - (b)** advise the applicant or licence holder of the right to make submissions to the authorized person within 14 days after having been given the notice.
- (4)** The notice may be delivered to the last known address for the applicant or licence holder as recorded in the licence or licence application records of the chief administrative officer of the municipality where the facility is located.
- (5)** Fifteen or more days after the applicant or licence holder receives the notice with respect to a contravention of the Act or this Regulation, an authorized person may suspend, cancel or refuse to issue or renew a licence.
- (6)** An applicant or licensee may appeal a decision of an authorized person under subsection (5) to the Minister.

Expiry

- 5** A licence expires one year after its date of issue.

Transfer of licence

- 6(1)** A licence is not transferrable.
- (2)** If a licence holder purports to transfer a licence, the licence is void.

Movement of seed-cleaning facility

- 7(1)** If a seed-cleaning facility is to be moved into a municipality, the owner or operator of the seed-cleaning facility shall notify an inspector in that municipality at least 24 hours before the seed-cleaning facility is moved into the municipality.
- (2)** An inspector may waive the 24-hour notice requirement.

Part 2 Designation of Weeds

Schedule of designations

8 Subject to section 9(6), the plants set out in the Schedule are designated as noxious weeds or prohibited noxious weeds in accordance with the Schedule.

Municipal designations

9(1) The local authority of a municipality may designate a plant as a noxious weed or a prohibited noxious weed within the municipality by bylaw.

(2) If the plant is designated as a noxious weed within a municipality by the Schedule, the local authority may designate it as a noxious weed or a prohibited noxious weed.

(3) If the plant is designated as a prohibited noxious weed within a municipality by the Schedule, the local authority may only designate it as a prohibited noxious weed.

(4) A designation under this section is not effective unless it is approved by the Minister.

(5) The plants set out in a bylaw of a municipality are designated as noxious weeds or prohibited noxious weeds within that municipality in accordance with the bylaw.

(6) A designation as a prohibited noxious weed under this section prevails over a designation as a noxious weed under section 8.

Part 3 Appeal of Inspector's Notice, Local Authority's Notice or Debt Recovery Notice

Application

10 This Part sets out the requirements that apply to an appeal of an inspector's notice, local authority's notice or debt recovery notice under section 19(2) of the Act.

Delivery of notice

11(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 10 days, whichever is less.

Notice requirements

12 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) a \$500 appeal fee.

Determination of appeal

13(1) The appeal panel shall hear and determine the appeal within 5 days of receipt of the notice of appeal by the chief administrative officer.

(2) The appeal panel may confirm, rescind or vary the notice.

(3) The chief administrative officer shall send a copy of the decision together with the written reasons, if any, to the appellant by certified or registered mail.

Appeal review request

14 A request to review a decision of the appeal panel under section 20 of the Act must be made to the Minister within 3 days of the appellant receiving the appeal decision.

Refund of fee

15(1) If the appellant is successful in an appeal or review, the \$500 appeal fee will be refunded to the appellant.

(2) If the appellant is partially successful in an appeal or review, the \$500 appeal fee may be refunded in whole or in part at the sole discretion of the appeal panel or the Minister, as the case may be.

Part 4 Other Matters

Transitional

16(1) A municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5, is continued under this Regulation.

(2) For a period of six months after the coming into force of this Regulation, a municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5,

- (a) is to be read as if a designation of a plant as a restricted weed is a designation as a prohibited noxious weed, and
- (b) despite section 9(4), may be amended without the approval of the Minister to the extent the amendment is
 - (i) amending a designation of a plant as a restricted weed to a designation as a prohibited noxious weed, or
 - (ii) repealing a designation of a plant as a nuisance weed.

(3) A licence under the *Seed Cleaning Plant Regulation* (AR 15/2003) is continued under this Regulation.

Repeals

17 The following regulations are repealed:

- (a) the *Weed Regulation* (AR 171/2001);
- (b) the *Seed Cleaning Plant Regulation* (AR 15/2003).

Expiry

18 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 1, 2016.

Coming into force

19 This Regulation comes into force on the coming into force of the *Weed Control Act*, SA 2008 cW-5.1

Schedule

1 The following plants are designated as prohibited noxious weeds in Alberta:

autumn olive — *Elaeagnus umbellata* Thunb.
 balsam, Himalayan — *Impatiens glandulifera* Royle
 barberry, common — *Berberis vulgaris* L.
 bartsia, red — *Odontites vernus* (Bellardi) Dumort
 buckthorn, common — *Rhamnus cathartica* L.
 cinquefoil, sulphur — *Potentilla recta* L.
 crupina, common — *Crupina vulgaris* Pers. ex Cass.
 dyer's woad — *Isatis tinctoria* L.
 Eurasian water milfoil — *Myriophyllum spicatum* L.
 flowering rush — *Butomus umbellatus* L.
 garlic mustard — *Alliaria petiolata* (M. Bieb.) Cavara & Grande
 goatgrass, jointed — *Aegilops cylindrica* Host
 hawkweed, meadow — *Hieracium caespitosum* Dumort.
 hawkweed, mouse-ear — *Hieracium pilosella* L.
 hawkweed, orange — *Hieracium aurantiacum* L.
 hoary alyssum — *Berteroa incana* (L.) DC.
 hogweed, giant — *Heracleum mantegazzianum* Sommier & Levier
 iris, pale yellow — *Iris pseudacorus* L.
 knapweed, bighead — *Centaurea macrocephala* Puschk. ex Willd.
 knapweed, black — *Centaurea nigra* L.
 knapweed, brown — *Centaurea jacea* L.
 knapweed, diffuse — *Centaurea diffusa* Lam.
 knapweed, hybrid — *Centaurea* × *psammogena* Gáyer
 knapweed, meadow — *Centaurea* × *moncktonii* C. E. Britton
 knapweed, Russian — *Rhaponticum repens* (L.) Hidalgo
 knapweed, spotted — *Centaurea stoebe* L. ssp. *micranthos*
 (Gugler) Hayek
 knapweed, squarrose — *Centaurea virgata* Lam. ssp. *squarrosa*
 (Willd.) Gugler
 knapweed, Tyrol — *Centaurea nigrescens* Willd.
 knotweed, giant — *Fallopia sachalinensis* (F. Schmidt Petrop.)
 Ronse Decr.
 knotweed, hybrid Japanese — *Fallopia* × *bohemica* (Chrték &
 Chrtkóvá) J. P. Bailey
 knotweed, Japanese — *Fallopia japonica* (Houtt.) Ronse Decr.
 loosestrife, purple — *Lythrum salicaria* L.
 medusahead — *Taeniatherum caput-medusae* (L.) Nevski
 nutsedge, yellow — *Cyperus esculentus* L.
 puncturevine — *Tribulus terrestris* L.
 ragwort, tansy — *Jacobaea vulgaris* Gaertn.
 rush skeletonweed — *Chondrilla juncea* L.
 saltcedar — *Tamarix ramosissima* Ledeb.
 saltflower — *Halogeton glomeratus* (M. Bieb.) C.A. Mey.
 St John's-wort, common — *Hypericum perforatum* L.
 starthistle, yellow — *Centaurea solstitialis* L.
 tamarisk, Chinese — *Tamarix chinensis* Lour.

tamarisk, smallflower — *Tamarix parviflora* DC.
thistle, marsh — *Cirsium palustre* (L.) Scop.
thistle, nodding — *Carduus nutans* L.
thistle, plumeless — *Carduus acanthoides* L.

2 The following plants are designated as noxious weeds in Alberta:

baby's-breath, common — *Gypsophila paniculata* L.
bellflower, creeping — *Campanula rapunculoides* L.
bindweed, field — *Convolvulus arvensis* L.
blueweed — *Echium vulgare* L.
brome, downy — *Bromus tectorum* L.
brome, Japanese — *Bromus japonicus* Thunb.
burdock, great — *Arctium lappa* L.
burdock, lesser — *Arctium minus* (Hill) Bernh.
burdock, woolly — *Arctium tomentosum* Mill.
buttercup, tall — *Ranunculus acris* L.
chamomile, scentless — *Tripleurospermum inodorum* (L.) Sch. Bip.
clematis, yellow — *Clematis tangutica* (Maxim.) Korsh.
cockle, white — *Silene latifolia* Poir. ssp. *alba* (Miller) Greuter & Burdet
daisy, oxeye — *Leucanthemum vulgare* Lam.
dame's rocket — *Hesperis matronalis* L.
henbane, black — *Hyoscyamus niger* L.
hoary cress, globe-podded — *Lepidium appelianum* Al-Shehbaz
hoary cress, heart-podded — *Lepidium draba* L.
hoary cress, lens-podded — *Lepidium chalepense* L.
hound's-tongue — *Cynoglossum officinale* L.
mullein, common — *Verbascum thapsus* L.
pepper-grass, broad-leaved — *Lepidium latifolium* L.
scabious, field — *Knautia arvensis* (L.) Coult.
sow thistle, perennial — *Sonchus arvensis* L.
spurge, leafy — *Euphorbia esula* L.
tansy, common — *Tanacetum vulgare* L.
thistle, Canada — *Cirsium arvense* (L.) Scop.
toadflax, Dalmatian — *Linaria dalmatica* (L.) Mill.
toadflax, yellow — *Linaria vulgaris* Mill.

