



Title: Weed Inspection and Weed Notice		Policy No.: 14-02
Section: 62	Code: P-I	Page No.: 1 of 8 E

Legislation Reference:	Alberta Provincial Statutes
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Purpose:	To enforce the Weed Control Act and therefore prevent and control the establishment and/or spread of noxious weeds.
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Policy Statement and Guidelines:

1. Objective

To prevent and control the establishment and/or spread of noxious weeds through responsible communication with landowners, occupants, industry stakeholders and members of the general public.

2. Procedures

- 2.1 The ASB shall, at its discretion, appoint a sufficient number of inspectors to enforce the Weed Control Act and supply each inspector with identification in the form prescribed by the Weed Control Regulations.
- 2.2 The Weed Inspection Program will be conducted during the months of May to September and will be carried out by the Agricultural Fieldman, Assistant Agricultural Fieldman, Agricultural Services Technologist or Weed Inspector (if hired).
- 2.3 The Agricultural Fieldman will be responsible for enforcement of the Weed Control Act.
- 2.4 When a weed problem is found every effort will be made to cooperate with the landowner to deal with the problem in an amicable manner. Only after verbal and written communication is made is a Weed Notice to be issued. Weed Notices are to be issued at the discretion of the Agricultural Fieldman; as per **Schedule "A" Notice to Remedy Weed Problem.**
- 2.5 Weed Notices and all actions carried out before, after and in accordance with the issuance thereof, must be in compliance with the current Weed Control Act or related statutes of the Province of Alberta.
- 2.6 If remedial measures of the Weed Notice have not been complied with, the work may be carried out by the municipality or a private contractor (as hired by the municipality) and all associated fees are to be applied to the landowner and/or occupant.
- 2.7 If the landowner and/or occupant fail to pay the amount owing, the charges will be applied to the tax roll against the land in question by motion of County Council.
- 2.8 Weed Notices shall have, attached, **Schedule "B": Appeal Notice**; a form allowing the recipient of the Weed Notice the opportunity to appeal the Weed Notice. The conditions of an appeal will be as determined by the Agricultural Service Board Committee as per *Policy 62-20 "Agricultural Service Board Committee: Terms of Reference"* from time to time and shall be printed on this form.

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Policy Statement and Guidelines:	
2.9	All Weed Notice Appeals shall be heard by the Agricultural Service Board Weed and Pest Appeal Committee.
2.10	If an agreement cannot be found then the matter may be brought forward to the Provincial Courts for Appeal.
3.	Notification Process
3.1	An Introduction Letter will be sent to a landowner with noxious weeds on their property. This letter, as per Schedule "C" Introduction Letter , will identify the weed species, the location and form(s) of control. A landowner will have 10 days to take remedial action.
3.2	If no action is taken after an Introduction Letter is sent, a Compliance Request Letter will follow, as per Schedule "D" Compliance Request Letter . This letter will refer to the Alberta Weed Control Act, stating that it is the landowner's responsibility to control noxious weed on their property. A maximum of 7 days will be given for remedial action to take place.
3.3	A Non-Compliance letter is sent when no action has been taken after a landowner receives the previous two letters, as per Schedule "E" Non-Compliance Letter . This letter states that the landowner has 5 days to comply before a Weed Notice will be issued.
3.4	If all previous attempts to work with the landowner are ignored, a Weed Notice will be issued, as per Schedule "A" Weed Notice , giving the landowner 7 days to complete remedial action before an enforcement is completed.
3.4.1	If a weed notice is not complied with, weed control shall be undertaken. All expenses incurred will be invoiced to the landowner of the property. Payment is requested within 30 days of the issuance of notice. If payment is not received within 30 days, the amount owing will be placed on the tax roll as an additional tax against the land.
3.5	It may be up to the discretion of the Agricultural Fieldman to skip this notification process all together and go straight to a Weed Notice, depending on the growth state of the weed, the severity of the infestation, and if the weed is designated as Prohibited Noxious.

	Date	Resolution Number
Approved	January 14, 2010	#235-10 - Page #9207
Amended	May 9, 2016	#689-16 - Page #12242
Amended		



Schedule "A" Weed Notice

Weed Control Act (Section 12)

Notice to Remedy Weed Problem

TO: _____

ADDRESS: _____

YOU ARE HEREBY DIRECTED TO:

___ DESTROY THE
RESTRICTED WEEDS

___ CONTROL THE
NOXIOUS WEEDS

1. _____
2. _____
3. _____
4. _____

1. _____
2. _____
3. _____
4. _____

WHICH ARE INFESTING THE PROPERTY:

Municipally known as:

Township __ Range __ LOCATION OF PROPERTY
West of the __ Meridian.

The weeds will be considered controlled or destroyed if _____
_____.

Action is to be completed on or before (day) (month) (year).

If this notice is not complied with action will be taken in accordance with the provisions of the *Weed Control Act*.

Dated _____ 20__

Issued under section 12
of the *Weed Control Act*

(Inspector)
(Municipality)
(Address)

File No. _____

IMPORTANT PLEASE SEE REVERSE

(Reprinted from the Weed Control Act)

Violation

- 31 An occupant of land, or if the land is unoccupied, the owner of the land, shall as often as is necessary
- (a) destroy all restricted weeds located on the land to prevent the spread, growth, ripening or scattering of the restricted weeds,
 - (b) control in accordance with this Act and the regulations all noxious weeds located on the land to prevent the spread, growth, ripening or scattering of the noxious weeds, and
 - (c) prevent the spread or scattering of nuisance weeds.
- 32 An owner or occupant of land who receives a notice under this Act shall, subject to any right of appeal given by this Act, carry out the directions contained in the notice.

Appeals

28(1) A person who

- (a) has an interest in land as an owner or occupant, and
- (b) considers himself aggrieved by a notice that relates to the land and that is given by an inspector under section 12, 13 or 18(1),

may appeal to the local authority of the municipality in which that land 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, and
- (d) the grounds for appeal.

(3) A notice of appeal shall be delivered personally or sent by double registered mail or certified mail to the municipal secretary, within the time specified in the notice for doing the thing required by the notice or 10 days, whichever is less.

(4) A notice of appeal shall be accompanied with a deposit in an amount prescribed by the regulations.

(5) The deposit made under subsection (4) shall be refunded if the appellant is successful in the appellant's appeal under this section or in a review under section 29.

(6) A local authority shall at least once a year appoint an independent committee to hear and determine appeals under this section and on receipt of a notice of appeal a local authority shall refer the appeal to that committee.

(7) Within 15 days from the day of receipt of a notice of appeal, the committee shall hear and determine the appeal and the committee may confirm, rescind or vary the notice that was issued.

(8) The municipal secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, to the appellant by double registered mail or certified mail.

Offence

38 A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$5000 and in default of payment to a term of imprisonment of not more than 60 days.



Schedule "B"
APPEAL NOTICE

APPEAL NOTICE
Appeals to this Weed Notice must be hand delivered or sent double registered or certified mail within the time specified on the notice to take corrective actions or 10 days, whichever is less.

DATED: _____

TO: CHIEF ADMINISTRATIVE OFFICER
Smoky Lake County
Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0

I am appealing the Direction (_____), on
Date on Directive

_____ Legal Land Description

You may give reasons for your appeal:

(Use a separate sheet if necessary)

Signature

Name Printed

Street Address

Phone Numbers:

Home: _____

Town

Cellular: _____

Province

Postal Code

Work: _____

NOTE: ONLY appeals file WITHIN THE 10 DAY PERIOD will be heard by the SMOKY LAKE COUNTY AGRICULTURAL SERVICE BOARD.

You will be notified by mail of the date of the hearing.

Schedule “C” Introduction Letter



Date

Name

Address

Town

Postal Code

Dear Smoky Lake County ratepayer:

Re: Weed Control Introduction Letter – Case File #

As part of Smoky Lake County’s 2016 weed inspection program, **weed** has been identified on **legal land location**. This weed is designated as noxious under the Alberta Weed Control Act and must be controlled.

Please note that it is your responsibility under the Alberta Weed Control Act to control the establishment and spread of any noxious weeds on your property. Due to their ability to outcompete, these noxious weeds pose a serious threat to agricultural land, environmentally sensitive areas and the native vegetation within Smoky Lake County. We all must play our part in controlling these weeds so that the problem does not get any worse.

Common Tansy, White Cockle, Oxeye Daisy and Canada Thistle are some of the major problematic weeds in this area. These noxious weeds, and others, will continue to spread if a concerted effort is not made to control them. If no control measures are taken, there is a risk that they will spread to the property of others. It would be greatly appreciated if efforts could be taken to control these weeds in order to prevent further spread and establishment of these noxious weeds within the county.

Each weed species may need a different form of control to be effective, weed biology and growth stage must be considered. Some plants respond well to mechanical control (hand pulling, mowing or cultivation), some to cultural controls (fertilization and competition), while others to herbicide. For specific information regarding weeds found within your property, please contact the Smoky Lake Agricultural Services Department at (780) 656-3730 or you can contact me directly on my cell at **weed inspector cell number**.

Thank you for your cooperation,

Weed inspector name

Smoky Lake County Weed Inspector

Schedule "D" Compliance Request Letter



Date

Name

Address

Town

Postal Code

Dear Smoky Lake County ratepayer:

Re: Weed Control Compliance Request Letter – Case File #

As part of Smoky Lake County's 2016 weed inspection program, **weed** has been identified on **legal land location**. This weed is listed as noxious under the Alberta Weed Control Act and must be controlled.

Please be aware that it is your responsibility as designated under the Alberta Weed Control Act to control any noxious weeds that have been identified on your property. Due to their highly invasive nature and ability to outcompete, these weeds pose a serious threat to agricultural land, environmentally sensitive areas and native vegetation within Smoky Lake County. We all must work together to take responsibility for control of these noxious weeds, so that the problem does not get any worse and spread to neighboring properties.

Each weed species may need a different method of control, depending on the weeds biology and growth stage, to be effective. Some plants respond well to mechanical control options (hand pulling, mowing or cultivation), some to cultural controls (fertilization and competition), and others to herbicides. Please make an attempt to control these weeds before **date**.

For specific information regarding the weeds found within your property, please contact the Smoky Lake County Agricultural Services Department as (780) 656-3730, or you can contact me directly on my cell phone at **weed inspector cell phone number**.

Thank you for your cooperation,

Name

Smoky Lake County Weed Inspector

Schedule "E" Non-Compliance Letter



Date

Name

Address

Town

Postal Code

Dear Smoky Lake County ratepayer:

Re: Weed Control Non-Compliance Letter – Case File #

As part of Smoky Lakes County's 2016 weed inspection program, **weed** has been identified on **legal land location** and some form of control must be taken. Attempts to contact you have been made requesting your cooperation in this matter. These letters provided you with a reminder that control work needed to be completed with a specific date set for action to be completed by. The County weed inspector has been out to re-inspect your property and to date, no control action has been taken. The weeds present on your property are designated as Noxious under the Alberta Weed Control Act, meaning some sort of control is necessary to prevent the spread of these weeds. Failure by the landowner to control these weeds may necessitate the ASB Department for Smoky Lake County to issue a **Weed Notice** and follow through with enforcement at the landowner's expense.

Section 18 of the Weed Control Act states:

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.

Sections 28 of the Weed Control Act states:

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.

Smoky Lake County is requesting your assistance and cooperation in control of these noxious weeds by completing any necessary control methods by **date**. Should you require further information on control options or about this letter, please contact the Smoky Lake Agricultural Services Department at (780) 656-3730.

Thank you,

Weed inspector name

Smoky Lake County Weed Inspector