

This Act is current to 30 November 2016.

This Act has "Not in Force" sections. See the Table of Legislative Changes.

WEED CONTROL ACT
[RSBC 1996] CHAPTER 487

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Definitions

1 (1) In this Act:

"council" means

(a) the council of a municipality, and

(b) 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 a person designated in writing by the minister;

"municipality" includes a regional district;

"notice" means a notice issued by an inspector under section 4;

"noxious weed" means a 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.

(2) For this Act

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

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

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

Duty to control noxious weeds

2 In accordance with the regulations, an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person.

Appointment and powers of inspectors

3 (1) the minister may appoint inspectors for this Act under the Public Service Act.

(2) At any time during daylight hours, an inspector may 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) An inspector who enters land, premises or property under subsection (2) may require an occupier of the land, premises or property

(a) to give the inspector all reasonable assistance in connection with the entry, inspection and examination,

(b) to answer all proper questions relating to the inspection and examination, and

(c) for the purposes of paragraphs (a) and (b), to attend at the land, premises or property with the inspector.

Notice to control noxious weeds

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

(2) If a notice is served on an occupier the occupier must promptly bring the notice to the attention of the owner of the land, premises or property that is the subject of the notice.

Noxious weed control regulations

5 The Lieutenant Governor in Council may make regulations

(a) to control noxious weeds on land, premises, property or a class of land, premises, or property, or

(b) respecting a process or a class of process

considered particularly susceptible to noxious weeds or to the injurious distribution or effect of noxious weeds.

Form of notice and method of service

6 (1) A notice must be in the prescribed form and contain the information required under the regulations.

(2) A notice

(a) may be served personally on the occupier to whom it is directed,

(b) may be sent by 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.

(3) If an inspector

(a) is unable to serve a notice under subsection (2) and the inspector believes that the occupier to whom the notice is directed is 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 is served for the purposes of this Act at the expiration of 3 days immediately following the date that the notice was posted.

Control of noxious weeds by inspector

7 (1) If

(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 must 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, take the action considered necessary to enter on any land, premises or property and control noxious weeds.

(2) If an inspector controls noxious weeds under subsection (1), the inspector must prepare a signed statement setting out the costs of the control and send the signed statement,

- (a) if the noxious weeds were controlled on land, premises or property in a municipality, other than a regional district, to the designated municipal officer, and
 - (b) if the noxious weeds were controlled on land, premises or property other than that referred to in paragraph (a), to the minister.
- (3) If the municipal officer or minister to whom a signed statement is sent under subsection (2) issues a certificate in respect of the amount of the signed 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 the amount specified in the certificate to the municipality or the minister.

Recovery of costs

8 (1) If the amount specified in a certificate issued under section 7 is not paid, the municipal officer or minister who issued the certificate may,

- (a) if the noxious weeds were controlled on land or an improvement in a municipality, other than a regional district, send a certificate 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) if 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) On receipt of a certificate referred to in subsection (1), the municipal collector or the Surveyor of Taxes must 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 is then deemed for all purposes to be, as applicable,
- (a) taxes in arrear of the municipality under the Community Charter, or
 - (b) delinquent taxes under the Taxation (Rural Area) Act,
- and the provisions for collection and recovery of taxes contained in those Acts apply to those amounts.

Weed control committees

- 9 (1) The council of a municipality may establish one or more weed control committees, each consisting of
- (a) one member of the council appointed by the council,
 - (b) one resident in the municipality appointed by the council,
 - (c) one member of the ministry appointed by the minister,
 - (d) one member in good standing, appointed by the council, of a society, as defined in the Societies Act and that has as a primary purpose the protection of the environment or the encouragement of anti-pollution measures, and
 - (e) one member appointed by the minister responsible for the Public Health Act.
- (2) A member of a weed control committee holds office for a period of one year.
- (3) If a council establishes a weed control committee under subsection (1), that council
- (a) must notify the minister in writing of the names of the persons appointed,
 - (b) must provide secretarial or clerical assistance for the weed control committee,
 - (c) must designate the member of the weed control committee appointed by council to be chair, and
 - (d) may provide for the payment of expenses to weed control committee members.
- (4) A weed control committee must, 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) not later than October 1 in each year, submit 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 prescribes.

Weed control officers

10 (1) A council may appoint one or more inspectors and weed control officers to enforce and administer this Act in the municipality.

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

(3) If 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 in the municipality, the minister may appoint one or more inspectors for that purpose.

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 in all or part of those municipalities.

(2) On behalf of the government the minister may enter into an agreement with the council of a municipality for noxious weed control and the costs of noxious weed control in all or part of

(a) that municipality, or

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

Highways

12 (1) In this section, "highway" means a highway as defined in the Transportation Act.

(2) If a highway is owned by the government, but is in the possession of a municipality, other than a regional district, that municipality is the occupier of that highway.

(3) If a highway is owned by the government and is not in the possession of a municipality, the occupier of that highway is the minister responsible for the administration of the Transportation Act on behalf of the government.

(4) If 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 government, the minister responsible for the administration of the Transportation Act, on behalf of the government, is the occupier of that highway while it is being constructed or rerouted.

Crown land

13 If unoccupied land is owned by the government, 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 government.

Exemptions

14 (1) If, in the opinion of the Lieutenant Governor in Council, an area of British Columbia not in a municipality, other than a regional district, is waste land or sparsely populated land, the Lieutenant Governor in Council may exempt that area from this Act.

(2) If, in the opinion of the council of a municipality, other than a regional district, an area of British Columbia in the municipality is 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.

Offence

15 A person commits an offence who knowingly

(a) contravenes this Act,

(b) contravenes a regulation made under section 5,

(c) obstructs an inspector in the lawful exercise of the inspector's duties under this Act,

(c.1) provides information that is false or misleading with respect to a material fact contained in a signed statement under this Act, or

(d) refuses or neglects to comply with a notice served on the person.

Power to make regulations

16 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Regulations in respect of methods used to control noxious weeds must not be made under subsection (1) unless the Environment and Land Use Committee established under the Environment and Land Use Act approves the methods.

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