

## **Agricultural Weed Control Act**

### CHAPTER 501

#### OF THE

REVISED STATUTES, 1989

amended 1994-95, c. 7, ss. 139-147; 2010, c. 77

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## **Agricultural Weed Control Act**

title amended 2010, c. 77, s. 1.

#### Short title

1 This Act may be cited as the Agricultural Weed Control Act. R.S., c. 501, s. 1; 2010, c. 77, s. 2.

#### Interpretation

2 In this Act,

(a) "Chief Inspector" means the Chief Inspector appointed under this Act;

(b) repealed 2010, c. 77, s. 3.

(c) repealed 1994-95, c. 7, s. 139.

(d) "Minister" means the Minister of Agriculture;

(e) "municipality" means a municipality to which the Municipal Act applies, a city or a town;

(f) "noxious weed" means a plant that is designated under this Act as a noxious weed;

(g) "occupant" means the person in possession of real property on which noxious weeds are found or, where there is no such person, the owner of such real property as shown on the last revised assessment roll of the municipality in which the property is located;

(h) "weed seed" means the seed of a noxious weed. R.S., c. 501, s. 2; 1994-95, c. 7, s. 139; 2010, c. 22, s. 3.

#### Powers of Minister

2A For the purpose of the administration and enforcement of this Act, the Minister may

(a) establish and administer policies, programs and guidelines pertaining to the control of agricultural weeds;

(b) consult with and co-ordinate the work and efforts of other departments and agencies of the Government of the Province respecting any matter relating to the control of agricultural weeds;

(c) enter into agreements with the Government of Canada or the government of any other province of Canada on matters relating to the control of agricultural weeds;

(d) develop scientific databases to assist in the control of agricultural weeds;

(e) gather, compile, publish and disseminate information, including statistical data, relating to the control of agricultural weeds;

(f) establish and assist demonstration programs that are consistent with the intent of this Act;

(g) convene conferences and conduct seminars and educational programs relating to the control of agricultural weeds;

(h) give financial assistance to any person, group, society or association for purposes related to the control of agricultural weeds;

(i) prescribe forms for the purpose of this Act. 2010, c. 77, s. 4.

#### Designation of noxious weeds

3 (1) The Minister may designate plants as noxious weeds generally or in respect of any part of the Province.

(2) The council of a municipality, after consultation with the county federation of agriculture, may recommend to the Minister plants for designation as noxious weeds within the municipality.

(3) A designation of a noxious weed under this Section shall classify the weed as belonging to class number one or class number two.

(4) A designation of any plant as a noxious weed shall be published in a newspaper having general circulation

(a) in the Province where the designation applies generally; or

(b) in the area where the designation applies to a part of the Province only. R.S., c. 501, s. 3; 2010, c. 77, s. 5.

#### Duty to destroy noxious weeds

4 (1) Where noxious weeds of class number one exist on land from which they are likely to spread to cultivated or pasture land, the occupant shall destroy all noxious weeds thereon as often in every year as may be necessary to prevent the ripening of the seeds.

(2) The occupant of land shall destroy all noxious weeds of class number two as often and at such times as shall be necessary to eliminate such weeds. R.S., c. 501, s. 4.

Act binds Crown respecting highway

5 This Act and the regulations apply to Her Majesty in respect to public highways to which the Public Highways Act applies. R.S., c. 501, s. 5.

Chief Inspector and district inspectors

6 (1) The Minister may appoint a Chief Inspector and inspectors for the enforcement of this Act.

(2) The Chief Inspector shall have the general supervision and direction of all inspectors appointed pursuant to this Act.

(3) Where a person appointed pursuant to subsection (1) is not an employee of the Department, the Minister shall, before making the appointment, consult with and obtain the consent of the person or, where applicable, the employer of the person.

(4) An appointment under subsection (1) may direct that the authority of the inspector be exercised subject to any terms and conditions that the Minister prescribes in the appointment, including limitations on the scope of the appointment. R.S., c. 501, s. 6; 2010, c. 77, s. 6.

Authority of inspector

6A An inspector may enter upon any lands or premises, other than a private dwelling, for the purpose of determining compliance with this Act or the regulations. 2010, c. 77, s. 7.

7 and 8 repealed 1994-95, c. 7, s. 139.

Destruction of noxious weeds or weed seeds by occupant of land

9 (1) Where an inspector finds noxious weeds or weed seeds on any land, the inspector shall confer with the occupant as to a satisfactory method of destroying such noxious weeds or weed seeds.

(2) Where, after consulting with the occupant, prompt effective action is not taken, the inspector may issue an order in the form prescribed in the regulations requiring the occupant to destroy the noxious weeds or weed seeds within the period of time specified in the order, which shall not be less than seven days after the person named in the order has been served with a copy of the order.

(3) The order may be served by leaving a copy with an adult person at the usual place of residence of the person named therein or by sending it by registered post addressed to the person at his or her usual place of residence. R.S., c. 501, s. 9; 1994-95, c. 7, s. 140; 2010, c. 77, s. 8.

#### Order for non-resident to destroy noxious weed or weed seeds

10 (1) Where an inspector finds noxious weeds or weed seeds on any land and the occupant does not reside within the Province, the inspector may issue an order in the form prescribed in the regulations requiring the occupant to destroy the noxious weeds or weed seeds within the period of time specified therein, which shall not be less than seven days after the person named in the order has been served with a copy of the order.

(2) The order shall be served by sending a copy by registered post addressed to the person named therein at his or her usual place of residence.

(3) Where the occupant is unknown or cannot be located, the order may be served by posting in a conspicuous place on the land. R.S., c. 501, s. 10; 1994-95, c. 7, s. 141; 2010, c. 77, s. 9.

#### Notice prohibiting sowing of crop

11 (1) Where an inspector finds noxious weeds or weed seeds on any land, he may, in order to effectively destroy the noxious weeds or weed seeds, issue a notice prohibiting the occupant or owner of any land from sowing a crop of any kind on the land.

(2) A notice issued under subsection (1) shall cease to have effect three years following the date of issue, unless it is sooner rescinded by the inspector.

(3) to (5) repealed 1994-95, c. 7, s. 142.

R.S., c. 501, s. 11; 1994-95, c. 7, s. 142; 2010, c. 77, s. 10.

#### Appeal

12 If the person to whom an order has been directed feels that it is unjust, the person may, within four days, appeal by registered post to the Chief Inspector, who shall cause an immediate re-inspection to be made by another inspector, who may confirm, vary or rescind the order. R.S., c. 501, s. 12; 1994-95, c. 7, s. 143; 2010, c. 77, s. 11.

### Obstruction of inspector prohibited

13 No person shall hinder or obstruct an inspector carrying out duties pursuant to this Act or furnish an inspector with false information or refuse to furnish an inspector with information. 2010, c. 77, s. 12.

### Power and duty of inspector

14 (1) Where a person fails to comply with an order made under Section 9 or 10, the inspector may cause the noxious weed or weed seeds to be destroyed in the manner prescribed in the regulations.

(2) An inspector shall keep a record of the expenses incurred in the discharge of duties under subsection (1) with respect to each parcel of land inspected.

(3) An occupant, who has failed or refused to comply with a direction of an inspector, is liable for the payment of the expenses of the inspector in destroying the weeds.

(4) A statement and notice of expenses shall be served on the occupant in the same manner as the order made under Section 9 or 10.

(5) The person on whom an expense statement was served may, within seven days after the statement is served, appeal the amount of the expenses to the Chief Inspector, who may confirm or vary the statement.

(6) Where the occupant refuses or neglects to pay the amount set out in the statement, or as determined on appeal to be payable, within fifteen days after request for payment has been made, or in the event of appeal, within fifteen days after disposition of the appeal, it may be recovered as a debt due from the occupant, by action brought in the name of the Minister in any court of competent jurisdiction.

(7) repealed 1994-95, c. 7, s. 145 .

R.S., c. 501, s. 14; 1994-95, c. 7, s. 145; 2010, c. 77, s. 13 .

15 repealed 1994-95, c. 7, s. 146 .

### Prohibited deposit of weeds

16 No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where they might grow or spread. R.S., c. 501, s. 16.

### Restriction on moving of farm machinery

17 Where the moving of any machine used for harvesting, handling or processing of farm crops is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move or cause such machine to be moved without first removing all seeds and other residue therefrom. R.S., c. 501, s. 17.

### Disposal of weed seeds in grain plant

18 Every person in charge of a grain elevator, grist mill, flour mill, seed processing plant or other grain cleaning or grain grinding plant shall dispose of all refuse containing weed seeds in such a manner as will prevent the weed seeds from growing or spreading. R.S., c. 501, s. 18.

### Offence and penalty

19 (1) Every person who contravenes this Act or the regulations or any order made under this Act is guilty of an offence and, on summary conviction, is liable for a first offence to a fine of not more than five hundred dollars and for a second or subsequent offence to a fine of not less than five hundred nor more than one thousand dollars.

(2) Every day during which any such contravention or failure to comply continues is a separate offence. 1994-95, c. 7, s. 147; 2010, c. 77, s. 14.

### Regulations

20 The Governor in Council, on the recommendation of the Minister, may make regulations

(a) prescribing methods and procedures for the destruction of noxious weeds and weed seeds;

(b) prescribing methods and procedures to be taken to prevent the establishment of any noxious weed;

(c) regulating or prohibiting the transportation of farm produce that is, or may be, infested with noxious weeds or weed seeds;

(d) providing for reimbursement of municipalities for money expended under this Act from such funds as may be appropriated by the Legislature for this purpose;

(e) prescribing the forms required by this Act;

(f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S., c. 501, s. 20.

Weed Control Advisory Committee

21 (1) The Minister shall appoint a Weed Control Advisory Committee consisting of such number of persons as he may determine, including at least one representative of the Nova Scotia Federation of Agriculture.

(2) The Minister shall consult with the Committee on all matters pertaining to the administration of this Act, including the making of recommendations to the Governor in Council pertaining to regulations or the designation of plants as noxious weeds. R.S., c. 501, s. 21.

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