

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 179



Being a by-law to prevent the growth of noxious weeds and tall grasses and provide for the destruction of noxious weeds and the cutting of tall grasses

WHEREAS by Section 870(k) of the Municipal Act and Supplementary Letters Patent the Regional Board may by by-law require the owners and occupiers of real property or their agents to clear such property of noxious weeds and tall grasses as hereinafter defined;

AND WHEREAS it is deemed advisable and expedient that for the protection of property owners generally in the Regional District of Central Okanagan as hereinafter described, such powers be exercised and necessary and sufficient regulatory measures be enacted;

NOW THEREFORE THE REGIONAL BOARD of the Regional District of Central Okanagan, in open meeting, enacts as follows:

(I) INTERPRETATION

1. In this by-law unless the context otherwise requires:

REGIONAL DISTRICT shall mean the part of the Regional District of Central Okanagan as described in the Letters Patent, Div. XIX - Weed Control excluding thereout the corporation of the City of Kelowna and the Corporation of the District Municipality of Peachland.

AGENT shall include the operator or lessee of any real property for agricultural or other purposes.

GRASS shall include those plants that are commonly known or referred to as grass.

INSPECTOR shall mean the inspector appointed by the Administrator at any time or from time to time to enforce and carry out the provisions of this by-law.

OCCUPIER shall have the meaning given to it by Section 2 of the Municipal Act.

OWNER shall have the meaning given to it by Section 2 of the Municipal Act.

ADMINISTRATOR shall mean the administrator for the Regional District of Central Okanagan.

NOXIOUS WEEDS shall include any weed defined in Schedule 'A' attached to and forming part of this by-law or any other plant commonly known as a weed.

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REAL PROPERTY shall have the meaning given to it by Section 2 of the Municipal Act.

DESIGNATED AREA shall mean the Regional District of Central Okanagan as described in Section I of this by-law.

(II) REGULATION

2. All owners and occupiers of real property situate within the designated area, or their agents, shall:
 - (a) prevent the infestation of such property by noxious weeds;
 - (b) prevent the growth or presence thereon of grasses exceeding 20.32 centimeters (8 inches) in height.
3. All owners and occupiers of real property situate within the designated area, or their agents, shall:
 - (a) cut or cause to be cut down or otherwise destroy all noxious weeds growing thereon so often in each year as is necessary to prevent them from going to seed;
 - (b) cut or cause to be cut down or otherwise clip or mow any grasses growing thereon in excess of 20.32 centimeters (8 inches) in height so often in each year as is necessary to maintain such grasses at a height not in excess of 20.32 centimeters (8 inches)

(III) ENFORCEMENT

4. The Administrator may, at any time, or from time to time appoint an inspector or inspectors for the purposes of enforcing the provisions of this by-law and such inspector or inspectors shall be known as the Regional District of Central Okanagan Noxious Weed Control Inspectors hereinafter referred to as the Inspector.
5. Any Inspector appointed pursuant to Sec. 4 may enter at all reasonable times upon any real property subject to the regulations of this by-law in order to ascertain whether the regulations of this by-law are being obeyed.
6. (a) If the Inspector determines that any particular real property within the designated area contains noxious weeds or grasses in excess of 20.32 centimeters (8 inches) in height present or growing thereon the Inspector shall forthwith give notice in writing to the owner or occupier or his agent, of such condition and require the owner or occupier or agent of such real property to comply with the provisions of section 3 of this By-law within ten (10) days from the date of such notice.
 - (b) Notwithstanding Section 6(a) if upon inspection of any real property within the designated area the Inspector determines that any noxious weeds growing thereon are imminently due to seed the Inspector may forthwith give notice in writing to the owner or occupier of such real property or his agent to comply with the provisions of Section 3 of this By-law within twenty-four (24) hours from the date and time of such notice.
7. Any written notice to be given by Section 6 of this by-law shall be deemed to be validly given if delivered personally or mailed to the owner or occupier, if any, of the real property in question or the agent, if any, by prepaid Registered Mail and addressed to such owner, occupier or agent in care of the ordinary postal address for such real property.

8. If after the expiry of ten (10) days from the date of notice given pursuant to section 6(a) or the expiry of the twenty-four (24) hour period mentioned in section 6(b), as the case may be, the owner or occupier of such real property or their agents have failed to comply with the provision of the said notice it shall be lawful for the Regional District of Central Okanagan, by its workmen and others, to enter upon such real property and carry out the work required to be carried out pursuant to the said notice at the expense of the person so defaulting, and the charges incurred by the Regional District of Central Okanagan for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrear.

(IV) EXEMPTION OF FARM OPERATORS

9. Notwithstanding the other provisions of this by-law, where traditional farming practises allow the natural ground cover to grow for protection from soil erosion or where weed control would be detrimental to traditional farming operations and crop production, working farms are exempt from the provisions of this by-law.

10. This by-law shall not apply to grasses grown or cultivated in connection with a bonafide farming operation.

(V) GENERAL PROVISIONS

11. Every person who:

violates any of the provisions of this by-law;

causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law;

neglects or refrains from doing anything required to be done by any of the provisions of this by-law; or

fails to comply with any order, direction or notice given under this by-law

shall be deemed to be guilty upon summary conviction of an infraction of this by-law and shall be liable to a fine and penalty not exceeding FIVE HUNDRED DOLLARS (\$500.00) and the costs of prosecution.

12. By-law No. 136 cited as the Regional District of Central Okanagan Noxious Weed Control By-law No. 136, 1977 is hereby repealed.

13. This by-law may be cited for all purposes as the "Regional District of Central Okanagan Noxious Weed Control By-law No. 179, 1979.

READ A FIRST TIME THIS 11th DAY OF June, 1979

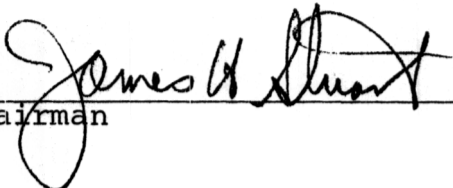
READ A SECOND TIME THIS 9th DAY OF July, 1979

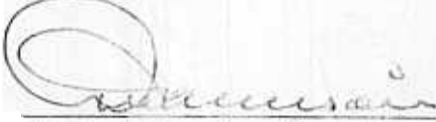
READ A THIRD TIME THIS 9th DAY OF July, 1979

Approved by the Minister of Municipal Affairs pursuant to Section 203 of the Municipalities Enabling and Validating Act.

RECONSIDERED/

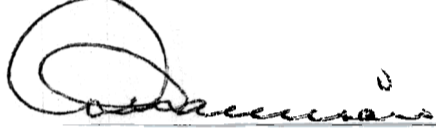
RECONSIDERED AND ADOPTED THIS 17th DAY OF March 1979.


Chairman


Administrator/Secretary


I hereby certify the foregoing to be a true and correct copy of By-law No. 179 cited as "Regional District of Central Okanagan Noxious Weed Control By-law No. 179, 1979 as read a first time by the Regional Board on the 11th day of June, 1979.

Dated at Kelowna, B.C. this 13th day of June, 1979.


Administrator/ Secretary

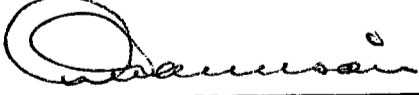
I hereby certify the foregoing to be a true and correct copy of By-law No. 179 cited as "Regional District of Central Okanagan Noxious Weed Control By-law No. 179, 1979 as adopted by the Regional Board on the 17th day of March, 1980

Dated at Kelowna, B.C. this 24th day of March, 1980

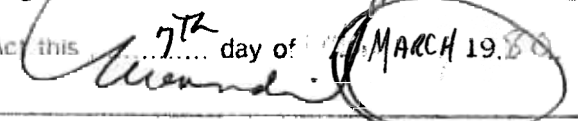

Administrator/Secretary

I hereby certify the foregoing to be a true and correct copy of By-Law No. 179 cited as "Regional District of Central Okanagan Noxious Weed Control By-Law No. 179, 1979" as read a third time by the Regional Board on the 9th day of July, 1979

Dated at Kelowna, B.C. this 13th day of July, 1979


Administrator/Secretary

APPROVED pursuant to the provisions of section 203 of the Municipalities Enabling and Validating

Act this 7th day of MARCH 1980


Minister of Municipal Affairs
APPROVAL No. 800213

SCHEDULE 'A'

Sweet Clover (*Melilotus* sps)
Russian Thistle (*Salsola Kali*, var. *tenuifolia*)
Wild Mustard (*Brassica arvensis*, mustards sps)
Ball-mustard (*Neslia paniculata*, mustards sps)
Tumbling Mustard (*Sisymbrium altissimum*, mustards, sps.)
Canada Thistle (*Cirsium arvense*)
Perennial Sow Thistle (*Sonchus arvensis*)
Annual Sow-thistle (*Sonchus oleraceus*)
Burdock (*Arctium lappa*)
Hare's-ear mustard (*Conringia orientalis*)
Wild Radish (*Raphanus Raphanistrum*)
Stinkweed (*Thlaspi arvense*)
Bindweed (*Convolvulus* spp.)
Toad-Flax (*Linaria Vulgaris* Hill)
Dalmation Toad-Flax (*Linaria Dalmatica*)
Bull-Thistle (*Cirsium lanceolatum*)
Russian Knapweed (*Centaurea Repens*)
Spurge (*Euphorbia* spp.)
Klamath weed or St. John's wort (*Hypericum perforatum*)
Sulphur Cinquefoil (*Potentilla recta*)
Poison Ivy (*Rhus Toxicodendron*)
Prickly Sow-thistle (*Sonchus asper*)
Difuse Knapweed (*Centaurea diffuse*)
Hound's-Tongue (*Cynoglossum Officinale*)
Babys Breath (*Cypsophiala Paniculata*)