


I, Paul Macklem, Director of Corporate Services for the Regional District of Central Okanagan, do hereby certify that the following 5 pages comprises a true and correct copy of Bylaw No. 179, which was adopted by the Regional Board on the 17th day of March, 1979 and has been consolidated to include amending Bylaw Nos. 193-1980; 264-1984; 268-1984, 407-1989; 607-1994, 914-2001, 1100-2005, and 1319, 2012.

Dated at Kelowna, B.C. this
28th day of November 2012



Paul Macklem, Director of Corporate Services

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 179

CONSOLIDATED

(Includes Bylaw Nos.: 193-1980; 264-1984; 268-1984, 407-1989; 607-1994, 914-2001, 1100-2005, and 1319, 2012)

Being a bylaw 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 the Local Government Act and the Community Charter allow that the Regional Board may by bylaw require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;

AND WHEREAS the Regional District of Central Okanagan has adopted the Regional District of Central Okanagan Weed Control Extended Service Establishment Bylaw No. 671, 1996;

AND WHEREAS it is deemed advisable and expedient for the protection and enhancement of the well-being of the community in relation to the natural environment, wildlife, agriculture, forestry and property owners generally in the service area that such powers be exercised and necessary and sufficient regulatory measures be enacted.

NOW THEREFORE THE REGIONAL BOARD OF THE REGIONAL DISTRICT OF THE CENTRAL OKANAGAN IN OPEN MEETING ENACTS AS FOLLOWS:

(I) INTERPRETATION

1. In this bylaw unless the context otherwise requires:

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

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

ALIEN PLANT shall include any invasive plant which has been introduced from another region or country.

DESIGNATED AREA shall mean the portion of the Regional District of Central Okanagan as described in the Regional District of Central Okanagan Weed Control Extended Service Establishment And Boundary Extension Bylaw No. 671, 1996, Section 3.

DEVELOPED LAND shall mean Real Property, which has been or is actively used for residential, agricultural, commercial or industrial use, and includes a highway.

GRASS includes all plants in the Gramineae family. For certainty all turf grass and those listed in Schedule B, attached to and forming part of this bylaw are included.

HIGHWAY shall include a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

INSPECTOR shall mean the Weed and Insect Inspector, Bylaw Enforcement Officer, Director of Inspection Services and any other person appointed or contracted to enforce or assist in the enforcement of this Bylaw.

INVASIVE shall mean any plant which has the potential to pose negative or detrimental impacts on humans, animals or ecosystems.

MULCH shall mean to spread on the ground in a manner intended to keep all cut plant materials on the real property they originated from.

NATIVE PLANT SPECIES shall mean any plant indigenous to Southern Interior British Columbia forests, grasslands or wetlands, as recognized by the British Columbia Ministry of Agriculture, Food and Fisheries, the British Columbia Ministry of Water, Land and Air Protection, or the British Columbia Ministry of Forests, as non-invasive. For certainty any native plants listed on Schedule A and B, attached to and forming part of this bylaw are considered invasive.

NATURAL LANDSCAPING shall mean the practice of ecologically sensitive landscaping that uses native plant species of Southern Interior British Columbia to create specialized and self-sustaining landscaping with minimal resort to artificial methods of plant care such as chemical fertilizers, watering other than natural precipitation, and mowing.

NOXIOUS WEEDS shall include all plants defined in Schedule A, attached to and forming part of this bylaw, and shall include alien plants. For certainty, noxious weeds do not include dandelions (*Taraxacum Officinale*) or trees.

OCCUPIER shall mean a person who is qualified to maintain an action for trespass, or who simply occupies the land.

OWNER shall mean, in respect of real property;

- i) the registered owner of an estate in fee simple,
- ii) the tenant for life under a registered life estate,
- iii) the registered holder of the last registered agreement for sale.

REAL PROPERTY shall mean land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

REGIONAL DISTRICT shall mean the Regional District of Central Okanagan.

(II) REGULATION

2. All owners and occupiers of real property situate within the designated area, or their agents, between April 1 and September 30 of any year, shall:
 - (a) Prevent the growth of noxious weeds on the real property from exceeding growth above ground of 20.32 centimeters (8 inches).
 - (b) Prevent the growth of grasses on the real property from exceeding growth above ground of 20.32 centimeters (8 inches).
3. All owners and occupiers of real property situate within the designated area, or their agents, between April 1 and September 30 of any year, shall:
 - (a) cut down or otherwise destroy, and mulch or remove all noxious weeds growing thereon so often in each year as is necessary to prevent their growth above the ground from exceeding 20.32 centimeters (8 inches).
 - (b) cut down or otherwise destroy, and mulch or remove all grasses growing thereon so often in each year as is necessary to prevent their growth above the ground from exceeding 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 the bylaw and such inspector or inspectors shall be known as the Regional District of the 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 bylaw in order to ascertain whether the regulations of this bylaw are being obeyed.
6. (a) Where the Inspector determines that any real property contains noxious weeds or grasses contrary to the provisions of Section 3 of this bylaw, the Inspector may issue a notice in writing to the owner or occupier or 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 Bylaw within ten (10) days from the date of such notice.

Written notice that is dated on or before September 30 may be re-inspected up to October 31 in that year.

- (b) Notwithstanding Section 6 (a), if the real property is undeveloped land, as determined by the inspector, and is over 2 acres in size, bordering or is adjacent to developed land, the inspector may only require the owner, occupier or agent of the real property to cut or remove the offending noxious weeds or grasses from a 9-15 meter (30-50 feet) buffer adjacent to the developed land.”
7. Any written notice issued pursuant to Section 6 of this bylaw shall be deemed to be validly issued if delivered personally, or mailed by registered or regular mail to the owner or occupier or agent of the real property. Written notice shall be in care of the ordinary postal address for such real property, or to the agent's ordinary postal address.
8. (a) Where after the expiry of ten (10) days from the date of notice given pursuant to section 6 (a), the owner or occupier or agent has failed to comply with the requirements of the written notice it shall be lawful for the Regional District of Central Okanagan, by its employees or other persons, to enter upon such real property and carry out the work required to be carried out pursuant to the written notice at the expense of the person so defaulting. Where written notice is dated on or before September 30, the work may be carried out up to October 31 in that year.
- Work done by the Regional District of Central Okanagan will not include herbicide treatment. Charges incurred by the Regional District of Central Okanagan shall include a 15% administration fee. Any subsequent work on the same parcel within each calendar year shall include a \$75.00 surcharge plus a 15% administration fee. All fees incurred by the Regional District of Central Okanagan, 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.
- (b) No person shall obstruct an inspector or other authorized representative of the Regional District of Central Okanagan acting pursuant to this bylaw.

(IV) EXEMPTIONS

9. This bylaw does not apply to normal farm practices on farm operations in accordance with the Farm Practices Protection Act.”
10. This bylaw does not apply to continual slopes having an approximate grade of 45 degrees or steeper, with a slope length of 5 meters (16.4 feet) or more. The continual slope may include more than one registered title of property.
11. The inspector is authorized to consult with owners, occupiers, or agents of real property concerning complaints about noxious weeds where the degree of a slope allows for exemption of requirements for weed control.”
12. An owner or occupier or agent that has been issued written notification pursuant to Section 6 of this bylaw and believes that the real property is natural landscaping, as defined in Section 1 of this bylaw, may request that the real property be reviewed by the inspector. A request for review must be received by the Inspector within the time period for compliance specified in the notice.

(V) GENERAL PROVISIONS

13. Every person who:
- (a) violates any of the provisions of this bylaw;
 - (b) causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required to be done by any of the provisions of this bylaw; or
 - (d) fails to comply with any order, direction or notice given under this bylaw shall be deemed to be guilty upon summary conviction of an infraction of this bylaw and shall be liable to a fine and penalty not exceeding FIVE HUNDRED DOLLARS (\$500.00) and the costs of prosecution.
14. Bylaw No. 136 cited as the Regional District of Central Okanagan Noxious Weed Control Bylaw No. 136, 1977 is hereby repealed.
15. This bylaw may be cited for all purposes as the "Regional District of Central Okanagan Noxious Weed Control Bylaw No. 179, 1979".

NOTE:

The B.C. Fire Services Act and B.C. Fire Code deals with fire hazards. Consult the Fire Department for regulations and requirements.

Consult the Transferee of 'No Disturbance Covenant' agreements for consent to replace noxious weeds with native plant species.

Consult the British Columbia Ministry of Water, Land and Air Protection, the British Columbia Ministry of Agriculture, Food and Fisheries, or Fisheries and Oceans Canada for regulations and requirements in riparian areas, streams or habitat protection areas.

SCHEDULE A – 2005

WEED NAME	OTHER COMMON NAME	LATIN NAME
Annual sow thistle	Prickly sow thistle	<i>Sonchus oleraceus</i>
Baby's breath		<i>Cypsophila paniculata</i>
Ball mustard		<i>Neslia paniculata</i>
Black knapweed	Lesser knapweed	<i>Centaurea nigra</i>
Blue mustard	Purple mustard	<i>Chorispora tenella</i>
Blueweed	Viper's bugloss	<i>Echium vulgare</i>
Bog rush	Swamp grass	<i>Juncus effusus</i>
Broad/Narrow Leaf Plantain		<i>Plantago spp</i>
Bull thistle	Common thistle	<i>Cirsium vulgare</i>
Burdock	Beggars button	<i>Arctium spp</i>
Campion/Catchfly		<i>Silene spp</i>
Canada thistle	Field thistle	<i>Cirsium arvense</i>
Carpet burweed	Lawn burweed	<i>Soliva sessilis</i>
Chicory	Coffeeweed	<i>Chicorium intybus</i>
Cleavers	Bedstraw	<i>Galium aparine</i>
Common bugloss	Common alkanet	<i>Anchusa officinalis</i>
Common groundsel	Old-man-in-the-spring	<i>Senecio vulgaris</i>
Common mallow		<i>Malva neglecta</i>
Common tansy	Garden tansy	<i>Tanacetum vulgare</i>
Corn Spurry	Sandweed	<i>Spergula arvensis</i>
Creeping Buttercup		<i>Ranunculus repens</i>
Crupina		<i>Crupina vulgaris</i>
Cudweed		<i>Gnaphalium uliginosum</i>
Curly-cup gumweed	Rosinweed	<i>Grindelia squarrosa</i>
Curly dock		<i>Rumex crispus</i>
Dalmatian toadflax	Wild snapdragon	<i>Linaria dalmatica</i>
Death camas		<i>Zigadenus spp</i>
Diffuse knapweed	Tumble knapweed	<i>Centaurea diffusa</i>
Field Bindweed	Wild morning glory	<i>Convolvulus arvensis</i>
Field Scabious	Blue buttons	<i>Knautia arvensis</i>
Flixweed	Fine-leaved mustard	<i>Descurainia sophia</i>
Garlic Mustard		<i>Alliaria petiolata</i>
Giant Hogweed		<i>Heracleum mantegazzianum</i>
Gorse	Prickly broom	<i>Ulex europaeus</i>
Hare's ear mustard		<i>Conringia orientalis</i>
Hemp-nettle	Dog nettle	<i>Galeopsis tetrahit</i>

SCHEDULE A – 2005 (Cont'd)

WEED NAME	OTHER COMMON NAME	LATIN NAME
Henbit		Lamium amplexicaule
Himalayan balsam	Policeman's Helmet	Impatiens glandulifera
Hoary alyssum		Berteroa incana
Hoary cress	Pepperweed	Cardaria draba
Horseweed		Conyza canadensis
Hound's tongue	Dog burr	Cynoglossum officinale
Japanese Knotweed		Polygonum cuspidatum
Kochia	Summer cypress	Kochia scoparia
Kudzu		Pueraria lobata
Lady's thumb/pale smartweed	Knotweed	polygonum spp
Lamb's quarters	Goosefoot	Chenopodium album
Larkspur		Delphinium spp
Marsh plume thistle		Cirsium palustre
Meadow hawkweed	Devil's paintbrush	Hieracium pratens
Meadow knapweed		Centaurea pratensis
Mullein		Verbascum thapsus
Nightshade		Solanum spp
Nodding beggar-ticks	Sticktight	Bidens cernua
Nodding (musk) thistle	Musk thistle	Carduus nutans
Orange hawkweed	Devil's paintbrush	Hieracium aurantiacum
Oxeye daisy	White daisy	Leucanthemum chrysanthemum
Parasitic dodder	Strangleweed	Cuscuta spp
Perennial pepperweed		Lepidium latifolium
Perennial sow thistle		Sonchus arvensis
Pineappleweed		Matricaria matricariodes
Plumeless thistle	Bristly thistle	Carduus acanthoides
Poison hemlock		Conium maculatum
Prickly lettuce	Wild lettuce	Lactuca serriola
Puncturevine	Sandbur	Tribulus terrestris
Purple loosestrife	Purple lythrum	Lythrum salicaria
Purple nutsedge	Nutgrass	Cyperus rotundus
Redroot pigweed	Pigweed	Amaranthus retroflexus
Rush skeletonweed	Devil's grass	Chondrilla juncea
Russian knapweed	Turkestan thistle	Acroptilon repens
Russian thistle	Tumbleweed	Salsola kali
Salsify	Goat's beard	Tragopogon dubius
Scentless chamomile	Mayweed	Matricaria maritima
Scotch broom		Cytisus scoparius
Scotch thistle	Winged thistle	Onopordum acanthium

SCHEDULE A – 2005 (Cont'd)

WEED NAME	OTHER COMMON NAME	LATIN NAME
Sheep sorrel	Red sorrel	Rumex acetosella
Shepherd's-purse		Capsella bursa-pastoris
Spiny sowthistle		Sonchus asper
Spotted knapweed		Centaurea maculosa
Spurge	Leafy, cypress spurge	Euphorbia spp
Squarrose knapweed		Centaurea virgata
St. John's wort	Klamath weed	Hypericum perforatum
Stinkweed	Pennycress	Thlaspi arvense
Sulphur cinquefoil		Potentilla recta
Sweet clover		Melilotus officinalis
Tansy ragwort		Senecio jacobaea
Tartary buckwheat		Fagopyrum tataricum
Tarweed	Stinking, Coast Tarweed	Madia spp
Tumble mustard		Sisymbrium spp
Velvetleaf	Elephant-ear	Abutilon theophrasti
Water hemlock		Cicuta douglasii
White Cockle	White campion	Lychnis alba
Wild Buckwheat		Polygonum convolvulus
Wild chervil		Anthriscus sylvestris
Wild Four O'Clock		Mirabilis nyctaginea
Wild mustard		Brassica kaber
Wild radish		Raphanus raphanistrum
Yellow nutsedge		Cyperus esculentus
Yellow starthistle	St. Barnaby's thistle	Centaurea solstitialis
Yellow toadflax	Common toadflax	Linaria vulgaris

SCHEDULE B – 2005

GRASS NAME	OTHER COMMON NAME	LATIN NAME
Annual Bluegrass		Poa Annua
Barnyard grass		Echinochloa crusgalli
Cheatgrass	Brome/speargrass	Bromus tectorum
Foxtail barley		Hordeum jubatum
Green foxtail	Wild millet	Setaria viridis
Jointed goatgrass		Aegilops cylindrica
Longspine Sandbur		Cenchrus longispinus
Quackgrass	Couchgrass	Elytrigia repens
Wild oats	Poor oats	Avena fatua
Wild proso millet		Panicum milliaceum
Witchgrass		Panicum capillare