

DISTRICT OF CHETWYND

BYLAW NO. 884, 2008

A bylaw relating to the control of Noxious Weeds

WHEREAS pursuant to the *Community Charter*, Council may by bylaw regulate, prohibit and impose requirements in relation to noxious weeds;

NOW THEREFORE the Council of the District of Chetwynd, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the “District of Chetwynd Noxious Weeds Regulation Bylaw No. 884, 2008”.

2. DEFINITIONS

“**Bylaw Enforcement Officer**” means the person appointed by the Council to enforce municipal bylaws;

“**Council**” means the Council of the District of Chetwynd;

“**Director**” means the Director of Engineering and Public Works or his/her designate appointed by the Council;

“**Municipality**” means the District of Chetwynd;

“**Noxious Weeds**” includes weeds designated as such under the *Weed Control Regulation* pursuant to the *Weed Control Act*;

“**Occupier**” shall have the meaning given in the *Community Charter*;

“**Owner**” shall have the meaning given in the *Community Charter*; and

“**Real Property**” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

3. GENERAL REGULATIONS

3.1 Every owner or occupier of real property shall keep such real property clear of noxious weeds, brush, tall grass or other unsightly growth from growing or accumulating.

3.2 Every owner or occupier of real property shall remove, or cause to be removed, from such real property and from any building or structure located on such real property all noxious weeds, brush, tall grass or other unsightly growth.

3.3 Every owner or occupier of real property shall forthwith upon receipt of notice given pursuant to the bylaw clear such property of noxious weeds, brush, tall grass or other unsightly growth.

4. RIGHT OF ENTRY

Any Bylaw Enforcement Officer or employee of the municipality may enter at all reasonable times on any real property or in any building or structure located on such real property to ascertain whether the regulations and requirements of this bylaw are being observed.

5. NO INTERFERENCE

No person shall obstruct or interfere with an officer, employee or agent of the municipality in the performance of his/her duties under this bylaw.

6. NOTICE

6.1 Any notice to be given under this bylaw may be given by the Bylaw Enforcement Officer, and shall be sufficiently delivered if personally served upon a person apparently aged 16 years or more, and apparently occupying the real property affected by such notice; or if sent to the owner or occupier of the real property by double registered mail to his/her address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter or shall be in such other forms as the Council may from time to time approve by resolution.

6.2 If notice cannot be served by the Bylaw Enforcement Officer under section 6.1, the Bylaw Enforcement Officer may serve the notice by posting the notice in a conspicuous place on the real property that is subject of the notice, and the notice is considered served under this bylaw at the expiration of three (3) days immediately following the date that the notice was posted.

7. FAILURE TO COMPLY

If, after receipt of the notice, the owner or occupier of real property fails to comply with the work to be performed by such notice remains either wholly or partially incomplete, the municipality, by its own officers and employees or other persons, carry out and complete the work necessary to comply with the provisions of this bylaw at the expense of the owner. The costs incurred by the municipality in any exercise of its powers hereunder, shall recover the costs of undertaking of such work either as a debt against the person in default or by adding the costs to and form part of the taxes payable in respect of that real property as taxes in arrears.

8. OFFENCE

Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done or omitted to be done in contravention of this bylaw shall be liable on summary conviction to a penalty not exceeding Two Thousand Dollars (\$2,000).

9. SEPARATE OFFENCE

Each day that a contravention or violation of or failure to perform any provision of this bylaw continues to exist will be deemed to be a separate offence.

10. SEVERABILITY

If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed without affecting the remainder of the bylaw.

Read a first time this	15 th	day of	July,	2008
Read a second time this	15 th	day of	July,	2008
Read a third time this	15 th	day of	July,	2008
Adopted by Council this	12 th	day of	August,	2008

Mayor

Director of Corporate Administration