



CARIBOO REGIONAL DISTRICT

BYLAW NO. 4949

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to prohibit the accumulation of invasive plants on private property and provide for the recovery of the cost of abatement of such invasive plants

WHEREAS the Cariboo Regional District has established an invasive plant management service pursuant to the “Cariboo Regional District Weed Control Extended Service Establishment Bylaw No. 3483, 1998”, and amendments thereto, and;

WHEREAS, pursuant to the *Local Government Act*, being Chapter 323 of the Revised Statutes of British Columbia, and amendments thereto, a Board may prohibit persons from causing or permitting invasive plants to collect or accumulate around their premises and provide for the recovery of costs of abatement of such invasive plants;

NOW THEREFORE, the Board of the Cariboo Regional District, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited for all purposes as the “Cariboo Regional District Invasive Plant Management Regulation Bylaw No. 4949, 2015”.

2. Definitions

In this Bylaw:

- (a) “Board” means the Cariboo Regional District Board;
- (b) “Invasive Plants” has the same meaning as ‘noxious weeds’, meaning any part, seeds, or propagule of species named in Schedule ‘A’ attached to this Bylaw;
- (c) “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;

- (d) “Owner” means the person or persons, including a corporation or company, registered in the records of a land title office as owner in fee simple of a Real Property or, where there is a registered agreement for sale and purchase of the Real Property, the registered agreement for sale and purchase, and includes that person’s authorized agent;
- (e) “Real Property” means lands, premises, buildings, structures and other improvements affixed to the land;
- (f) “Regional District” means the Cariboo Regional District;
- (g) “Service Area” means the portion of the Cariboo Regional District within which this bylaw applies, as established in “*Cariboo Regional District Weed Control Extended Service Establishment Bylaw No. 3483, 1998*”, and amendments thereto;
- (h) “Weed Control Officer” means a person appointed by or contracted by the Board to enforce this Bylaw.

3. Regulation

Every owner or occupier of Real Property within the Service Area shall ensure that his or her property be cleared of and remain free from all Invasive Plants listed in Schedule ‘A’ to this Bylaw. The invasive plants shown on Schedules ‘B’ & ‘C’ attached to and forming part of this bylaw are exempt in the areas shown.

4. Authority to Inspect

A Weed Control Officer is authorized to enter upon any Real Property within the Service Area at any time during daylight hours, for the purpose of inspecting the Real Property in order to ascertain whether Invasive Plants listed in Schedule ‘A’ to this Bylaw are present.

5. Notification to Owners and Occupiers

- (a) If the Weed Control Officer determines that there are Invasive Plants present on any Real Property within the Service Area, he or she may serve written notice to the Owner of such Real Property, to control the invasive plants in such a manner as set out in the written notice within fourteen (14) days of their receipt of such notice.
- (b) If, after the expiry of fourteen (14) days from receipt of the written notice, the Invasive Plants have not been treated as set out in the written notice and no appeal from the Weed Control Officer’s order has been filed, it shall be lawful for the Regional District, by its employees, agents or contractors, to enter upon such Real Property to control the Invasive Plants by any means necessary, at the expense of the Owner of the Real Property.

6. Costs of Controlling Invasive Plants

The actual costs incurred by the Regional District for controlling the Invasive Plants, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes applicable in respect of such Real Property as taxes in arrears.

7. Notice

Where notice is to be given pursuant to this bylaw, such notice shall be given in writing. Notice shall be deemed sufficiently delivered if:

- (a) personally served upon the Owner of the Real Property that is the subject of the notice;
or
- (b) mailed by registered mail to the last known address of the owner of the Real Property, and subsequently signed for by or on behalf of the Owner.

8. Appeals

The Owner of the property named in the written notice issued under Section 5(a) may appeal the written notice to the Board within ten (10) days of receipt of the written notice and the Board shall hear and decide upon the appeal at its next regularly scheduled meeting, and the decision of the Board shall be final.

9. Offence and Penalty

- (a) Refusal by any Owner or Occupier of Real Property to permit or allow the Weed Control Officer or any other Regional District employee or contractor to enter onto the property for the purpose of controlling the Invasive Plants as specified in the notice served in accordance with this Bylaw shall constitute a violation under this Bylaw.
- (b) Every person who contravenes a provision of this Bylaw shall be liable on summary conviction to the penalties prescribed by the *Offence Act*, being Chapter 338 of the Revised Statutes of British Columbia, and amendments thereto.

10. Severability

If any provision of this Bylaw is found invalid by any court of competent jurisdiction, the offending portion shall be severed. Such decision shall not affect the validity of the remaining portions of this bylaw.

11. Headings

The headings in this Bylaw are inserted for convenience and reference only and in no way define, limit or enlarge the scope of this bylaw or any portion thereof.

12. Repeal

Cariboo Regional District Invasive Plant Management Regulation Bylaw No. 4740, 2012 is hereby repealed.

READ A FIRST TIME THIS 27th DAY OF March, 2015.

READ A SECOND TIME THIS 27th DAY OF March, 2015.

READ A THIRD TIME THIS 27th DAY OF March, 2015.

ADOPTED THIS 27th DAY OF March, 2015.

Chair

Corporate Officer

I hereby certify that the foregoing is a true and correct copy of Bylaw No. 4949, cited as the “Cariboo Regional District Invasive Plant Management Regulation Bylaw No. 4949, 2015” as adopted by the Cariboo Regional District Board the 27th day of March, 2015.

Corporate Officer

Cariboo Regional District Invasive Plant Management
Regulation Bylaw No. 4949, 2015

Schedule 'A'

INVASIVE PLANTS

Baby's Breath	(Gypsophila paniculata)
Black Henbane	(Hyoscyamus niger)
Blueweed	(Echium vulgare)
Burdock	(Arctium spp.)
Canada Thistle	(Cirsium arvense)
Common Bugloss	(Anchusa officinalis)
Common Crupina	(Crupina vulgaris)
Common Tansy	(Tanacetum vulgare)
Dalmatian Toadflax	(Linaria dalmatica)
Diffuse Knapweed	(Centaurea diffusa)
Field Scabious	(Knautia arvensis)
Gorse	(Ulex europaeus)
Himalayan Balsam	(Impatiens glandulifera)
Hoary Alyssum	(Berteroa incana)
Hoary Cress	(Cardaria spp.)
Hound's-tongue	(Cynoglossum officinale)
Knotweed Species	(Fallopia species, Polygonum species)
Leafy Spurge	(Euphorbia esula)
Marsh Plume Thistle	(Cirsium palustre)
Meadow Knapweed	(Centaurea pratensis)
Nodding Thistle	(Carduus nutans)
Orange Hawkweed	(Hieracium aurantiacum)
Oxeye Daisy	(Leucanthemum vulgare)
Perennial Pepperweed	(Lepidium latifolium)
Plumeless Thistle	(Carduus acanthoides)
Puncturevine	(Tribulus terrestris)
Purple Loosestrife	(Lythrum salicaria)
Rush Skeletonweed	(Chondrilla juncea)
Russian Knapweed	(Acroptilon repens)
St. John's Wort	(Hypericum perforatum)
Scentless Chamomile	(Matricaria maritima)
Scotch Thistle	(Onopordum acanthium)
Spotted Knapweed	(Centaurea biebersteinii)
Sulphur Cinquefoil	(Potentilla recta)
Tansy Ragwort	(Senecio jacobaea)
Velvetleaf	(Abutilon theophrasti)
Wild Chervil	(Anthriscus sylvestris)
Yellow Flag Iris	(Iris pseudacorus)
Yellow Starthistle	(Centaurea solstitialis)

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