



BY – LAW No. _____

The Corporation of the United Counties of Leeds and Grenville

A BY-LAW TO APPOINT A WEED INSPECTOR FOR THE UNITED COUNTIES OF LEEDS AND GRENVILLE AND TO REPEAL BY-LAW NO. 09-46

WHEREAS Section 6(1) of the Weed Control Act, R.S.O. 1990, Chapter w.5, requires that the Council of every upper tier municipality shall by by-law appoint an area weed inspector to enforce the Weed Control Act in the area within the Council's jurisdiction; and

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act; and

WHEREAS Section 11 of the Municipal Act S.O. 2001, c.25, as amended, provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction; and

WHEREAS Section 23.1, 23.2, 23.3 and 23.5 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorize a municipality to delegate certain powers and duties; and

WHEREAS Section 436 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections, to determine compliance with a by-law, direction, order, or condition of license; and

WHEREAS Sections 444 and 445 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provide that, where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue or correct the contravention of the by-law;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that, where a municipality directs or requires by by-law or otherwise that a matter or thing be done, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense, and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as taxes; and

WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a local municipality shall, upon the request of its upper tier municipality, add costs of the upper tier municipality to the tax roll;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE UNITED COUNTIES OF LEEDS AND GRENVILLE ENACTS AS FOLLOWS:

1. Definitions

In this by-law:

Council means the Council of the United Counties of Leeds and Grenville.

Noxious Weed means any plant that is designated under the Weed Control Act, R.S.O. 1990.

Nuisance Weed means any of the weeds set out in Schedule B attached hereto, including poison ivy, ragweed, wild parsnip and giant hogweed or any other plant that is shown to cause allergic reactions or health problems for individuals.

Owner includes with respect to land or Property, the registered owner, occupant, tenant, or the person for the time being managing or receiving the rent of the property whether on his account or on an account of an agent or trustee of any other person, or any of the aforesaid.

Person includes an individual, an Owner, corporation, partnership, company, firm, association or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law and the singular shall include the plural.

Property means land and/or buildings within the United Counties of Leeds and Grenville, whether owned privately or publicly and which includes vacant land and agricultural land; residential lawns and gardens, commercial, industrial and institutional properties, and road allowances whether opened or unopened.

2. Noxious Weeds

Every property shall be kept free of Noxious Weeds pursuant to the Weed Control Act.

3. Nuisance Weeds

Every property shall be kept free of Nuisance Weeds and weed seeds pursuant to this by-law and the Municipal Act.

4. Enforcement

- (i) The Weed Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-Law are complied with;

- (ii) If the Weed Inspector is satisfied that a contravention of this By-Law has occurred, he may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to;
 - (a) discontinue the contravening activity; or
 - (b) do work to correct the contravention.
- (iii) An order under subsection (1) shall set out,
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.
- (iv) An order under subsection (1) shall be served upon the Person to whom it is directed by personal service or by mailing a copy of the order by prepaid first class mail or registered mail to the last known address noted on the tax assessment roll.
- (v) Where the Counties or any authorized agent on behalf of the Counties has performed the work required to bring about compliance with the by-law, the Counties may recover the costs by action or by requesting that the local municipality add the costs to the tax roll and collect them in like manner as property taxes.
- (vi) For the purposes of this by-law, the Counties or any authorized agent on behalf of the Counties may enter upon land at any reasonable time and complete the work set out in the order.

5. Appointment

THAT Mr. Larry Sudds, 4330 Rideau River Road, Kemptville, ON K0G 1J0 ("Mr. Sudds") be and is hereby appointed as Weed Inspector for the United Counties of Leeds and Grenville to carry out and perform the duties required of him under the provisions of the Weed Control Act, and any amendments thereto, and any regulations passed thereunder; and

THAT Mr. Sudds be and is hereby appointed under Section 11 of the Municipal Act as Weed Inspector for the United Counties of Leeds and Grenville to carry out and perform inspection and enforcement duties with respect to complaints regarding nuisance weeds affecting human health, safety and well-being; and

THAT Mr. Sudds is hereby authorized to proceed with remedial action as authorized by Section 446 of the Municipal Act, and when necessary according to the Weed Inspection Procedures contained in Schedule 'A' of this by-law; and

THAT if a court of competent jurisdiction should declare any section or a part of this By-Law to be invalid, the remainder of this By-Law shall continue in force unless the court makes an order to the contrary; and

THAT where the singular is used it shall also mean or stand for the plural; and

THAT By-law No. 09-46 is hereby repealed in its entirety; and

THAT any by-laws or parts of by-laws, contrary to, or inconsistent with the provisions of this by-law are hereby repealed; and

THAT this By-Law shall come into full force and effect on its date of passing.

By-law read a first, second and third time, and finally passed this 20th day of May, 2010.

W. L. Thake, Warden

Lesley Todd, Clerk

Schedule 'A'
By-Law
Weed Inspection Procedures

- Step 1.** Upon determining that a complaint regarding noxious or nuisance weeds is valid, the Weed Inspector shall contact the property owner and any other person that may be occupying the land where the noxious or nuisance weed infestation is identified. The Owner and occupant shall be notified that the noxious or nuisance weed infestation is to be removed or controlled within seven (7) days of the receipt of notice.
- Step 2.** Where the weed infestation has not been removed or controlled after seven (7) days, the Weed Inspector shall make a second contact with the owner and/or occupant, by registered mail, providing a second notice and an additional period of three (3) days to remove or control the infestation.
- Step 3.** Where the weed infestation has not been removed or controlled after three (3) days following the receipt by the owner and occupant of the second notice, the Weed Inspector shall proceed to have the noxious weeds removed or controlled through contracted or County-owned equipment and labour.
- Step 4.** The owner shall be invoiced for the amount of the removal/control expenses. Where such invoice is not paid within 30 days, a past due notice including interest shall be sent. Where the invoice is 60 days past due, the Local Municipality shall be asked to add the invoice amount to the property tax bill for the affected property.

SCHEDULE "B"

Nuisance Weeds

COMMON NAME

Wild Parsnip

Poison Ivy

Ragweed

Poison Hemlock

Spotted Water Hemlock

Bulbous Water Hemlock

Giant Hogweed

Jimsonweed

SCIENTIFIC NAME

Pastinaca sativa

Conium maculatum L

Ambrosia spp.

Conium Maculatum

Cicuta Maculata L.

Cicuta Bulbifera L.

Heracleum Mantegazzianum

Datura stramonium

SCHEDULE "C"

Noxious Weeds

Common Barberry
European Buckthorn
Bull Thistle
Canada Thistle
Wild Carrot
Colt's Foot
Dodder
Goat's Beard
Johnson Grass
Knapweed
Milkweed
Nodding Thistle
Poison Hemlock
Poison Ivy
Proso Millet
Ragweed
Yellow Rocket
Russian Thistle
Scotch Thistle
Sow Thistle
Cypress Spurge
Leafy Spurge
Tuberous Vetchling