

**BYLAW NO. 96-09
VILLAGE OF ANDREW**

**A BYLAW OF THE VILLAGE OF ANDREW
IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE REGULATING AND CONTROL OF WEEDS,
GRASS AND OTHER PLANTS
IN THE VILLAGE OF ANDREW**

WHEREAS, Section 160 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980 as amended, provides that Council may make Bylaws requiring that grass be cut; requiring that dandelions and noxious weeds be eradicated; requiring that trees or shrubs on private property be pruned;

WHEREAS, it is deemed expedient to regulate and control weed, grass and other plants in the Village of Andrew and to provide for the eradication of noxious weeds, grass and other plants.

NOW THEREFORE, the Council of the Village of Andrew in the Province of Alberta, hereby enacts as follows:

1. TITLE

This Bylaw may be cited as "The Weeds, Grass and Plants Bylaw".

2. DEFINITIONS

- a) "Committee" means the Weed Committee appointed by Council by resolution. A Weeds Committee composed of at least two Village Council members and one member at large will act as a Board of Appeal to review any decision or order of a Weed Inspector.
- b) "Council" means the Municipal Council for the Village of Andrew.
- c) "Enforcement Officer" means the Bylaw Enforcement Officer, Weed Inspector, Building Inspector, Chief of the Fire Department, Village Manager or his designate so authorized to act on behalf of the Council of the Village of Andrew.
- d) "Grass" means a member of the grass family which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled.
- e) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and,
 - i) includes:
 - a) a sidewalk (including the boulevard portion of the sidewalk)
 - b) if a ditch lies adjacent to and parallel with the roadway, the ditch and
 - c) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the between the fence and the edge of the roadway as the case may be, but

- ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
- f) "Noxious Weeds" means:
 - i) those weeds as designated in the Weed Control Act, Chapter W-6, R.R.A. 1980, and under the Weed Designation Regulation being Alberta Regulation 138/80, as amended;
 - ii) grass as defined in this Bylaw;
 - iii) plants as defined in this Bylaw;
 - iv) fungus which may be destructive or injurious to gardens or lawns or trees or shrubs.
- g) "Occupant" means any person occupying any property, whether he if the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
- h) "Person" means corporation, firm, partnership, individual person, his or hers heirs, executors, administrators or other legal representative.
- i) "Plant" means any vegetation which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled.
- j) "Real Property" means any land and/or buildings whether occupied or not.
- k) "Village" means the Municipal Corporation of the Village of Andrew and the area contained within the boundaries of the same.
- l) "Weed and Seed" includes:
 - i) the seed of a noxious weed;
 - ii) the seed of a dandelion;
 - iii) the seed of a grass or a plant as referred to in this Bylaw;

3. APPLICATION

This Bylaw applies to all lots, developments, boulevards, properties and yards within the Boundaries of the Village of Andrew.

4. SCHEDULE

That attracted hereto and forming part of this Bylaw is:

- a) "Schedule A" which contains a list of plants within the municipality which are designated as restricted, noxious or nuisance weeds;
- b) "Schedule B" sets a guideline for maintenance of grass standards on properties within the municipality;
- c) "Schedule C" Administration Fee and Appeal Procedure Fee.
- d) "Schedule D" form letter.

5. BOUNDARIES AND RESPONSIBILITIES

- 5.1 The occupant or owner of any land within the boundaries of the Village of Andrew, shall for the purpose of the Weed Control Bylaw, be considered to be the occupant of that portion of any highway that lies between the boundary of his land and the center line of the highway.
- 5.2 No person, being owner, agent, lessee or occupier of any lot, development, or yard within the Village shall permit said lot, development, or yard to become infested with crabgrass, dandelions or noxious weeds or otherwise remain in untidy condition.

6 DUTIES OF OCCUPANT AND OWNER

Every occupant or owner of any real property with the Village of Andrew or if such property is unoccupied the owner shall:

- a) Eradicate or control any weeds growing on such property to prevent propagation and the spreading from such plants or weeds of any seeds, or roots or rhizomes or spores, to the property of other persons.
- b) Cut or mow the grass on any boulevard or highway situated on Village owned land adjoining or abutting or adjacent to property owned or occupied by said person, to prevent such grass from growing to such height as to be untidy or unsightly, having regard to the height of the grass on adjacent or surrounding property.
- c) Control dandelions and noxious weeds on property they own and occupy.
- d) Remove from such property any dead grass or brush or rubbish which may be untidy or unsightly or may harbor vermin or pests thereon.
- e) Prune or remove any shrubs or trees or like plants owned by him which is, or could be, a nuisance to any person using any publicly owned or maintained sidewalk or street, and shall not obstruct flow of traffic through these thoroughfares.
- f) Ensure that clipping from lawns, shrubs and trees are gathered in bundles, boxes or bags and placed beside the waste receptacle for pick-up by the Sanitation Department. Clippings shall not be deposited loose in alleys or elsewhere within the Village.

7. ENFORCEMENT

- 7.1 Every Enforcement Officer is hereby authorized to, enter at any reasonable hour, upon any lands within the Village of Andrew for the inspection of conditions that may contravene, or fail to comply with the provisions of this Bylaw.
- 7.2 When in the opinion of the Officer set forth in Section 7(1) of this Bylaw, a condition exists which contravenes any of the provisions of this Bylaw, the Enforcement Officer or Inspector may:
 - a) Issue a written notice to the owner, agent, lessee and/or occupier of the land or premises in question advising them of the condition, and directing that the condition be rectified within a specific length of time. Except in extraordinary situations the maximum time allowed to rectify a condition will be fourteen (14) days.

- b) Each notice issued pursuant to this section shall specify when and by what method the grass, weeds or weed seeds named are to be controlled or destroyed and such method may include such definite systems of spraying, mowing, cutting, tillage, cropping and management as in the enforcement officer's judgement constitute good agricultural practice for the land and district concerned.
 - c) An inspector who finds noxious weeds or weed seeds on land that is unoccupied or on land the occupant of which is not readily determinable and after inquiry determines that it is not practicable to serve a notice fourteen (14) days may cause the noxious weeds or weed seeds to be destroyed immediately by any means consistent with good agricultural practice.
 - d) Immediately upon undertaking action under Subsection (1), the Inspector shall notify the owner of the land by registered mail addressed to his address as shown on the assessment roll of the municipality within which the land is situated, of the action taken.
- 7.3 A notice issued pursuant to Subsection (2) shall be served on the owner or occupant:
- a) personally, or
 - b) by double registered mail sent to the person last known address as shown on the assessment roll or in the record of the appropriate Land Titles Office, or
 - c) by publication in one issue of a newspaper published or circulating in the Village.
- 7.4 a) In event that a person fails, neglects or refuses to remedy the condition as directed by the Enforcement Officer, Village Manager, designate, or Council, the Village of Andrew may; a) cause the work to be performed to remedy the condition, and b) charge the costs of such work done to the owner, or occupant, and in default of payment:
- i) recover the cost as a debt due the Village, or
 - ii) charge the cost against the land concerned as taxes due and owing in respect of that land, and, recover the same as such.
- b) Any person authorized in writing by the Village of Andrew to carry on any work under this Bylaw shall have right to enter any, property, other than a dwelling house, to carry on such work.
- 7.5 Any person who enters property to remedy a condition as directed by Council, shall not incur any liability therefore.

8 FEES

- 8.1 The Village, through its appointed officials may enter the said land using a contractor hired by the Village and cause the removal of noxious weeds and the cost thereof shall be a charge to the owner to be recovered as a debt owing to the Village and collected in the same manner as real property taxes.
- a) An Administration fee as determined from time to time by Village Council will be charged against every lot that enforcement of this Bylaw no. 96-09.

9 **PENALTY**

- 9.1 Any owner, agent, lessee, or occupier of any lot development of yard within the Village who contravenes any of the provisions of this Bylaw or the regulation or fails to comply with any notice issued under this Act is guilty of an offence and liable upon summary convention to a fine of not less the Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
- 9.2 A person who willfully obstructs or delays the work of an Enforcement Officer is guilty of a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
- 9.3 All money accruing from fines or penalties under this Bylaw shall form part of the general revenue of the Municipality.

10 **APPEAL PROCEDURE**

Any person: a) who has interest as owner or occupant of land; b) who is affected by action taken or notice given by an inspector; c) who thinks himself aggrieved by the action or notice; may appeal pursuant to the provisions set out in the Weeds Act.

- 10.1 A notice of appeal shall be in writing and shall set out
 - a) the name and address of the appellant
 - b) a copy of the notice in respect of which the appeal is being taken
 - c) the legal description of the land affected, and
 - d) the grounds for appeal
- 10.2 A notice of appeal shall be determined by a deposit as determined by Village Council from time to time and shall only be refunded if the appellant is successful in his/her appeal.
- 10.3 As soon as possible after the delivery of a notice of appeal, the Weeds Committee shall:
 - a) fix a place for the hearing of the appeal
 - b) fix a time for the hearing of the appeal; and
 - c) cause a notice of the place and time to be sent out to the appellant
- 10.4 If the local authority appealed too shall have thirty (30) days upon the receipt of the notice of appeal, hear and determine the appeal or appoint a committee to hear and determine it.
- 10.5 The local authority or committee may confirm, rescind or vary the notice that was given.
- 10.6 The municipal secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, by double registered mail or certified mail to the appellant.
- 10.7 An appellant who is dissatisfied with the decision of a local authority or committee

under section 10 may, within seven (7) days after he receives a copy of the decision, request a review of the decision or any part of it by the Minister.

10.8 The Minister may confirm, rescind or vary the decision of the local authority or committee.

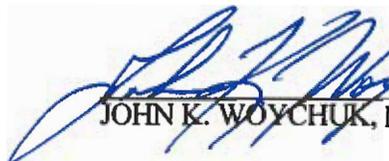
11 EFFECTIVE DATES

11.1 This Bylaw shall come into effect on the date of final reading thereof.

READ for a first time this	26 TH	day of	JUNE	, 1996 A.D.
READ for a second time this	26 TH	day of	JUNE	, 1996 A.D.
READ for a third time this	10 TH	day of	JULY	, 1996 A.D.



ELDON FENIAK, Mayor



JOHN K. WOYCHUK, Municipal Administrator

BYLAW NO. 96-09
SCHEDULE "A"

THE WEED CONTROL ACT

Weed Designation Regulation (138/80)

The following plants are designated as restricted weeds:

- a) **Red bartsia** - *Odontitis serotina* L.
- b) **Diffuse knapweed** - *Centaurea diffusa* L.
- c) **Spotted knapweed** - *Centaurea maculosa* L.
- d) **Nodding thistle** - *Carduus nutans* L.
- e) **Eurasian Water Milfoil** - *Myriophyllum spicatum* L.
- f) **Toad flax** - *Linaria Vulgaris* mill
- g) **Scentsless chamomile** - *Matricaria maritima*

2. The following plants are designated as noxious weeds:

- a) **Russian napweed** - *Centaurea repens* L.
- b) **Field bindweed** - *Convolvulus arvensis* L.
- c) **White Cockle** - *Lychnis alba*
- d) **Bladder campion** - *Silene cucubalis*
- e) **Cleavers** - *Galium aparine* L.
- f) **Hoary cress** - *Cardaria* spp.
- g) **Knawel** - *Scleranthus annuus* L.
- h) **Perennial sow thistle** - *Sonchus arvensis* L.
- i) **Cypress purge** - *Euphorbia cyparissias* L.
- j) **Leafy spurge** - *Euphorbia esuala* L.
- k) **Stork's bill** - *Erodium cicutarium* L.
- l) **Canada thistle** - *Cirsium arvense* L.
- m) **Persian darnel** - *Lolium persicum*
- n) **Common tansy** - *Tanacetum vulgare* L.

The following plants are designated as nuisance weeds:

- a) **Dalmation toadflax** - *Linaria dalmatica* L.
- a1) **Wild radish** - *Raphanus raphanistrum* L.
- b) **Creeping Bellflower** - *Campanula rapunculoides* L.
- b1) **Heldge bindweed** - *Convolvulus sepium* L.
- c) **Blueweed** - *Lappula echinata*
- c1) **Blueweed** - *Echium vulgare* L.
- d) **Downy brome** - *Bromus tectorum*
- d1) **Tartary buckwheat** - *Fagopyrum tataricum*
- e) **Wild buckwheat** - *Polygonum convolvulus*
- e1) **Biennial campion** - *Silene cserei*
- f) **Night-flowering catchfly** - *Silene noctiflora* L.
- f1) **Common chickweed** - *Stellaria media* L.
- g) **Field chickweed** - *Cerastium arvense* L.
- g1) **Mouse-eared chickweed** - *Cerastium vulgatum* L.
- h) **Rough cinquefoil** - *Potentilla norvegica* L.
- h1) **Cow cockle** - *Saponaria vaccaria* L.
- i) **Flixweed** - *Deseuraninia sophia* L.
- il) **Green foxtail** - *Setaria viridis* L.
- j) **Quack grass** - *Agropyron repens* L.

- j1) **Narrow-leaved hawk's beard** - *Crepis tectorum* L.
- k) **Hemp nettle** - *Galeopsis tetrahit* L.
- k1) **Henbit** - *Lamium amplexicaule* L.
- l) **Lady's thumb** - *Polygonum persicaria* L.
- m) **Round-leaved mallow** - *Malva rotundifolia* L.
- n) **Ball mustard** - *Neslin paniculata*
- o) **Dog mustard** - *Brucastrum gallicum*
- p) **Green tansy mustard** - *Erysimum cheiranthoides*
- q) **Wild mustard** - *Brassica kaber*
- r) **Wormseed mustard** - *Erysimum cheiranthoides*
- s) **Wild oats** - *Avena fatua* L.
- t) **Redroot pigweed** - *Amaranthus retroflexus* L.
- u) **Shepherd's purse** - *Capsella bursa-pastoris* L.
- v) **Annual sow thistle** - *Bonchus oleraccus* L.
- w) **Corn spurry** - *Spergula arvensis* L.
- x) **Stinkweed** - *Thlaspi arvense* L.
- y) **Russian thistle** - *Salsola kali*
- z) **Dandelion** - *Taraxacum officinale*

BYLAW NO. 96-09
SCHEDULE "B"

1. GRASS/WEED CONDITIONS

Having regard to the height of the grass on adjacent or surrounding parcels, the following grass conditions shall exist on all lots, yards, developments and vacant properties within the Corporate Limits of the Village of Andrew and shall be maintained at respectable levels such as:

a) **Vacant Parcels**

grass shall be maintained at a height not to exceed 6".

weeds and weed seeds are to be controlled or destroyed by any means consistent with good agricultural practice.

b) **Occupied Parcels**

grass shall be maintained at a height not to exceed 4".

weeds and weed seeds controlled or destroyed immediately.

This policy is the acceptable standard that the Village of Andrew property owners and/or occupants shall strive to maintain.

In the event a person exceeds the policy standards, then for the constituency of the neighborhood, the adjoining neighbors' properties shall adhere to the higher standard.

2. CORNER PROPERTIES

All plants, hedges, shrubbing and like plants at corner sites shall be maintained at a level not to exceed 3 feet in height. This level shall be maintained for a distance of 20 feet, which is measured from the corner of the property at the intersection and in both directions.

BYLAW NO. 96-09
SCHEDULE "C"

<u>Section No.</u>		<u>Amount</u>
<u>FEES</u>		
8.1(a)	Administration fee for every lot requiring enforcement of Bylaw no. 96-09	\$40.00
<u>APPEAL PROCEDURE</u>		
11.3	Notice of Appeal Deposit	\$50.00

BYLAW NO. 96-09
SCHEDULE "D"

Dear Sir. Madam:

A recent inspection of your property at Lot _____, Block _____, Plan _____ has shown that your property is infested with nuisance and noxious weeds. In order to keep the weed problem in check, the Village of Andrew is asking your cooperation by keeping the lot clean. Cleanup may be done by any means of good agricultural practice within fourteen (14) days of the mailing of this letter.

Should you fail, neglect or refuse to remedy this condition, the Village will cause the work to be done at the owner's expense. Along with the contractor's bill, a **#40.00 Administration cost per lot** will be added onto the initial fee.

Please give this matter your immediate attention, and if there are any questions pertaining to this matter, please contact the undersigned at (403)632-2606. Your cooperation on this matter is appreciated.

Sincerely,

KEN PODOBOROZNY
Bylaw Enforcement Officer

KP/as