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BYLAW NO. 1-97 TOWN OF VEGREVILLE

THIS BYLAW BEING BYLAW NO. 1-97 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REPEALING BYLAW NO. 16-90 AND TO PROVIDE FOR THE REGULATION AND CONTROL OF WEEDS, GRASS AND OTHER PLANTS

WHEREAS, the Municipal Government Act, Statutes of Alberta 1994, Chapter M-26.1, Part 2, Division 1 and amendments thereto, provides that Council may pass bylaws for municipal purposes within the corporate limits of the Town of Vegreville; and

WHEREAS, uncontrolled grass and noxious weeds are a nuisance and contribute to the creation of unsightly property; and

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

NOW THEREFORE, the Council of the Town of Vegreville in the Province of Alberta duly assembled enacts as follows.

1. TITLE

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

2. DEFINITIONS

- 2.1 "**Committee**" means the Weeds Committee appointed by Council by resolution. A Weeds Committee composed of at least two (2) Town Council members and one (1) member at large will act as a Board of Appeal to review any decision or order of a Weed Inspector.
- 2.2 "**Council**" means the Municipal Council for the Town of Vegreville.
- 2.3 "**Enforcement Officer**" means the Bylaw Enforcement Officer/Special Constable, Weed Inspector, Building Inspector, Town Manager or his designate authorized to act on behalf of the Council of the Town of Vegreville.
- 2.4 "**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.

- 2.5 **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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
- a) includes
 - i) a sidewalk (including the boulevard portion of the sidewalk);
 - ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - iii) 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 land between the fence and the edge of the roadway as the case may be, but
 - b) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
- 2.6 **"Notice"** means a verbal or written notice regarding the control of weeds, grass or plants.
- 2.7 **"Noxious Weeds"** means:
- a) those weeds as designated in the *Weed Control Act*, Chapter W-6, R.R.A. 1991, and under the Weed Designation Regulation being Alberta Regulation AR 54/91 as amended;
 - b) grass as defined in this Bylaw;
 - c) plants as defined in this Bylaw;
 - d) fungus which may be destructive or injurious to gardens or lawns or trees or shrubs.
- 2.8 **"Occupant"** means any person as owner or lessee occupying any property or whether such person resides or conducts a business thereon.
- 2.9 **"Owner"** means the person named on the assessment roll of the Town of Vegreville.
- 2.10 **"Parcel of Land"** means the aggregate of the one (1) or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.
- 2.11 **"Person"** means corporation, firm, partnership, individual person, his or her heirs, executors, administrators or other legal representative.
- 2.12 **"Plant"** means any vegetation which is of an objectionable and unsightly nature, forming a nuisance or a fire hazard or is not controlled.
- 2.13 **"Town"** means the municipal corporation of the Town of Vegreville and the area contained within the boundaries of the same.

- 2.14 **"Weed and Seed"** includes:
- a) the seed of a noxious weed,
 - b) the seed of a dandelion,
 - c) the seed of a grass or a plant as referred to in this Bylaw.

3. APPLICATION

- 3.1 This Bylaw applies to all parcels of land and boulevards located within the corporate boundaries of the Town of Vegreville.

4. SCHEDULES

- 4.1 The attached hereto and forming part of this Bylaw is:
- a) **"Schedule 'A'"** which contains a list of weeds, grass or plants that are designated as restricted, noxious or nuisance weeds;
 - b) **"Schedule 'B'"** is a standard guideline for the maintenance and control of weeds, grass or plants located on parcels of land within the corporate limits of the Town of Vegreville.
 - c) **"Schedule 'C'"** is the Administration Fee and Appeal Procedure Fee.
 - d) **"Schedule 'D'"** being the Weeds, Grass and Plant Notice form letter.

5. BOUNDARIES AND RESPONSIBILITIES

- 5.1 The occupant or owner of any land within the boundaries of the Town of Vegreville shall for the purpose of the Weeds, Grass or Plant Bylaw be considered to be the occupant of that portion of any highway that lies between the boundary of his or her parcel of land and the centre line of the highway.
- 5.2 No person, being owner, agent, lessee or occupier of any lot, development or yard within the Town shall permit said lot, development or yard to become infested with crabgrass, dandelions or noxious weeds or otherwise remain in an untidy infested condition.

6. RESPONSIBILITIES OF PROPERTY OWNER

- 6.1 Every owner of any parcel of land within the Town of Vegreville 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 Town-owned land adjoining or abutting or adjacent to property owned or occupied by said person, to prevent such grass from growing to such a height as to be untidy or unsightly, having regard to the height of the grass on adjacent or surrounding property.
- c) Control restricted, noxious or nuisance weeds on any parcel of land he or she owns or occupies.
- 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 or her 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 clippings from lawns, shrubs and trees are gathered in bundles, boxes or bags and placed inside the waste receptacle for pickup by the Sanitation Department. Clippings shall not be deposited loose in alleys or elsewhere within the Town.

7. ENFORCEMENT AND COSTS

- 7.1 Any Enforcement Officer is hereby authorized to enter at any reasonable hour upon any parcel of land within the Town of Vegreville for the inspection of conditions that may contravene or fail to comply with the provision of this Bylaw.
- 7.2 When in the opinion of the Enforcement Officer set forth in Section 7.1 of this Bylaw, a condition is found that contravenes any of the provisions of this Bylaw, the Enforcement Officer may:
 - a) Issue a written warning notice by ordinary mail to the owner shown on the assessment roll, 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) After inquiry it is determined not to be expedient to serve notice to the occupants of vacant parcels of land or on parcels of land that the occupant cannot be readily communicated with, may cause the found noxious weeds or weed seeds to be destroyed or controlled immediately.
- 7.3 Each notice issued pursuant to this Section shall specify when and by what method the noxious weeds, seeds, grass or plants 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 would constitute the best control method for the land and district concerned.

- 7.4 A notice issued pursuant to Subsection 7.2 shall be served on the owner:
- a) personally,
 - b) by ordinary mail sent to the person's 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 (1) issue of a newspaper published or circulating in the Town.
- 7.5 In event that a person fails, neglects or refuses to remedy the condition as directed by the Enforcement Officer, the Town of Vegreville 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 to the Town, 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.
 - iii) An administration fee as determined from time to time by Town Council will be charged against every lot that requires enforcement of this Bylaw No. 1-97 as set out in Schedule "C".

Any person authorized in writing by the Town of Vegreville to carry on any work under this Bylaw shall have the right to enter any parcel of land, other than a dwelling house, to carry on such work.

- 7.6 Any person who enters property to remedy a condition as directed by Council shall be deemed to have the authorization of Council and shall not incur any liability therefor.

8. PENALTY

- 8.1 Any owner of any parcel of land within the Town who contravenes any of the provisions of this Bylaw or the regulations or fails to comply with any notice issued under this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
- 8.2 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).
- 8.3 All money accruing from fines or penalties under this Bylaw shall form part of the general revenue of the municipality.



9. APPEAL PROCEDURE

9.1 Any person who:

- a) has an interest as an owner of a parcel of land;
- b) is affected by any action taken or notice given by an Enforcement Officer;
- c) thinks he or she has been aggrieved by the action or notice served;

may appeal within the fourteen (14) day time period that has been outlined in the Weeds, Grass or Plant Notice that was issued.

9.2 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 parcel of land affected, and
- d) the grounds for appeal.

9.3 A notice of appeal shall be determined by a deposit as determined by Town Council from time to time and shall only be refunded if the appellant is successful in his or her appeal.

9.4 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.

9.5 The local authority appealed to shall have fifteen (15) days upon the receipt of the notice of appeal to hear and determine the appeal, or to appoint a committee to hear and determine the appeal.

9.6 The local authority or committee may confirm, rescind or vary the notice that was given.

9.7 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.

9.8 An appellant who is dissatisfied with the decision of a local authority or committee under Section 9 may, within three (3) days after he or she receives a copy of the decision, request a review of the decision or any part of it by the Minister.

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

10. REPEAL OF OLD BYLAW AND EFFECTIVE DATES


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

10.2 Bylaw No. 16-90 and all amendments thereto are hereby repealed.

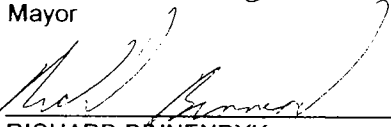
READ for a first time this **24th** day of **February**, 1997 A.D.

READ for a second time this **28th** day of **April**, 1997 A.D.

READ for a third time this **12th** day of **May**, 1997 A.D.



DAVID KUCHERAWY
Mayor



RICHARD BINNENDYK
Town Manager

**BYLAW NO. 1-97
SCHEDULE "A"**

WEED DESIGNATION

1. The following plants are designated as restricted weed in Alberta:

- a) Red bartsia - *Odontites 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) Dodder - *Cuscuta* spp;
- g) Yellow star-thistle - *Centaurea solstitialis* L;

2. The following plants are designated as noxious weeds in Alberta:

- a) Russian knapweed - *Centaurea repens* L;
- b) Field bindweed - *Convolvulus arvensis* L;
- c) White Cockle - *Lychnis alba*;
- d) Bladder campion - *Silene cucubalus*;
- e) Cleavers - *Galium aparine* L. and *Galium spurium*;
- f) Hoary cress - *Cardaria* spp;
- g) Knawel - *Scleranthus annuus* L;
- h) Perennial sow thistle - *Sonchus arvensis* L;
- i) Cypress spurge - *Euphorbia cyparissias* L;
- j) Leafy spurge - *Euphorbia esula* L;
- k) Stork's bill - *Erodium cicutarium* L;
- l) Canada thistle - *Cirsium arvense* L;
- m) Toadflax - *Linaria vulgaris*;
- n) Persian darnel - *Lolium persicum*;
- o) Scentless Chamomile - *Matricaria maritima* L;
- p) Common tansy - *Tanacetum vulgare* L;
- q) Blueweed - *Echium vulgare* L;
- r) Spreading dogbane - *Apocynum androsaemifolium* L;
- s) Field scabious - *Knautia arvensis* (L.) Duby;
- t) Hound's-tongue - *Cynoglossum officinale* L;
- u) Oxeye daisy - *Chrysanthemum leucanthemum* L;
- v) Tall buttercup - *Ranunculus acris* L.

3. The following plants are designated as nuisance weeds in Alberta:

- a) Dalmatian toadflax - *Linaria dalmatica* L;
- a1) Wild radish - *Raphanus raphanistrum* L;
- b) Creeping bellflower - *Campanula rapunculoides* L;

- b1) Hedge bindweed - *Convolvulus sepium* L;
- c) Bluebur - *Lappula echinata*;
- c1) Repealed AR 53/91 s4;
- 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 - *Descurainia sophia* L;
- i1) 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 - *Neslia paniculata*;
- o) Dog mustard - *Erucastrum gallicum*;
- p) Green tansy mustard - *Descurainia pinnata*;
- q) Wild mustard - *Sinapis arvensis* L;
- 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 - *Sonchus oleraceus* L;
- w) Corn spurry - *Spergula arvensis* L;
- x) Stinkweed - *Thlaspi arvense* L;
- y) Russian thistle - *Salsola pestifer*;
- z) Dandelion - *Taraxacum officinale*.

4. Alta. Regs. 147/73, as amended, and 279/58 are repealed.

**BYLAW NO. 1-97
SCHEDULE "B"**

**GUIDELINES FOR THE MAINTENANCE OF
WEEDS, GRASS OR PLANT CONDITIONS**

Having regard to the height of the grass and weed control practices on adjacent or surrounding parcels of land, the following conditions shall exist on all parcels of lands and highways within the corporate limits of the Town of Vegreville and shall be maintained at respectable levels such as:

1. Vacant Parcels

- a) Grass shall be maintained at a height not to exceed six inches (6").
- b) Weeds and weed seeds are to be controlled or destroyed as indicated by the Enforcement Officer.

2. Occupied Parcels

- a) Grass shall be maintained at a height not to exceed four inches (4").
- b) Weeds and weed seeds are to be controlled or destroyed immediately.

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

In the event a person exceeds the policy standard, then for the consistency of the neighbourhood, the adjoining neighbours' properties shall adhere to the higher standard.



**BYLAW NO. 1-97
SCHEDULE "C"**

FEEES

Section No. **Amount**

FEEES

8.1(a) Administration fee for every lot requiring enforcement \$40.00
of Bylaw No. 1-97

APPEAL PROCEDURE

10.3 Notice of Appeal deposit \$100.00



**BYLAW NO. 1-97
SCHEDULE "D"**

WEEDS, GRASS & PLANT NOTICE

FILE NO.: _____

Dear Sir/Madam:

The condition of your property located at Address _____, Legal:
Lot(s) _____, Block _____, Plan _____ is in question and
you are being issued a form letter notice regarding weeds, grass and plants.

In order to keep the weed problem in the community in check, the Town of Vegreville
is asking your cooperation by keeping the property maintained. Clean up may be done
by methods outlined in the notice within fourteen (14) days of the mailing of this letter.

The questioned area associated with your property and a suggested remedy is as
follows:

Please give this matter your immediate attention. If you have any questions contact
the undersigned at 632-2606.

If the work is not completed by _____, the Town of Vegreville will
have the work done by a contractor at the owner's expense. Along with the
contractor's bill, a **\$40.00 Town of Vegreville administration fee per lot** will
apply.

Yours truly,

Weed Inspector

