

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2637

A BYLAW TO CONTROL SPECIFIED NOXIOUS WEEDS

WHEREAS the Council of the City of Rossland has the authority pursuant to the *Community Charter* to enact bylaws that control invasive species within their jurisdiction and to regulate in relation to weeds on public and private property

AND WHEREAS Council desires to protect the environment, economy and public health and safety;

AND WHEREAS the City of Rossland considers the plants listed in Schedule A attached to and forming part of this bylaw to be noxious weeds;

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

1. SHORT TITLE

- (1) This Bylaw may be cited as the " **BYLAW No. 2637 - NOXIOUS WEED CONTROL BYLAW, 2017**"

2. DEFINITIONS

- (1) In this Bylaw:

"**Officer**" means a Bylaw Enforcement Officer or a person appointed by Council to enforce this Bylaw.

"**Occupier**" has the same meaning as in the *Local Government Act* and *Community Charter*.

"**Owner**" has the same meaning as in the *Local Government Act* and *Community Charter*.

"**Real property**" has the same meaning as in the *Local Government Act* and *Community Charter*.

3. PROHIBITION

- (1) Every owner or occupier of real property in the City of Rossland shall ensure that his or her property is cleared of, and remains free from, all noxious weeds listed in Schedule A to this Bylaw.

4. OFFICER

- (1) An Officer is authorized to enforce this Bylaw and, for that purpose, may enter at all reasonable times any real property to ascertain whether the provisions of this Bylaw are being observed.

5. NOTICE

- (1) If the Officer determines that there are noxious weeds present on any property within the City, the Officer may notify the owner or occupier of such property, or the agent of the owner or occupier, directing that within a period of time specified by the Officer, the noxious weeds be cleared from the property.

6. COSTS OF ERADICATION

- (1) If the owner or occupier of real property, or their agent, fail to clear noxious weeds from that property in accordance with a notice delivered under Section 5 of this Bylaw, the City of Rossland may by its officers, employees or contractors enter onto the property and may clear the noxious weeds by any means necessary, at the expense of the person defaulting. The charges incurred by the City for clearing the noxious weeds, 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. PENALTY

- (1) A person who contravenes any of the provisions of this bylaw, or who permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence and is liable to prosecution pursuant to the provisions of the *Offence Act*, and on summary conviction, to a fine and penalty of no more than the maximum permitted by law.
- (2) Each day that a contravention of this bylaw continues, constitutes a separate offence.

8. SEVERABILITY

- (1) 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.

9. FORCE AND EFFECT

- (1) This bylaw shall come into force and take effect on or after the date of its adoption.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 10th day of October, 2017
 this 10th day of October, 2017
 this 23rd day of October, 2017
 this 14th day of November, 2017



 Mayor



 Corporate Officer

SCHEDULE "A"

NOXIOUS WEEDS

KNOTWEEDS (FALLOPIA SPP. AND POLYGONUM SPP.)