

# SMOKY LAKE COUNTY



<b>Title:</b> Weed Control "NO SPRAY" Request		<b>Policy No.:</b> 11-03	<i>E</i>
<b>Section:</b> 62	<b>Code:</b> P-S	<b>Page No.:</b> 1 of 4	

<b>Legislation Reference:</b>	Municipal Government Act, Section 201.
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<b>Purpose:</b>	To establish vegetation management within right-of-way where adjacent landowners prefer that herbicides for weed and/or brush control not be sprayed along their property.
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<b>Policy Statement and Guidelines:</b>	
<b>1. STATEMENT:</b>	
1.1	Smoky Lake County recognizes that some landowners/tenants are not in favor of having County-owned roadside ditches adjacent to their property treated with herbicides for weed control.
1.2	In order to accommodate these landowners/tenants, the Agricultural Service Board, at the request of the landowner/tenants, allow the landowner/tenant the option of carrying out Vegetation Control, on County right-of-way adjacent to their property. <b>Reference Policy 62-15: Vegetation Management Plan.</b>
<b>2. GUIDELINES:</b>	
2.1	Agricultural Service Board Department will provide notification in local paper as to its intent to carry out the Vegetation Management Program prior to the spray season.
2.2	Advertisement will make reference to an option for a Weed Control "NO SPRAY" Request Form.
2.3	Landowner/tenant will complete a <b>Schedule "A": RIGHT-OF-WAY VEGETATION CONTROL APPLICATION</b> Request Form and submit it to the Agricultural Fieldman before <b>June 1</b> .
2.4	The landowner/tenant has until <b>July 31</b> to carry out his/her responsibility to control prohibited noxious weeds and noxious weeds on the County right-of-way.

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<b>Policy Statement and Guidelines:</b>	
2.5	All agreements will automatically terminate should control of prohibited noxious weeds and noxious weeds not be carried out to the satisfaction of the Agricultural Fieldman and future agreements will be at the discretion of the Agricultural Fieldman. The Agricultural Fieldman shall provide notice to landowner if an agreement is terminated or cancelled.
2.6	The County reserves the right to cancel any agreement at any time and implement any control deemed necessary at any time.
2.7	When the County has the authority to cancel or terminate an agreement, that authority may be exercised by either the Chief Administrative Officer or the Agricultural Fieldman.
2.8	The County will, to the best of its ability, avoid applying herbicides to any land that has a “NO SPRAY” Request in place provided that the conditions are met to the satisfaction of the Agricultural Fieldman. However, the County makes no claim or guarantee that herbicides will not be applied to any County controlled lands including road right-of-ways.

	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	<b>February 22, 2002</b>	# 213 - Page # 7244
<b>Amended</b>	<b>April 21, 2011</b>	# 495-11 - Page # 9700
<b>Amended</b>	<b>December 13, 2013</b>	# 144-13 - Page #10972



**AGRICULTURAL SERVICE BOARD  
RIGHT-OF-WAY VEGETATION CONTROL APPLICATION  
(Chemical Spray Exemption)**

Application Date: \_\_\_\_\_

APPLICANT NAME

ADDRESS

TELEPHONE NUMBER

**DEFINITIONS:**

“Prohibited Noxious Weeds” means those weed classified as such by Alberta Regulation 171/2001, as amended, and made pursuant to the *Weed Control Act*, R.S.A. 2008, c. W-5.1, as amended.

“Noxious Weeds” means those weeds classified as such by Alberta Regulation 171/2001 as amended, and made pursuant to the *Weed Control Act*, R.S.A. 2008, c. W-5.1, as amended.

**TERMS AND CONDITIONS:**

1. The Applicant hereby requests that Smoky Lake County refrain from using herbicides to control brush, prohibited noxious weeds and noxious weeds within the right-of-way under its control and described as Designated Non-Treatment Areas as indicated in the Agreement.
2. The Applicant warrants that he/she is the owner or has an interest by reason of being an occupant in the lands described as Designated Non-Treatment Areas as indicated in the Agreement. The Applicant warrants that he/she has the full power and authority necessary to make this Application and comply with its terms and conditions.
3. The Applicant agrees to destroy all prohibited noxious weeds and control of noxious weeds and brush in the Designated Non-Treatment Areas to the standard required by Smoky Lake County.
4. Should the Applicant fail to destroy prohibited noxious weeds, and control noxious weeds and brush to the standard acceptable to Smoky Lake County by **July 31**; Smoky Lake County, after the deadline, will at any time and by any means including the use of herbicides, undertake such activities as are necessary to achieve proper control acceptable to the County of prohibited noxious weeds and noxious weeds and brush.
5. The Applicant agrees to indemnify and save harmless Smoky Lake County, its employees, agents and contractors from any and all claims, demands, actions, or costs of any claims, demands, actions, whatsoever, that may arise directly or indirectly out of the granting of this application by Smoky Lake County. Further, the Applicant also releases Smoky Lake County, its employees, agents or contractors from any claims, demands, or actions that may arise directly or indirectly out of any unintended spraying of the Designated Non-Treatment Areas by Smoky Lake County, its employees, agents or contractors.
6. The Smoky Lake County shall apply 8’ sign posts and “Do Not Spray” Zone signs – one for each end of each Designated Non-Treatment Area, (Applicant Lifetime) and it shall be the Applicant’s responsibility to repair, replace and display the signs.
7. Signs shall be kept in a safe, clean and tidy condition by the Applicant.
8. If a sign or post becomes damaged and a replacement is requested, the Applicant shall purchase the replacement sign/post from the Agricultural Service Board.



# AGRICULTURAL SERVICE BOARD RIGHT-OF-WAY VEGETATION CONTROL APPLICATION (Chemical Spray Exemption)

**TERMS AND CONDITIONS – Cont.:**

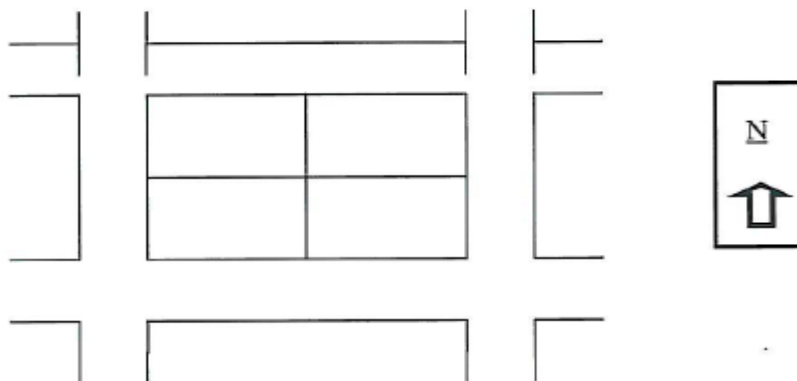
- 9. "Do Not Spray" Zone signs must be displayed adjacent to the requested "Do Not Spray" Zone area. "Do Not Spray" signs must be affixed to a sign post supplied by Smoky Lake County Agricultural Service Board; installed at a height of no more than 5' off the ground; and a minimum of 10' from the edge of the County road facing the road traffic.
- 10. It is the Applicant's responsibility to ensure clear visibility of the signs from the road during the months of June through October.
- 11. The "Do Not Spray" Zone signs and posts must be returned to Smoky Lake County immediately upon termination of agreement by the County or cancellation of agreement by the landowner/tenant when the request is no longer required or the property changes ownership.
- 12. Subject to the Applicant complying with the terms and conditions of this application, Smoky Lake County, within the limits described herein, agrees to use reasonable efforts to refrain from the use of herbicides within the Designated Non-Treatment Areas.
- 13. The County has the right to cancel this Agreement at any time and to implement weed or brush control deemed necessary at any time.

**Designated Non-Treatment Areas**

LEGAL, LAND LOCATION:

1/4 \_\_\_\_\_ SECTION: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ W4M

*Please specify the designated non-treatment areas on the diagram below - including Legal Descriptions.*



**Use additional pages for more Designated Non-Treatment Areas**

**I, THE UNDERSIGNED,  
HAVE READ THIS APPLICATION AND AM AWARE OF ITS CONTENTS AND AGREE TO THE TERMS AND CONDITIONS.**

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE OF APPLICANT:

AGRICULTURAL FIELDMAN: