

# SMOKY LAKE COUNTY



<b>Title: Weed Inspection and Weed Notice</b>	<b>Policy No.: 14-01</b>
<b>Section: 62</b>	<b>Page No.: 1 of 5</b>

<b>Legislation Reference:</b>	Alberta Provincial Statutes
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<b>Purpose:</b>	To enforce the Weed Control Act and therefore prevent and control the establishment and/or spread of noxious weeds.
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## Policy Statement and Guidelines:

### 1. OBJECTIVE:

To prevent and control the establishment and/or spread of noxious weeds through responsible communication with landowners, occupants, industry stakeholders and members of the general public.

### 2. PROCEDURES:

- 2.1 The Agricultural Service Board, at its discretion, appoint a sufficient number of inspectors to carry out the *Weed Control Act* and supply each inspector with identification in the form prescribed by the Weed Control Regulations.
- 2.2 The Weed Inspection Program will be conducted during the months of May to September; and will be carried out by the Agricultural Fieldman, Assistant Agricultural Fieldman or Weed Inspector, if one is hired.
- 2.3 The Agricultural Fieldman will be responsible for enforcement of the Weed Control Act.
- 2.4 When a weed problem is found every effort will be made to cooperate with the land owner to deal with the problem in an amicable manner. Only after verbal and written communication is made then a Weed Notice will be issued. Weed Notices are to be issued at the discretion of the Agricultural Fieldman; as per ***Schedule "A" Notice to Remedy Weed Problem.***
- 2.5 Weed Notices and all actions carried out before, after and in accordance with the issuance thereof, must be in compliance with the current *Weed Control Act* or related statutes of the Province of Alberta.
- 2.6 If remedial measures of the Weed Notice have not been complied with, the work may be carried out by the municipality or a private contractor (as hired by the municipality) and all associated fees are to be applied to the landowner and/or occupant.
- 2.7 If the landowner and/or occupant fail to pay the amount owing, the charges will be applied to the tax roll against the land in question by motion of County Council.
- 2.8 Weed Notices shall have a form, as per ***Schedule "B": Appeal Notice***; allowing the recipient of the Weed Notice the opportunity to appeal the Weed Notice. The conditions of an appeal will be as determined by the Agricultural Service Board from time to time and shall be printed on this form.

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<b>Policy Statement and Guidelines:</b>
<p>2.9 All Weed Notice Appeals shall be heard by the Agricultural Service Board.</p> <p>2.10 If an agreement cannot be found then the matter may be brought forward to the Provincial Courts for Appeal.</p>

	<b>Date</b>	<b>Resolution Number</b>
Approved	<b>January 14, 2010</b>	<b># 235-10 - Page # 9207</b>
Amended		
Amended		



### Schedule A

#### Weed Control Act (Section 12)

#### Notice to Remedy Weed Problem

TO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

YOU ARE HEREBY DIRECTED TO:

\_\_\_ DESTROY THE  
RESTRICTED WEEDS

\_\_\_ CONTROL THE  
NOXIOUS WEEDS

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

WHICH ARE INFESTING THE PROPERTY:

Municipally known as:

Township \_\_ Range \_\_                      LOCATION OF PROPERTY  
West of the \_\_ Meridian.

The weeds will be considered controlled or destroyed if \_\_\_\_\_  
\_\_\_\_\_.

Action is to be completed on or before (day) (month) (year).

If this notice is not complied with action will be taken in accordance with the provisions of the *Weed Control Act*.

Dated \_\_\_\_\_ 20\_\_

Issued under section 12  
of the *Weed Control Act*

\_\_\_\_\_  
(Inspector)  
(Municipality)  
\_\_\_\_\_  
(Address)

File No. \_\_\_\_\_

## ***IMPORTANT***

(Reprinted from the Weed Control Act)

### **Violation**

- 31 An occupant of land, or if the land is unoccupied, the owner of the land, shall as often as is necessary
- (a) destroy all restricted weeds located on the land to prevent the spread, growth, ripening or scattering of the restricted weeds,
  - (b) control in accordance with this Act and the regulations all noxious weeds located on the land to prevent the spread, growth, ripening or scattering of the noxious weeds, and
  - (c) prevent the spread or scattering of nuisance weeds.
- 32 An owner or occupant of land who receives a notice under this Act shall, subject to any right of appeal given by this Act, carry out the directions contained in the notice.

### **Appeals**

- 28(1) A person who
- (a) has an interest in land as an owner or occupant, and
  - (b) considers himself aggrieved by a notice that relates to the land and that is given by an inspector under section 12, 13 or 18(1),
- may appeal to the local authority of the municipality in which that land is located by filing a notice of appeal under this section.
- (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 land affected, and
  - (d) the grounds for appeal.
- (3) A notice of appeal shall be delivered personally or sent by double registered mail or certified mail to the municipal secretary, within the time specified in the notice for doing the thing required by the notice or 10 days, whichever is less.
- (4) A notice of appeal shall be accompanied with a deposit in an amount prescribed by the regulations.
- (5) The deposit made under subsection (4) shall be refunded if the appellant is successful in the appellant's appeal under this section or in a review under section 29.
- (6) A local authority shall at least once a year appoint an independent committee to hear and determine appeals under this section and on receipt of a notice of appeal a local authority shall refer the appeal to that committee.
- (7) Within 15 days from the day of receipt of a notice of appeal, the committee shall hear and determine the appeal and the committee may confirm, rescind or vary the notice that was issued.
- (8) The municipal secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, to the appellant by double registered mail or certified mail.

### **Offence**

- 38 A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$5000 and in default of payment to a term of imprisonment of not more than 60 days.



### Schedule "B" APPEAL NOTICE

**APPEAL NOTICE**

**Appeals to this Weed Notice must be hand delivered or sent double registered or certified mail within the time specified on the notice to take corrective actions or 10 days, whichever is less.**

DATED: \_\_\_\_\_

TO: CHIEF ADMINISTRATIVE OFFICER  
Smoky Lake County  
Box 310, 4612 McDougall Drive  
Smoky Lake, Alberta T0A 3C0

I am appealing the Direction ( \_\_\_\_\_ ), on  
Date on Directive

\_\_\_\_\_  
Legal Land Description

You may give reasons for your appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use a separate sheet if necessary)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Street Address

Phone Numbers:

Home: \_\_\_\_\_

\_\_\_\_\_  
Town

Cellular: \_\_\_\_\_

Work: \_\_\_\_\_

\_\_\_\_\_  
Province

\_\_\_\_\_  
Postal Code

**NOTE: ONLY appeals file WITHIN THE 10 DAY PERIOD will be heard by the SMOKY LAKE COUNTY AGRICULTURAL SERVICE BOARD.**

**You will be notified by mail of the date of the hearing.**