Ontario: Revised Statutes

1980

c 530 Weed Control Act

Ontario

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Bibliographic Citation
Weed Control Act, RSO 1980, c 530
Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss8/86

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CHAPTER 530
Weed Control Act

1. In this Act,

(a) "area weed inspector" means a person appointed under section 6 to enforce this Act;

(b) "chief inspector" means the chief inspector appointed under this Act;

(c) "Director" means the Director appointed under this Act;

(d) "district weed inspector" means a district weed inspector appointed under this Act;

(e) "inspector" means an area weed inspector, district weed inspector or municipal weed inspector;

(f) "Minister" means the Minister of Agriculture and Food;

(g) "municipal weed inspector" means a person appointed under section 8 to enforce this Act;

(h) "noxious weed" means a plant that is designated under this Act as a noxious weed;

(i) "owner" means the person shown as the owner of property on the last revised assessment roll of the municipality in which the property is located;

(j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed. 1972, c. 39, s. 1.

2. For the purposes of this Act, the owner of any land shall be deemed, unless the contrary is proved, to be the person in possession of the land. R.S.O. 1970, c. 493, s. 2.

3. The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act, a chief inspector and a district weed inspector for any district designated in his appointment. 1971, c. 50, s. 87 (2).
4. Every person in possession of land shall destroy all noxious weeds thereon. R.S.O. 1970, c. 493, s. 4 (1).

5. For the purposes of section 4, every road authority within the meaning of the Public Transportation and Highway Improvement Act shall be deemed to be the person in possession of the land under its jurisdiction. R.S.O. 1970, c. 493, s. 5 (1); 1971, c. 61, s. 1.

6.—(1) The council of every county, district and regional municipality shall by by-law appoint one or more persons as area weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.

(2) Any such council may divide the municipality into areas and appoint one or more area weed inspectors for each area.

(3) Where a council fails to appoint an area weed inspector under subsection (1), the Minister may appoint the area weed inspector and fix his remuneration or other compensation and shall notify the council of the appointment in writing and the treasurer of the municipality shall pay the remuneration or other compensation so fixed. 1972, c. 39, s. 4, part.

7.—(1) The clerk of each county, district and regional municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every area weed inspector for the municipality under this Act and the area for which each area weed inspector is appointed.

(2) Where the council of a county, district or regional municipality passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every area weed inspector appointed and the area for which the appointment is made.

(3) Where any area weed inspector resigns or the council revokes his appointment, the clerk of the municipality shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector. 1972, c. 39, s. 4, part.

8.—(1) The council of any municipality not referred to in subsection 6 (1) may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.
(2) Where persons are appointed as municipal weed inspectors under subsection (1), they shall carry out their duties in co-operation with the area weed inspector and the area weed inspector may, when he considers it necessary, exercise all the powers of an inspector under this Act in that municipality.

(3) Where the council of a municipality has appointed a municipal weed inspector under subsection (1), it may by by-law designate any plant that is not a noxious weed as a local weed in respect of the whole or any part of the municipality.

(4) For the purposes of this Act, a plant that is designated as a local weed under subsection (3) shall be deemed to be a noxious weed within the area to which the by-law applies.

(5) A by-law passed under subsection (3) does not take effect until it is approved by the Minister. 1972, c. 39, s. 4, part.

9. Where road commissioners have been appointed under the Statute Labour Act in territory without municipal organization, they shall have the powers of an inspector, and the provisions of this Act and the regulations apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act are collectable in the manner provided in the Statute Labour Act with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1970, c. 493, s. 9.

10. For the purpose of searching for noxious weeds or weed seeds, an inspector may at any time between sunrise and sunset enter upon any land and building other than a dwelling house in the area within his jurisdiction and inspect the land, and buildings, and any implements, machinery, vehicles and crops or other plants. R.S.O. 1970, c. 493, s. 10.

11.—(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds, and the person in possession of the land shall comply with the order.

(2) Every order shall be in the prescribed form and shall specify the time within which the noxious weeds or weed seeds shall be destroyed, but no order shall specify a time of less than seven days from the date of service of the order.
(3) Every order shall be served upon every person named in the order,

(a) where the person to be served resides on the land, by leaving a copy thereof with the person or with any person over the age of sixteen years residing on the land, or by sending it by registered mail addressed to the person at his usual place of residence; or

(b) where the person to be served does not reside on the land, by leaving a copy thereof with him or by sending it by registered mail addressed to him at his usual place of residence.

(4) Every order in which the owner of land is not named shall be served on the owner in the manner set out in subsection (3).

(5) Where any person considers himself aggrieved by an order served upon him, he may, within four days after service of the order, appeal against the order or any requirements of the order to the chief inspector giving reasons for his objection to the order. R.S.O. 1970, c. 493, s. 11 (1-5).

(6) The chief inspector may, after hearing an appeal under this section, confirm or revoke the order appealed from or may make a new order in place of such order, which shall be served in accordance with subsections (3) and (4).

(7) The appellant, the inspector who issued the order and such other persons as the chief inspector may specify are parties to proceedings before the chief inspector under subsection (6).

(8) An appeal under this section may be made in writing or orally or by telephone to the chief inspector, but the chief inspector may require the grounds for appeal to be specified in writing before the hearing.

(9) The chief inspector may, in the presence of the parties or after affording them an opportunity to be present, view and examine land in relation to which an order appealed from under this section is made and may give his decision upon the evidence adduced by the parties and on such view and examination. R.S.O. 1970, c. 493, s. 87 (3).

12. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. R.S.O. 1970, c. 493, s. 12.
13.—(1) Where an order served under section 11 is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations.

(2) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under subsection (1) with respect to each parcel of land in one possession, and he shall serve a statement thereof, together with a notice requesting payment, on the person in possession of the parcel and on the owner of the parcel.

(3) The statement and notice shall be served in the same manner as an order under section 11.

(4) If the person on whom a statement and notice were served under subsection (2) fails to pay the amount set out in the statement within fifteen days after the request for payment, the inspector shall present the statement to the council of the municipality in which the land is located, and the council, if the statement is proper, shall order it to be paid out of the general funds of the municipality. R.S.O. 1970, c. 493, s. 13 (1-4).

(5) The council shall cause every amount paid under subsection (4) to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under the Municipal Act. 1973, c. 89, s. 1.

14. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its municipal weed inspectors or, where there are no municipal weed inspectors, the area weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding 10 acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under the Municipal Act. R.S.O. 1970, c. 493, s. 14; 1972, c. 39, s. 5; 1973, c. 89, s. 2; 1978, c. 87, s. 9.
15. An application to the council for the cancellation, reduction or refund of any amount levied in the year in respect of which the application is made may be made by any person subject to an appeal to the Assessment Review Court in the same manner as for taxes under section 496 of the Municipal Act. 1973, c. 89, s. 3.

16.—(1) Where a district weed inspector finds noxious weeds or weed seeds on any land within the limits of a municipality in his district, he may deliver or send by registered mail to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before a date specified in the notice.

(2) Where any such notice is not complied with, the district weed inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations.

(3) The expenses incurred by a district weed inspector under subsection (2) shall be paid by the municipality concerned and are recoverable in any court of competent jurisdiction by the Minister in the name of Her Majesty as a debt due the Crown, and in any such action the certificate purporting to be signed by the Minister as to the amount of the expenses is conclusive proof thereof without proof of his authority or signature. R.S.O. 1970, c. 493, s. 15.

17. No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where the weeds or weed seeds might grow or spread. R.S.O. 1970, c. 493, s. 16.

18. Where the moving of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other handling or processing of farm crops is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move or cause to be moved such machine without first removing all seeds and other residue therefrom. R.S.O. 1970, c. 493, s. 17.

19. Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading. R.S.O. 1970, c. 493, s. 18.

20. Sections 4, 11, 14 and 16 do not apply to noxious weeds or weed seeds that are so far distant from any place used for agricultural or horticultural purposes that the noxious weeds or weed seeds can have no material effect
21.—(1) Every person who contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $50 and for a second or subsequent offence to a fine of not less than $50 and not more than $100. 1972, c. 39, s. 6 (1).

(2) Subsection (1) applies to a person who is in contravention of section 4 or of an order made under subsection 11 (1) notwithstanding that procedures for destroying weeds are provided for. 1973, c. 89, s. 4.

22. The Lieutenant Governor in Council may make regulations,

(a) designating plants as noxious weeds;

(b) prescribing the manner of and procedures for destroying noxious weeds and weed seeds, and providing for the circumstances and conditions under which noxious weeds and weed seeds may be destroyed under sections 13, 14 and 16;

(c) respecting the transportation of farm produce that is infested with noxious weeds or weed seeds;

(d) requiring methods and procedures that shall be taken to prevent the establishment of any noxious weed in any locality;

(e) providing for the reimbursement of counties, regional municipalities and municipalities in territorial districts by the Province of Ontario for any part of the moneys expended under this Act and prescribing limits on amounts reimbursed;

(f) prescribing forms and providing for their use;

(g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 493, s. 21; 1972, c. 39, s. 8.