

1970

## c 493 Weed Control Act

Ontario

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CHAPTER 493

The Weed Control Act

1. In this Act,

Interpre-  
tation

- (a) "chief inspector" means the chief inspector appointed under this Act;
- (b) "county weed inspector" means a person appointed by the council of a county to enforce this Act within the county;
- (c) "district weed inspector" means a district weed inspector appointed under this Act;
- (d) "inspector" means county weed inspector, district weed inspector, local weed inspector and municipal weed inspector;
- (e) "local weed inspector" means a person appointed by the council of a local municipality to enforce this Act within the municipality;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "municipal weed inspector" means a person appointed by the council of a municipality not forming part of a county for municipal purposes;
- (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. R.S.O. 1960, c. 427, s. 1; 1966, c. 160, 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. 1966, c. 160, s. 2.

Persons  
deemed in  
possession

3. The Lieutenant Governor in Council may appoint a chief inspector and a district weed inspector for any district designated in his appointment. R.S.O. 1960, c. 427, s. 2.

Appoint-  
ment of  
inspectors,  
chief and  
district

4.—(1) Every person in possession of land shall destroy all noxious weeds thereon. 1966, c. 160, s. 3.

Duty to  
destroy  
noxious  
weeds

Riparian  
owners

(2) Where land abuts a river, stream or lake or other natural body of water, the person in possession of the land shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of that body of water. R.S.O. 1960, c. 427, s. 3 (2).

Road  
authorities  
deemed in  
possession  
of roads  
R.S.O. 1970,  
c. 201

**5.**—(1) For the purposes of section 4, every road authority within the meaning of *The Highway Improvement Act* shall be deemed to be the person in possession of the land under its jurisdiction.

Recovery  
from road  
authorities

(2) Where the Minister is of the opinion that a road authority has failed to perform its duty under section 4, the Lieutenant Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1960, c. 427, s. 4.

Appoint-  
ment of  
inspectors  
in counties,  
cities,  
separated  
towns and  
municipali-  
ties in  
territorial  
districts

**6.**—(1) The council of every county, city and separated town and of every municipality on a territorial district shall pass by-laws appointing one or more persons as county weed inspectors, municipal weed inspectors or local weed inspectors, as the case may be, to enforce this Act in the area within its jurisdiction and fixing their remuneration or other compensation.

Division of  
municipality  
into areas

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

Failure to  
appoint  
inspectors

(3) Where a council fails to appoint an inspector under subsection 1, the Minister may appoint the inspector for the area within the jurisdiction of the council and fix his remuneration or other compensation and shall notify the council of the municipality in writing of the appointment and the treasurer of the municipality shall pay the remuneration or other compensation so fixed.

Annulment  
of inspector's  
appoint-  
ment by  
Minister

(4) If in the opinion of the Minister any inspector is incompetent or fails to carry out his duties, the Minister, after a hearing giving the inspector and the council that appointed him an opportunity to make representations in that regard, may annul the appointment of the inspector.

Reinstatement

(5) If in the opinion of the Minister a council has wrongfully revoked the appointment of an inspector appointed under subsection 1, the Minister, after giving the council and the inspector an opportunity to make representations in that regard, may, in writing addressed to the council concerned, require the council to reinstate the appointment for the remainder of the year. R.S.O. 1960, c. 427, s. 5.

**7.**—(1) The council of any municipality not included in subsection 1 of section 6 may pass by-laws appointing one or more persons as local weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation for their services under this Act.

Appointment of inspectors in towns, etc.

(2) Where persons are appointed local weed inspectors under subsection 1, they shall carry out their duties in co-operation with the county weed inspector and the county weed inspector may, when he considers it necessary, exercise all the powers of an inspector under this Act in that municipality. R.S.O. 1960, c. 427, s. 6.

Co-operation with county inspector

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

Clerk to report inspectors

(2) Where the council 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 inspector appointed and the area for which the appointment is made.

Idem

(3) Where any person appointed by by-law under subsection 1 of section 6 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. R.S.O. 1960, c. 427, s. 7.

Idem

**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. 1960, c. 427, s. 8.

Inspectors in territory without municipal organization R.S.O. 1970, c. 445

**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. 1960, c. 427, s. 9.

Powers of inspectors

**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

Order for destruction of weeds

with the order. R.S.O. 1960, c. 427, s. 10 (1); 1965, c. 141, s. 2; 1966, c. 160, s. 4.

Time for  
destruction  
of weeds

(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.

Service  
of 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.

Service  
on owner

(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.

Appeal to  
chief  
inspector

(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.

Disposition  
of appeal

(6) The chief inspector may confirm, modify or revoke any order of an inspector and shall send a copy of the confirmation, modification or revocation of the order to the inspector who issued the order and to every person upon whom the order was served. R.S.O. 1960, c. 427, s. 10.

Obstruction  
of inspectors

**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. 1960, c. 427, s. 11.

Failure to  
comply with  
order

**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.

Expenses of  
inspectors

(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.

Service of  
statement  
of expenses

(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. 1960, c. 427, s. 12 (1-4).

Failure to pay

(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 Assessment Act*, subject to an appeal to the Assessment Review Court in the same manner as for taxes under section 76 of *The Assessment Act*. R.S.O. 1960, c. 427, s. 12 (5), *amended*.

Collection of costs

R.S.O. 1970, c. 32

**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 inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten 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 Assessment Act*, subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*. R.S.O. 1960, c. 427, s. 13; 1965, c. 141, s. 3, *amended*.

Destruction of weeds in subdivided areas

**15.—(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.

Notice to destroy by district inspector

(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.

Failure to comply with notice

(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. 1960, c. 427, s. 14.

Recovery of expenses and charges

Deposit of  
noxious  
weeds

**16.** 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. 1960, c. 427, s. 15.

Cleaning  
machines

**17.** 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. 1960, c. 427, s. 16.

Grain  
elevators,  
etc.

**18.** 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. 1960, c. 427, s. 17.

Licensing  
of seed-  
cleaning  
plants

**19.**—(1) No person shall operate a plant for the cleaning of grain or seeds for seed purposes without a licence therefor from the Minister.

When no  
fee payable

(2) No fee is payable for a licence or any renewal thereof issued for a seed-cleaning plant that is used only for cleaning the grain and seed of the owner of the plant. R.S.O. 1960, c. 427, s. 18.

Offence

**20.**—(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 summary conviction is liable for a first offence to a fine of not more than \$25 and for a second or subsequent offence to a fine of not less than \$25 and not more than \$100. R.S.O. 1960, c. 427, s. 19.

Application  
of penalty

(2) Subsection 1 applies to a person who is in contravention of section 3 or of an order made under subsection 1 of section 11 notwithstanding that procedures for destroying weeds are provided for. 1966, c. 160, s. 5.

Regulations

**21.** The Lieutenant Governor in Council may make regulations,

- (a) designating plants as noxious weeds generally or in respect of any municipality;
- (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 15;
- (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) respecting the location and size of a seed-cleaning plant and the equipment required in its operation;
  - (f) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for seed-cleaning plants and prescribing the fees payable for licences or the renewal thereof;
  - (g) providing for the reimbursement of municipalities by the Province of Ontario for any part of the moneys expended under this Act;
  - (h) prescribing forms and providing for their use;
  - (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.  
R.S.O. 1960, c. 427, s. 20, *amended*.
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