



1937

c 344 Weed Control Act

Ontario

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Bibliographic Citation

Weed Control Act, RSO 1937, c 344

Repository Citation

Ontario (1937) "c 344 Weed Control Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 82.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/82>

CHAPTER 344.

The Weed Control Act.

1. In this Act and in any regulation made thereunder unless the context otherwise requires,— Interpretation.

- (a) "Director" shall mean the Director of Crops, Seeds and Weeds Branch of the Department of Agriculture; "Director."
- (b) "District inspector" shall mean an inspector of the Department of Agriculture appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister; "District inspector."
- (c) "Inspector" shall mean any officer appointed under the authority of this Act and charged with the enforcement of this Act; "Inspector."
- (d) "Minister" shall mean Minister of Agriculture; "Minister."
- (e) "Non-resident land" shall mean land which is unoccupied and the owner of which is not resident within the municipality; "Non-resident land."
- (f) "Noxious weed" shall mean any plant designated noxious by the regulations; "Noxious weed."
- (g) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (h) "Unorganized townships" shall mean townships without municipal organization. 1935, c. 49, s. 2. "Unorganized townships."

2. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,— Regulations.

- (a) prescribing the plants that shall be deemed noxious weeds;
- (b) providing for the appointment or employment of such officials as from time to time may be required for the proper administration of this Act;
- (c) providing for the giving of notice of the provisions of this Act and of the regulations to persons to whom such notice should be given, and the manner of giving the same;

(d) generally for the better carrying out of the provisions of this Act. 1935, c. 49, s. 3.

Declaring certain plants noxious weeds within county.

3.—(1) The council of any county may, with the consent of the Minister, pass by-laws declaring that plants other than those mentioned in the regulations, for the purposes of this Act, shall be deemed noxious weeds within the county.

Publication of by-law.

(2) Any by-law passed under the authority of subsection 1 shall be published in the *Ontario Gazette* and when so published shall have the same force and effect within the county as if the provisions thereof had been contained in the regulations. 1935, c. 49, s. 4.

Destruction of weeds.

4. Every occupant of land, or if the land is unoccupied, the owner shall destroy all weeds designated noxious by the regulations as often in every year as is sufficient to prevent the ripening of their seeds. 1935, c. 49, s. 5.

Inspector, —appointment of, by council.

5.—(1) The council of every city, town, village and township shall appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of the remuneration, fees or charges he is to receive for the performance of his duties, and if a vacancy occurs in the office, the council shall fill the same forthwith.

Division of municipality into sections.

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out of the provisions of this Act and may appoint inspectors for such divisions whose duties and powers shall, in all respects, be the same as those of the township inspector. 1935, c. 49, s. 6.

Inspector, —appointment of by Minister.

6.—(1) Where a council neglects or refuses to appoint an inspector as provided in section 5 the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

Remuneration, fees, and charges.

(2) Such remuneration, fees and charges shall be paid to the inspector or inspectors upon the order in writing of the Minister addressed to the treasurer of the municipality.

Incompetence.

(3) If, in the opinion of the Minister, any inspector appointed pursuant to this section is incompetent or remiss in the discharge of his duties, the Minister may cancel the appointment of such inspector by sending a notice in writing in that behalf to the council of the municipality. 1935, c. 49, s. 7.

7. No person shall be appointed or act as an inspector under the provisions of this Act within the corporate limits of a municipality, who is a member of the council of that municipality or who is a township road superintendent or foreman. 1935, c. 49, s. 8.

Member of council, road superintendent, foreman, not to be inspector.

8. The powers conferred by this Act upon any inspector to direct the destruction of any grain or forage crop, whether growing or not, or to destroy any such crop, shall not be exercised without first obtaining the consent in writing of the Director or the district inspector. 1935, c. 49, s. 9.

Consent of Director or district inspector, —when required.

9. Any inspector appointed under the provisions of this Act may at any time between sunrise and sunset enter upon any land which is within a district for which he is appointed, and enter any building, other than a dwelling house, situated thereon for the purpose of inspecting same, and may inspect any threshing machine, farm machinery or vehicle in order to search for noxious weeds or weed seeds. 1935, c. 49, s. 10.

Power of entry.

10.—(1) The inspector shall keep an account of the expense incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath where the amount exceeds \$5 to the owner or occupant of resident land with a notice requiring him to pay the amount.

Account of expense to be kept by inspector.

(2) In the case of a railway company, the statement and notice may be given to a station master of the company resident in the municipality, or if there is no station master therein, to a station master resident in an adjoining or neighbouring municipality, or to the divisional superintendent.

Railway company.

(3) If the owner or occupant deems such expenses excessive he may appeal to the council within fifteen days after the delivery of such statement and the council shall determine the matter in dispute.

Appeal from cost.

(4) If the owner or occupant refuses or neglects to pay such expenses within fifteen days after request for payment, the claim shall be presented to the council and the council shall audit the same and allow it, or so much thereof as may be found properly payable, and order the same to be paid from the general funds of the corporation.

Refusal or neglect to pay expenses.

(5) The inspector shall also present to the council a similar statement and where the amount exceeds \$5, verified by oath, of the expenses incurred by him in carrying out the provisions

Statement of expenses.

of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be properly payable and shall pay so much of it as has been so allowed.

Expenses to
be charge
against
land.

(6) The council shall cause all such sums as have been so allowed and paid to be placed upon the tax roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. 1935, c. 49, s. 11.

Notice
requiring
destruction.

11.—(1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town, village or township shall forthwith deliver or send by registered mail, to the treasurer of such city, town, village or township a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

Right of
entry.

(2) In case default is made by any city, town, village or township in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper.

Expenses,
—how
payable.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the city, town, village or township in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the city, town, village or township, as the case may be, in respect of such expenditures. 1935, c. 49, s. 12.

Inspector
to report
amount
expended
to clerk.

12.—(1) Notwithstanding the provisions of section 10, in cities and towns where the person appointed as inspector is an officer or servant of the corporation he shall report to the clerk the amount expended by the municipality in carrying out the provisions of this Act with respect to each parcel of land and the clerk shall place on the collector's roll of the

municipality the sum so expended against the respective lands, and such sum shall be collected in the same manner as other taxes, subject to an appeal to the court of revision of the said city or town at any time during the year in which the said sums are placed on the collector's roll.

(2) The council of any township adjacent to a city or town may by by-law declare that, with respect to the whole township or any defined area or areas in such township, the provisions of this section shall apply as in the case of a city or town. 1935, c. 49, s. 13.

Application of section in townships.

13.—(1) It shall be the duty of every road authority to see that all weeds growing upon streets or highways under its jurisdiction are cut down or destroyed at the proper time to prevent the ripening of their seed, and to appoint such officers as may be necessary for that purpose.

Road authority,—duty of as to cutting weeds.

(2) In this section "road authority" shall have the same meaning as in *The Highway Improvement Act*.

"Road authority,"—meaning of. Rev. Stat., c. 56.

(3) Upon the report of the Minister of Agriculture that any road authority is in default in the duty imposed upon it by subsection 1, the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund in respect of roads under the jurisdiction of such road authority under *The Highway Improvement Act* or any other Act relating to highways shall be withheld until it is shown to the satisfaction of the Minister of Highways that the road authority has carried out the duty so imposed.

Default of road authority.

(4) The council of a local municipality may by by-law provide that thereafter the annual cost of cutting down or destroying noxious weeds on any highway under the control of the municipality, but which has not been assumed by the corporation, shall be specially assessed upon the lands abutting directly on such highway.

Cost of weed cutting on highway.

(5) Neither the passing of a by-law under subsection 4, nor the expenditure of public money for cutting down or destroying noxious weeds upon a highway shall be an assumption of such highway for public use by the municipal corporation having control of such highway so as to render such corporation liable for repair or for damages resulting from non-repair within the meaning of *The Municipal Act*. 1935, c. 49, s. 14.

Destruction of weeds not to be deemed assumption of highway.

Rev. Stat., c. 266.

14. It shall be the duty of every railway company to prevent noxious weeds from growing upon any land owned or occupied by it for the purposes of, or in connection with its railway undertakings. 1935, c. 49, s. 15.

Railway company,—duty of.

Riparian
owner.

15. For' the purposes of this Act, every occupant of land shall be responsible for all noxious weeds growing to the low water mark of any river, stream, lake or other body of water. 1935, c. 49, s. 16.

Depositing
noxious
weeds
on road
prohibited.

16. No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water. 1935, c. 49, s. 17.

Thrashing
machine,—
cleaning of.

17. Every person in possession or charge of any machine used for thrashing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse. 1935, c. 49, s. 18.

Registra-
tion of
thrashing
machine.

18.—(1) Every person, firm or company owning or operating a thrashing machine or separator, or causing the same to be operated for hire, shall each year before commencing operations, register such thrashing machine or separator with the Minister and shall procure a certificate of registration as in Form A in the Schedule hereto.

Posting
of regis-
tration
certificate.

(2) Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the thrashing season.

Fees.

(3) The fee for registration shall be \$1, but in case of a machine not used for hire there shall be no fee.

Transfer of
ownership.

(4) Notice of any transfer or change of ownership of any machine registered under this Act shall be promptly forwarded to the Minister.

Penalty.

(5) Failure to comply with the provisions of this section shall be an offence and the offender shall be liable to a penalty of not less than \$10 nor more than \$25. 1935, c. 49, s. 19.

Refuse.

19. Every person responsible for the operation of a grain elevator, grist mill, flour mill, seed cleaning plant or other grain cleaning or grinding machinery shall dispose of all refuse, containing weed seeds, in such a manner that such weed seeds do not create a weed menace to neighbouring or other property. 1935, c. 49, s. 20.

Unorgan-
ized terri-
tory.
Rev. Stat.,
c. 274.

20. In unorganized territory where road commissioners have been appointed under *The Statute Labour Act* such commissioners shall for the purposes of this Act have the powers and perform the duties of an inspector, and all the provisions

of this Act and the regulations shall apply in the same manner as in the case of an unorganized municipality except that any sums payable by any person liable for expenses incurred or remuneration paid in carrying out the provisions of this Act shall be collectible 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. 1935, c. 49, s. 21.

21. In any unorganized territory or division thereof, the Minister may appoint inspectors where he deems it necessary for the better carrying out of the provisions of this Act. 1935, c. 49, s. 22. District inspectors.

22. Any person who contravenes any of the provisions of this Act or refuses or neglects to obey any lawful order of an inspector given under the authority of this Act, shall incur a penalty of not less than \$10 nor more than \$50 for every such offence. 1935, c. 49, s. 23. Penalty, refusal or neglect.

23. Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. 1935, c. 49, s. 24. Penalty.—obstructing inspector.

24. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. 1935, c. 49, s. 25. Recovery of penalties.
Rev. Stat., c. 136.

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SCHEDULE.

FORM A.

THE WEED CONTROL ACT.

(Section 18)

PROVINCE OF ONTARIO.

DEPARTMENT OF AGRICULTURE.

Registration Certificate of Threshing Machine No.

THIS IS TO CERTIFY THAT.....
of
has duly registered his threshing machine in accordance with the provisions of section 18 of *The Weed Control Act*.

Dated at Toronto, this }
..... day }
of....., 19.... }
.....
Minister of Agriculture

1935, c. 49, Form A.