



1927

## c 309 Weed Control Act

Ontario

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## CHAPTER 309.

## The Weed Control Act.

- 1.** In this Act and in any regulation made hereunder, unless the context otherwise requires,—
- Interpretation.      *(a)* “Advertisement” shall mean a printed public notice;
- “Advertisement.”      *(b)* “Inspector” shall mean any officer charged by a municipal council with the enforcement of this Act, or by the Minister as hereinafter provided;
- “Inspector.”      *(c)* “Minister” shall mean Minister of Agriculture;
- “Minister.”      *(d)* “Non-resident Land” shall mean land which is unoccupied and the owner of which is not resident within the municipality;
- “Non-resident land.”      *(e)* “Noxious Weed” shall mean any plant designated noxious by the regulations;
- “Noxious weed.”      *(f)* “Regulations” shall mean regulations made under the authority of this Act;
- “Regulations.”      *(g)* “Resident Land” shall mean land which is occupied or which is owned by a person resident within the municipality;
- “Resident land.”      *(h)* “Unorganized Townships” shall mean townships without municipal organization. 1927, c. 81, 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 may from time to time be required for the proper administration of this Act;
- (c)* providing for the giving of notice of the provisions of the 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. 1927, c. 81, s. 3.

**3.** 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. 1927, c. 81, s. 4. Destruction of weeds.

**4.**—(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. Appointment of inspector.

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out 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. 1927, c. 81, s. 5. Division of municipalities into sections and appointment of inspectors.

**5.**—(1) Where a council neglects or refuses to appoint an inspector as provided in section 4 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. Appointment of inspector by Minister.

(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. 1927, c. 81, s. 6. Remuneration of inspector.

**6.**—(1) The inspector shall keep an account of the expenses 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 to the owner or occupant of resident land with a notice requiring him to pay the amount. Account of inspector's expenses on payment thereof.

(a) 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 none resident in it, to a station master resident in an adjoining or neighbouring local municipality. Notice of same to railway company.

(2) If the owner or occupant deems such expenses excessive, he may appeal to the council within thirty days after delivery of such statement, and the council shall determine the matter in dispute. Appeal to council against excessive charge.

(3) If the owner or occupant refuses or neglects to pay such expenses within thirty 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 deemed just, and order the same to be paid from the general funds of the corporation. Proceedings upon default in payment.

Provisions as to expenses in case of non-resident land.

(4) The inspector shall also present to the council a similar statement verified by oath of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be deemed just, and shall pay so much of it as has been so allowed.

Collection of expenses by municipality.

(5) 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. 1927, c. 81, s. 7.

Duties of overseers of highways as to noxious weeds.

**7.**—(1) Overseers of highways, or other municipal officers charged with the care of highways, shall see that all noxious weeds growing upon the highways in their respective divisions are cut down or destroyed at the proper time to prevent the ripening of their seed, and the work shall be performed as part of the ordinary statute labour, or be paid for at a reasonable rate by the treasurer of the municipality as the council of the municipality may direct.

In unorganized townships.

(2) In unorganized townships where road commissioners have been appointed, every owner or occupant shall cut down and destroy, at the proper time to prevent the ripening of their seed, all noxious weeds growing on any highway adjoining such land from the boundary of such land to the centre line of the highway, and in case of default after notice from the road commissioners requiring such work to be done on or before a day named in the notice, such owner or occupant shall incur a penalty of \$5 for each lot or parcel in respect of which default is made, and the penalty when recovered shall be paid to the road commissioners, and be expended in improving the roads in such townships.

Road commissioners may do work and recover expenses.

(3) Where such default occurs the road commissioners may perform the work in place of such owner or occupant, and the cost thereof, at the prevailing rate for each day's labour involved, shall be recoverable as a debt due by such owner or occupant to the road commissioners in any court of competent jurisdiction. 1927, c. 81, s. 8.

Penalty.

**8.** Any owner or occupant of land who contravenes any of the provisions of this Act or who refuses or neglects to obey any lawful order of the inspector given under this Act shall incur a penalty of not less than \$20 nor more than \$50 for every such offence. 1927, c. 81, s. 9.

Recovery and application of penalties.

**9.** The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*, and, except as provided by subsection 2 of section 7, shall, when recovered, be paid over to the treasurer of the municipality in which the offence was committed. 1927, c. 81, s. 10.

Rev. Stat. c. 121.