

1914

## c 253 Noxious Weeds Act

Ontario

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## CHAPTER 253

## An Act to prevent the Spread of Noxious Weeds.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Noxious Weeds Act*. Short title.  
2 Geo. V. c. 68, s. 1.

2. In this Act,

Interpretation.

(a) "Non-resident land" shall mean land which is unoccupied and the owner of which is not resident within the municipality. "Non-resident land."

(b) "Resident land" shall mean land which is occupied or which is owned by a person resident within the municipality. "Resident land."  
2 Geo. V. c. 68, s. 2.

3. Every occupant of land or, if the land is unoccupied, the owner shall cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing thereon, and all other noxious weeds growing thereon to which this Act may be extended by by-law as hereinafter provided, so often in every year as is sufficient to prevent the ripening of their seed, if such cutting or destruction does not involve the destruction of the growing grain. Duty of owners and occupants as to destruction of weeds, etc.  
2 Geo. V. c. 68, s. 3.

4.—(1) The council of any township in which there are any large tracts or blocks of waste or unoccupied land may upon the petition of not less than thirty ratepayers, by by-law, suspend the operation of this Act in respect of such waste or unoccupied lands. Exemption of waste or unoccupied lands

(2) The by-law shall define the tracts or blocks of land so exempted and shall remain in force until repealed; and while it remains in force the land therein described shall be exempt from the operation of this Act. 2 Geo. V. c. 68, s. 4.

5. The council of any local municipality may by by-law extend the operation of this Act to any other description of weed, or to any diseased growing crops, which are by the by-law declared to be noxious to husbandry or gardening, and in that case the provisions of this Act shall apply to such noxious weeds and diseased growing crops as if the same were enumerated in section 3. Operation of Act may be extended.  
2 Geo. V. c. 68, s. 5.

Appointment  
of inspector.

6.—(1) The council of any local municipality may, and upon a petition of fifty or more ratepayers shall, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of 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 municipalities  
into sections  
and appointment  
of inspectors.

(2) The council may by a 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. R.S.O. 1897, c. 278, s. 3.

Duty of  
Inspector.

7.—(1) The inspector shall give notice in writing to the owner or occupant of any land within the municipality whereon any of such noxious weeds or diseased crops are growing requiring him to cause them to be cut down or destroyed within ten days from the service of the notice; and it shall be the duty of the inspector to give such notice for the first time not later than such dates in each year as may be fixed by by-law of the municipality.

Lands of rail-  
way company.

(2) In the case of the lands of a railway company the notice shall 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.

Inspector's  
powers on  
default by  
owner or  
occupant.

(3) If such owner or occupant of land refuses or neglects to cut down or destroy all or any of such noxious weeds or diseased growing crops within the period mentioned in the notice the inspector may enter upon the land and cause them to be cut down or destroyed, doing no unnecessary damage to other growing crops, or he may lay information before any justice of the peace complaining of such refusal or neglect, and such owner or occupant shall incur the penalties provided by section 10; but no inspector shall have power to cut down or destroy or to require the owner or occupant to cut down or destroy such noxious weeds or diseased growing crops on any land sown with grain not so diseased.

Non-resident  
land, notice  
not required.

(4) Where such noxious weeds are growing upon non-resident land it shall not be necessary to give any notice before proceeding to cut down or destroy them. 2 Geo. V. c. 68, s. 7.

Account of  
inspector's  
expenses and  
payment  
thereof.

8.—(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.

(a) In the case of a railway company the statement and notice may be served in the manner provided by subsection 2 of section 7.

(2) If the owner or occupant deems such expenses excessive he may appeal to the council within thirty days after the 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 the same within thirty days after such request for payment the claim shall be presented to the council and the council shall audit it and allow it or so much of it as it may deem just, and order the same to be paid from the general funds of the corporation. Proceedings in case of default in payment.

(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 of it as may be deemed just, and shall pay so much of it as has been so allowed. Provisions as to expenses in case of non-resident land.

(5) The council shall cause all such sums as have been so allowed and paid to be placed upon the collector's roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. 2 Geo. V. c. 68, s. 8. Collection of sums paid for expenses by municipality.

9.—(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 times 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. Duties of overseers of highways as to noxious weeds.

(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 such 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 township. In unorganized townships. Penalty.

(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 rate of \$2 for each day's labour involved shall be recoverable as a debt due by such owner or occupant. Road commissioners may do the work and recover expenses.



to the road commissioners in any court of competent jurisdiction. 2 Geo. V. c. 68, s. 9.

Penalty for neglect to obey inspector's orders.

**10.** 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 \$5 nor more than \$20 for every such offence. 2 Geo. V. c. 68, s. 10.

Penalty for selling seed mixed with seeds of weeds.

**11.** Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock or wild mustard shall for every such offence incur a penalty of not less than \$5 nor more than \$20. 2 Geo. V. c. 68, s. 11.

Penalty for sowing grain infected by smut.

**12.** Any person who sows any wheat or other grain knowing it to be infected by the disease known as smut without first using some proper and available remedy to destroy the germs of such disease shall incur a penalty of not less than \$5 nor more than \$20. 2 Geo. V. c. 68, s. 12.

Penalty for neglect of duties by inspector, etc.

**13.** Every inspector, overseer of highways or other officer who refuses or neglects to discharge the duties imposed on him by this Act shall incur a penalty of not less than \$10 nor more than \$20. 2 Geo. V. c. 68, s. 13.

Recovery and application of penalties.

Rev. Stat. c. 90.

**14.** The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act* and, except as provided by subsection 2 of section 9, shall when recovered be paid over to the treasurer of the municipality in which the offence is committed. 2 Geo. V. c. 68, s. 14.