

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 136

Being a by-law to prevent the growth of weeds and provide for the destruction of weeds

WHEREAS by Section 870 (k) of the Municipal Act and Supplementary Letters Patent the Regional Board may by by-law require the owners and occupiers of real property or their agents to clear such property of noxious weeds as hereinafter defined;

AND WHEREAS it is deemed advisable and expedient that for the protection of property owners generally in the Regional District of Central Okanagan as hereinafter described, such powers be exercised and necessary and sufficient regulatory measures be enacted;

NOW THEREFORE THE REGIONAL BOARD of the Regional District of Central Okanagan, in open meeting, enacts as follows:

(I) INTERPRETATION

1. In this by-law unless the context otherwise requires:
 - (a) REGIONAL DISTRICT shall mean the part of the Regional District of Central Okanagan as described in the Letters Patent, Div. XIX - Weed Control excluding thereout the corporation of the City of Kelowna and the Corporation of the District Municipality of Peachland.
 - (b) AGENT shall include the operator or lessee of any real property for agricultural or other purposes.
 - (c) INSPECTOR shall mean the inspector appointed by the Administrator at any time or from time to time to enforce and carry out the provisions of this by-law.
 - (d) OCCUPIER shall have the meaning given to it by Section 2 of the Municipal Act.
 - (e) OWNER shall have the meaning given to it by Section 2 of the Municipal Act.
 - (f) ADMINISTRATOR shall mean the administrator for the Regional District of Central Okanagan.
 - (g) NOXIOUS WEEDS shall include any weed defined in Schedule 'A' attached to and forming part of this by-law or any other plant commonly known as a weed.
 - (h) REAL PROPERTY shall have the meaning given to it by Section 2 of the Municipal Act.
 - (i) DESIGNATED AREA shall mean the Regional District of Central Okanagan as described in Section I of this by-law.

(II) REGULATION

2. All owners and occupiers of real property situate within the designated area, or their agents, shall prevent the infestation of such real property by noxious weeds.
3. All owners and occupiers of real property situate within the designated area shall cut or cause to be cut down or otherwise destroy all noxious weeds growing thereon so often in each year as is necessary to prevent them from going to seed and if any owner or occupier of such real property neglects to carry out the provisions of this section they shall be guilty of an infraction of this by-law.

(III) ENFORCEMENT

4. The Administrator may, at any time, or from time to time appoint an inspector or inspectors for the purposes of enforcing the provisions of this by-law and such inspector or inspectors shall be known as the Regional District of Central Okanagan Noxious Weed Control Inspectors hereinafter referred to as the Inspector.
5. Any Inspector appointed pursuant to Sec. 4 may enter at all reasonable times upon any real property subject to the regulations of this by-law in order to ascertain whether the regulations of this by-law are being obeyed.
6. If the Inspector determines that any particular real property within the designated area contains noxious weeds growing thereon, the inspector shall forthwith give notice in writing to the owner or occupier or his agent, of such condition and require the owner or occupier or agent of such real property to cut down or effectively destroy such weeds within ten (10) days from the date of such notice.
7. Any written notice to be given by Section 6 of this by-law shall be deemed to be validly given if delivered personally or mailed to the owner or occupier, if any, of the real property in question or the agent, if any, by prepaid Registered Mail and addressed to such owner, occupier or agent in care of the ordinary postal address for such real property.
8. If after the expiry of ten (10) days from the date of notice given pursuant to Section 6, the weeds have not been effectively cut down and destroyed by the owner, occupier or agent of the real property in question, it shall be lawful for the Regional District of Central Okanagan by its workmen and others to enter upon such real property and to clear such property of noxious weeds growing thereon by cutting down or otherwise destroying the noxious weeds at the expense of the person so defaulting, and the charges incurred by the Regional District of Central Okanagan for so doing, if unpaid on the thirty-first (31st) day of December in any year, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrear.

(IV) EXEMPTION OF FARM OPERATIONS

9. Notwithstanding the other provisions of this by-law, where traditional farming practises allow the natural ground cover to grow for protection from soil erosion or where weed control would be detrimental to traditional farming operations and crop production, working farms are exempt from the provisions of this by-law.

(V) GENERAL PROVISIONS

10. This by-law may be cited for all purposes as the "Regional District of Central Okanagan Noxious Weed Control By-law No. 136 , 1977".

READ/

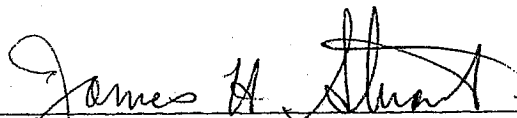
READ A FIRST TIME THIS 2nd DAY OF May, 1977.

READ A SECOND TIME THIS 2nd DAY OF May, 1977.

READ A THIRD TIME THIS 2nd DAY OF May, 1977.

Approved by the Minister of Municipal Affairs pursuant to Section 203 of the Municipalities Enabling and Validating Act.

RECONSIDERED AND ADOPTED THIS 20th DAY OF June, 1977.

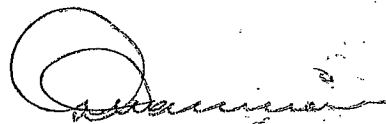


Chairman

I hereby certify the foregoing to be a true and correct copy of the By-law No. 136 cited as "Regional District of Central Okanagan Noxious Weed Control By-law No.

136, 1977" as read a third time by the Board on the 2nd day of May, 1977.

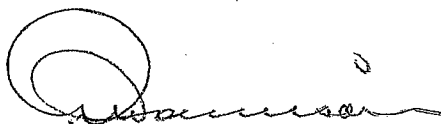
Dated at Kelowna, B.C. this 5th day of May, 1977.



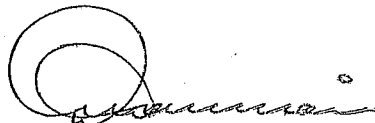
Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of the By-law No. 136, cited as "Regional District of Central Okanagan Noxious Weed Control By-law No. 136, 1977" as adopted by the Regional Board on the 20th day of June, 1977.

Dated at Kelowna, B.C. this 27th day of June, 1977.

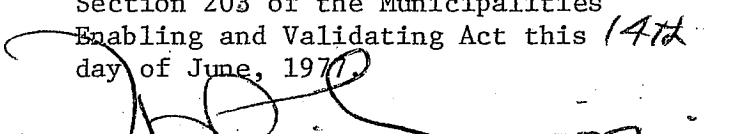


Secretary-Treasurer



Secretary-Treasurer

APPROVED pursuant to the provisions of Section 203 of the Municipalities Enabling and Validating Act this 14th day of June, 1977.


_____ Minister of Municipal Affairs and Housing.

SCHEDULE 'A'

- Sweet Clover (*Melilotus* sps)
- Russian Thistle (*Salsola Kali*, var. *tenuifolia*)
- Wild Mustard (*Brassica arvensis*, mustards sps)
- Ball-mustard (*Neslia paniculata*, mustards sps)
- Tumbling Mustard (*Sisymbrium altissimum*, mustards, sps.)
- Canada thistle (*Cirsium arvense*)
- Perennial Sow Thistle (*Sonchus arvensis*)
- Annual Sow-thistle (*Sonchus oleraceus*)
- Burdock (*Arctium lappa*)
- Hare's-ear mustard (*Conringia orientalis*)
- Wild Radish (*Raphanus Raphanistrum*)
- Stinkweed (*Thlaspi arvense*)
- Bindweed (*Convolvulus* spp.)
- Toad-Flax (*Linaria Vulgaris* Hill)
- Dalmatian Toad-Flax (*Linaria Dalmatica*)
- Bull-Thistle (*Cirsium lanceolatum*)
- Russian Knapweed (*Centaurea Repens*)
- Spurge (*Euphorbia* spp.)
- Klamath weed or St. John's wort (*Hypericum perforatum*)
- Tansy Ragwort (*Senecia Jacobaea*)
- Cinquefoil (*Potentilla* spp.)
- Poison Ivy (*Rhus Toxicodendron*)
- Prickly Sow-thistle (*Sonchus asper*)
- Difuse Knapweed (*Centaurea diffuse*)