

**TOWN OF QUALICUM BEACH
BYLAW NO. 722**

**A BYLAW OF THE TOWN OF QUALICUM BEACH TO REGULATE THE
CONTROL OF NOXIOUS WEEDS AND GRASSES WITHIN
THE TOWN OF QUALICUM BEACH**

The Council of the Town of Qualicum Beach in open meeting assembled enacts as follows;

1. Title

This Bylaw may be cited for all purposes as the "Town of Qualicum Beach Noxious Weeds and Grass Control Bylaw No. 722, 2018"

2. Definitions

"Brush" means tangled, obstructing, or impeding mass of dense vegetation consisting of plants, shrubs or small trees including their cut or broken branches

"Bylaw Enforcement Officer" means a peace officer or person appointed by the Council as a Bylaw Enforcement Officer, Building Inspector or Director of Planning;

"Grass" shall include plants that are commonly known or referred to as grass;

"Noxious Weeds" means any weed designated by regulation to be a noxious weed pursuant to the *Weed Control Act*, Regulation 66/85 and all amendments thereto; and in addition, any plant identified in "Schedule A" attached to this bylaw.

"Order" means an order issued pursuant to section 4 of this Bylaw;

"Owner" means any person who is the registered owner, or owner under agreement, of real property, and includes any person in actual or apparent possession of real property under a lease, license or other agreement with another owner;"

"Property" means any parcel of land in the Town;

"Parcel" means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

3. Prohibitions

- (1) All owners of real property situated within the Town of Qualicum Beach, or their agents, shall:
 - (a) keep the real property clear of noxious weeds: and
 - (b) prevent the growth or presence thereon of grasses exceeding 25 cm (10 in.) in height.
- (2) All owners of real property situated within the Town of Qualicum Beach, or their agents, shall upon being ordered to do so:

- (a) cut and remove from the property, or cause to be cut down in such a manner as to prevent blowing, all noxious weeds growing thereon so often in each year as is necessary to prevent them from going to seed.
 - (b) cut and remove from the property, or cause to be cut down in such a manner as to prevent blowing, any grasses growing thereon in excess of 25 cm (10 in.) in height so often in each year as is necessary to maintain such grasses at a height not in excess of 25 cm (10 in.).
- (3) No Owner of Property may cause, permit or allow brush, noxious weeds or grasses to encroach onto neighbouring public or private property;

4. Removal Orders

- (1) If an owner has failed to perform the obligations pursuant to section 3, the Bylaw Enforcement Officer, at their discretion, may serve on such owner, an Order which requires the owner to remove the contravention. Such Order must be sent in writing by mail to the Owner of the property where the contravention exists within the time frame set out in the notice, which time will not be less than five days.
- (2) Upon any failure by the Owner of the property to comply with an Order under this section, the Town may, by its own forces or those of a contractor, immediately enter on the Property and carry out the work described in the Order at the expense of the Owner and, whether the Order was directed at the Owner of the Property, or both, recover the costs in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Community Charter*.
- (3) Should an Owner of Property wish to contest an Order, that person must within 10 days of the posting or mailing of the Notice, inform the Town's Corporate Administrator in writing that he or she wishes to appear before the Council to contest the Order. Upon hearing the Owner, staff and any other affected persons, the Council may affirm, vary or revoke the Order.

5. Offence and Penalty

- (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Town of Qualicum Beach Municipal Ticket Information Bylaw No. 626, as amended from time to time, and the *Offence Act* if that person:
 - a) contravenes a provision of this Bylaw;
 - b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or

- c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) For greater certainty, an owner of property who refrains from stopping that owner's tenant from contravening this Bylaw commits an offence.
- (3) Each day an offence of a provision of this Bylaw occurs or continues, shall constitute a distinct and separate offence.

6. PENALTIES

- (1) In addition to other bylaw enforcement powers, enforcement of this Bylaw against a person may be by Municipal Ticket Information ("MTI") and if convicted, that person shall be liable to pay the full amount of the penalty and fine prescribed in the Town of Qualicum Beach Municipal Ticket Information Bylaw No. 626, as amended from time to time, to the Town of Qualicum Beach.
- (2) For greater certainty, an owner of property who permits his or her tenant to violate any provision of this Bylaw is in violation of this Bylaw.
- (3) If the penalty indicated on a MTI is not paid, and the Municipal Ticket is not disputed within fourteen (14) days of the date of service of MTI, the amount in full becomes due and payable to the Town of Qualicum Beach.
- (4) Any person who fails to pay the penalty indicated may have the amount transferred to a collection agent or be subject to collection through other legal processes.

Every person who contravenes any provision of this bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction, to a fine, and each day that such violation is caused, or allowed to continue, constitutes a separate offence

7. Inspection

The Bylaw Enforcement Officer may, in accordance with section 16 of the *Community Charter*, enter on any Property at any reasonable time to ascertain whether the requirements of this bylaw, or any Order issued pursuant to this bylaw, are being observed.

8. Severability

If any section or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME the 19th day of March, 2018.

READ A SECOND TIME the 19th day of March, 2018.

READ A THIRD TIME the 19th day of March, 2018.

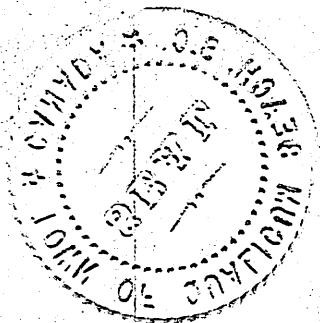
ADOPTED the 16th day of April, 2018.



Teunis Westbroek, Mayor



Heather Svensen, Corporate Administrator



Schedule "A"

"Town of Qualicum Beach Noxious Weeds and Grass Control Bylaw No. 722, 2018"

Noxious Weeds:

- Scotch Broom (*Cytisus scoparius*)