

## SUMMARY:

The Noxious Weed & Grass Control Bylaw identifies which weeds are considered to be noxious and requires people to prevent their property from becoming infested with the identified weeds. Should an Inspector determine that a property has become infested or has grass growing in excess of 8 inches in height and the property owner or occupier does not take action to clear the property within 10 days after being ordered to do so, the City may have the work done and the costs may be charged against the property taxes.

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# CITY OF KELOWNA

## BYLAW NO. 8133 *REVISED: October 27<sup>th</sup>, 1997*

### Noxious Weed and Grass Control Bylaw

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A bylaw pursuant to Section 725(l)(e) of the Municipal Act to require the owners or occupiers of real property, or their agents, to clear such property of noxious weeds; and for providing that in default of such clearing the municipality, by its workmen and others, may enter and effect such clearing at the expense of the person so defaulting; and for providing that the charges for so doing, if unpaid on the 31<sup>st</sup> day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

#### PART ONE - CITATION

- 1.1 This bylaw may be cited for all purposes as "Noxious Weed and Grass Control Bylaw No. 8133".

#### PART TWO - INTERPRETATION

- 2.1 In this bylaw, unless the context otherwise requires:

"Agent" shall include the operator or lessee of any real property for agricultural or other purposes.

"City of Kelowna" means the Municipal Council of the City of Kelowna or the land within the boundaries of the City of Kelowna, wherever the context so requires.

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

"Inspector" means the Inspector appointed by the Regional District of Central Okanagan and authorized by the Regional and District of Central Okanagan, at any time or from time to time, on behalf of the City of Kelowna, to enforce and carry out the provisions of this bylaw.

"Natural Growth" means the natural interior dryland successional growth.

"Noxious Weeds" shall include any weed defined in Schedule "A" attached to and forming part of this bylaw, or any other plant commonly known as a weed.

"Occupier" shall have the meaning given to it by Part 1 of the Municipal Act.

"Owner" shall have the meaning given to it by Part 1 of the Municipal Act.

"Real Property" shall have the meaning given to it by Part 1 of the Municipal Act.

PART THREE - REGULATIONS

- 3.1 All owners and occupiers of real property situated within the City of Kelowna, or their agents, shall:
- (a) prevent the infestation of such property by noxious weeds; and
  - (b) prevent the growth or presence thereon of grasses exceeding 20.32 cm (8 in.) in height.
- 3.2 All owners and occupiers of real property situated within the City of Kelowna, 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 and to prevent such noxious weeds from growing in excess of 20.32 cm (8 in.) in height.
  - (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 20.32 cm (8 in.) in height so often in each year as is necessary to maintain such grasses at a height not in excess of 20.32 cm (8 in.).

PART FOUR - ENFORCEMENT

- 4.1 The Inspector may enter at all reasonable times upon any real property subject to the regulations of this bylaw in order to ascertain whether the regulations of this bylaw are being obeyed.
- 4.2
- (a) If the Inspector determines that any particular real property within the City of Kelowna contains noxious weeds, or grasses in excess of 20.32 cm (8 in.) in height, present or 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 comply with the provisions of Part 3 of this bylaw within ten (10) days from the date of such notice.
  - (b) Notwithstanding Part 4.2(a) if upon inspection of any real property within the City of Kelowna, the Inspector determines that any noxious weeds growing thereon are imminently due to seed, the Inspector may forthwith give notice in writing to the owner or occupier of such real property or his agent to comply with the provisions of Part 3 of this bylaw within twenty-four (24) hours from the date and time of such notice.
- 4.3 Any written notice to be given by Part 4.2 of this bylaw 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.

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- 4.4 If after June 15<sup>th</sup> in each calendar year and after the expiry of ten (10) days from the date of notice given pursuant to Part 4.2(a) or the expiry of the twenty-four (24) hour period mentioned in Part 4.2(b), as the case may be, the owner or occupier of such real property or their agents have failed to comply with the provision of the said notice it shall be lawful for the City of Kelowna, by its workmen or other authorized agent, to enter upon such real property and carry out the work required to be carried out pursuant to the said notice at the expense of the person so defaulting, and the charges if unpaid on the 31<sup>st</sup> 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 arrears.

PART FIVE - EXEMPTION OF FARM OPERATORS

- 5.1 Notwithstanding the other provisions of this bylaw, where traditional farming practices 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 bylaw.
- 5.2 This bylaw shall not apply to grasses grown or cultivated in connection with a bonafide farming operation.
- 5.3 Notwithstanding the other provisions of this bylaw, if upon inspection of any real property within the City of Kelowna, the Inspector determines that vegetation control would jeopardize the stability of the soil or could lead to an erosion of a slope or hillside, the Inspector may exempt the property owner or his agent from the provisions of this bylaw.
- 5.4 Natural growth shall be exempted from this bylaw.

PART SIX - GENERAL PROVISIONS

- 6.1 In the event that any section of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or sub-section shall be severed from and not affect the remaining provisions of this bylaw.
- 6.2 Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrain from doing any act or thing which is required by any of the provisions of this bylaw, commits an offence punishable on summary conviction.
- 6.3 Every person who violates any of the provision of this bylaw and who commits an offence punishable on summary conviction shall be liable to a fine of not more than \$2,000.00 plus the cost of prosecution.
- 6.4 "Noxious Weed and Grass Control Bylaw No. 4946-80" together with amending Bylaws 5201-81, 5658-84 and 5694-84 are hereby repealed.
- 6.5 This bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

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Read a first time by the Municipal Council this 26<sup>th</sup> day of August, 1997.

Read a second time by the Municipal Council this 6<sup>th</sup> day of October, 1997.

Read a third time by the Municipal Council this 6<sup>th</sup> day of October, 1997.

Adopted by the Municipal Council of the City of Kelowna this 27<sup>th</sup> day of October, 1997.

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"Walter Gray"

Mayor

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"D.L. Shipclark"

City Clerk

SCHEDULE "A"

Sweet Clover (*Melilotus* sps)  
Russian Thistle (*Salsola Kali*, var. *tennifolia*)  
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*)  
Bare's Ear Mustard (*Conringia orientalis*)  
Wild Radish (*Raphanus Rapanistrum*)  
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*)  
Sulphur Cinquefoil (*Potentilla recta*)  
Poison Ivy (*Rhus Toxicodendron*)  
Prickly Sow-thistle (*Sonchus asper*)  
Diffuse Knapweed (*Centaurea diffusa*)  
Round's Tongue (*Cynoglossum Officinale*)  
Baby's Breath (*Cypsophiala Paniculata*)  
Purple Loosestrife (*Lythrum*)