



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3966

A Bylaw to Control Specified Noxious Weeds

WHEREAS by Supplementary Letters Patent dated June 18, 1974, the Cowichan Valley Regional District was granted the function of nuisance regulation, within Electoral Areas: A - Mill Bay/Malahat; B - Shawnigan Lake; C - Cobble Hill; D - Cowichan Bay; E - Cowichan Station/Sahltram/Glenora; F - Cowichan Lake South/Skutz Falls; G - Saltair/Gulf Islands; H - North Oyster/Diamond; and I - Youbou/Meade Creek; as participating areas, and was authorized to exercise in those participating areas the powers contained in section 870(b), (c), (d), (g), (h), and (k) of the *Municipal Act*, R.S.B.C. 1960, c. 255;

AND WHEREAS section 870(k) of the *Municipal Act*, R.S.B.C. 1960, c. 255 authorized bylaws to require the owners or occupiers of real property, or their agents, to clear such property of brush, trees, noxious weeds or other growths;

AND WHEREAS under the terms of Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, 1991, the Cowichan Valley Regional District continues to provide a nuisance regulation service within Electoral Areas: A; B; C; D; E; F; G; H; and I; under the authority of its Letters Patent, as a "continued service" within the meaning of section 774.2 of the *Local Government Act*;

AND WHEREAS section 725(1)(e) of the *Local Government Act* now authorizes bylaws to require the owners or occupiers of real property, or their agents, to clear such property of brush, trees, noxious weeds or other growths;

AND WHEREAS the Regional District considers the plants listed in Schedule A attached to and forming part of this bylaw to be noxious weeds;

AND WHEREAS under the authority of its Letters Patent and the *Local Government Act*, the Regional District wishes to enact a bylaw to require the owners and occupiers of real property within Electoral Areas: A; B; C; D; E; F; G; H; and I, of the Cowichan Valley Regional District to clear their property of the noxious weeds listed in Schedule A attached;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3966 – Noxious Weeds Control Bylaw, 2016**"

2. DEFINITIONS

In this Bylaw:

"Board" means the Board of the Cowichan Valley Regional District

"Officer" means a Bylaw Enforcement Officer or a person appointed by the Board to enforce this Bylaw.

"Occupier" has the same meaning as in the *Local Government Act and Community Charter*.

"Owner" has the same meaning as in the *Local Government Act and Community Charter*.

"Real property" has the same meaning as in the *Local Government Act and Community Charter*.

"Regional District" means the Cowichan Valley Regional District

"Service Area" means Electoral Areas A; B; C; D; E; F; G; H; and I of the Regional District.

3. PROHIBITION

Every owner or occupier of real property in the Service Area shall ensure that his or her property is cleared of, and remains free from, all noxious weeds listed in Schedule A to this Bylaw.

4. OFFICER

An Officer is authorized to enforce this Bylaw and, for that purpose, may enter at all reasonable times any real property to ascertain whether the provisions of this Bylaw are being observed.

5. NOTICE

If the Officer determines that there are noxious weeds present on any property within the Service Area, the Officer may notify the owner or occupier of such property, or the agent of the owner or occupier, directing that within a period of time specified by the Officer, the noxious weeds be cleared from the property.

6. COSTS OF ERADICATION

If the owner or occupier of real property, or their agent, fail to clear noxious weeds from that property in accordance with a notice delivered under section 5 of this Bylaw, the Regional District may by its officers, employees or contractors enter onto the property and may clear the noxious weeds by any means necessary, at the expense of the person defaulting. The charges incurred by the Regional District for clearing the noxious weeds, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes applicable in respect of such real property as taxes in arrears.

7. **PENALTY**

1. A person who contravenes any of the provisions of this bylaw, or who permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence and is liable to prosecution pursuant to the provisions of the *Offence Act*, and on summary conviction, to a fine and penalty of no more than the maximum permitted by law.
2. Each day that a contravention of this bylaw continues, constitutes a separate offence.
3. Without limiting the foregoing, this bylaw may be enforced by the issuing of a ticket for contravention, in accordance with "CVRD Bylaw No. 3209 – Ticket Information Bylaw, 2008"; as amended.

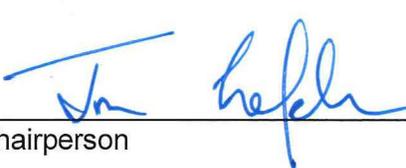
8. **SEVERABILITY**

If any provision of this Bylaw is found invalid by any court of competent jurisdiction, the offending portion shall be severed. Such decision shall not affect the validity of the remaining portions of this Bylaw.

9. **FORCE AND EFFECT**

This bylaw shall come into force and take effect on or after the date of its adoption.

READ A FIRST TIME this 10th day of February , 2016.
READ A SECOND TIME this 10th day of February , 2016.
READ A THIRD TIME this 10th day of February , 2016.
ADOPTED this 10th day of February , 2016.



Chairperson



Corporate Secretary



SCHEDULE "A"
To CVRD Bylaw No. 3966

Noxious Weeds

Giant Hogweed (Heracleum mantegazzianum)