

SER-001-004

Strathcona County
Municipal Policy Handbook

Weed Control Enforcement Program

Date of Approval by Council: 07/03/90; 04/09/96;
05/11/99; 02/20/01; 11/21/06

Resolution No. 620/90; 261/96
357/99; 109/2001; 740/2006

Lead Role: Chief Commissioner

Replaces: n/a

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Next Review Date: 11/2009

Administrative Responsibility: Transportation and Agriculture Services

Policy Statement

The control of weeds is a shared responsibility between owners, occupants and Strathcona County. The County shall have in place a formal policy to ensure that the control of weeds is undertaken in an efficient and effective manner.

Guidelines

Except as modified by this Policy, Strathcona County will implement and administer a program for the control of restricted, noxious and nuisance weeds on public and private lands in accordance with the obligations delegated to it by the Weed Control Act, RSA 2000, c. W-5 as amended.

Definitions

ACT: is the Weed Control Act RSA 2000, c. W-5 as amended and regulations made thereunder.

BOARD: is the Agricultural Service Board of the County.

CROPPING

MANAGEMENT PLAN: means a plan to control the growth of weeds.

LANDOWNER: in the case of land a person who is registered under the Land Titles Act as the owner, or in the case of personal property, a person who is in lawful possession of the property or who has the right to exercise control over the property.

MANAGER: means the Manager, Transportation and Agriculture Services or his designate.

NOTICE OF WEED CONTROL SERVICES

INVOICE: means an invoice for weed control services rendered by the County for non-compliance with a Weed Notice.

OCCUPANT: is a person occupying or exercising control or having the right to occupy or exercise control over land.

PROHIBIT SEEDING	means a Notice to Control the Growing and Use of Crops under the Act.
WEED INSPECTOR:	a person appointed as an inspector by the local authority under Section 5 of the Act.
WEED NOTICE:	means a Weed Notice under the Act.

Responsibilities

1. The Agricultural Service Board shall serve as the Appeal Committee for the purpose of any appeal pursuant to the Weed Control Act and this Policy.
2. The Manager shall:
 - Be responsible to ensure that Crop Management plans are developed with the Landowner and Occupant to control the growth of weeds.
 - Be responsible to ensure Landowners and Occupants are informed of their weed control responsibilities and avenues of appeal.
 - Be responsible to issue extensions to a Notice issued if extenuating circumstances have prevented a landowner or occupant from carrying out the terms of a Notice.

Procedures

1. Crop Management Plans

- The Weed Inspector will identify those severely weed infested fields that may require special attention to rectify the weed problem in July/August of each year.
- The Manager will contact the Landowner in writing prior to September 1, informing him that the land has been identified as severely weed infested.
- The Landowner or Occupant will have 30 days to contact the Manager with respect to entering into a Cropping Management Plan for the property in question.
- Once the Cropping Management Plan is finalized, a Prohibit Seeding Notice will be prepared incorporating the terms of the Plan and served on the Landowner and Occupant, if applicable, in the same manner as a Weed Notice.
- If the Manager and the Landowner or Occupant are unable to agree to terms for the Cropping Management Plan the Manager will prepare a Prohibit Seeding Notice instructing the Landowner or Occupant to maintain the property using appropriate weed control techniques the following crop year.
- The Landowner or Occupant will be provided with an opportunity to appeal the Prohibit Seeding Notice within 10 days from receipt of the Notice.
- If the land has been farmed in an appropriate fashion in the crop year following the issuance of

the Prohibit Seeding Notice, the Manager will forward an administrative recommendation to the first meeting of the Board following the summer recess, to rescind the notice.

2. Appeal of Weed Control Services Invoice

- A person who
 - has an interest in land as an Landowner, and
 - considers himself aggrieved by the Weed Control Services Invoice may appeal to the Board by filing a notice of appeal.
- A notice of appeal shall be in writing and will set out
 - the name and address of the appellant,
 - a copy of the notice in respect of which the appeal is being taken,
 - the legal description of the land affected, and
 - the grounds for appeal.
- A notice of appeal shall be accompanied by cash or a certified cheque in an amount established under the Strathcona County Fees and Charges Bylaw which shall be refunded to the appellant if the appeal is successful.
- A notice of appeal shall be delivered personally or sent by double registered or certified mail to the Manager within 30 days of receiving the weed invoice. Failure to appeal within 30 days of receipt of an invoice shall result in an automatic forfeit of the right to appeal.
- The Board shall hear and determine the appeal at the next regularly scheduled Agricultural Service Board Meeting.
- The Manager will, on determination of the appeal, send a copy of the decision together with the written reasons, if any, by double registered or certified mail to the appellant.

Note: The County is under no legislative requirement to provide an appeal process for a weed control services invoice.