

**City of Chilliwack**

**Bylaw No. 3578**

**A bylaw to control noxious weeds, brush, tall grass and other growth**

---

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “**Weed Control Bylaw 2008, No. 3578**”.
2. “Weed Control Bylaw 2001, No. 2801”, and amendments thereto, are hereby repealed.

**INTERPRETATION**

3. In this Bylaw:

“City Clerk” means the Clerk for the City of Chilliwack or any individual appointed or designated by Council to act in that person’s place;

“clearing” means the act of cutting down and removing noxious weeds, brush, tall grass or other similar growth;

“Bylaw Enforcement Officer” means the person appointed by Council to enforce the bylaws of the City, or any individual appointed or designated by Council to act in that person’s place;

“Notice” means a notice issued under Section 10 of this Bylaw;

“noxious weed” means any weed so designated by the regulations to the *Weed Control Act* (British Columbia), in force from time to time, and includes those weeds named in Schedule “A”, and their seeds;

“Owner” means the person or persons, including a corporation or company, registered in the records of a land title office as owner in fee simple of a parcel of real property, and includes an occupier such as a tenant, lessee, agent or any other person who has the right of access to a building or premises.

**CONTROL OF BRUSH AND NOXIOUS WEEDS**

4. No Owner of real property shall permit or allow his or her parcel to become overgrown with brush, noxious weeds, or other growth.

**CONTROL OF CATERPILLARS AND NOXIOUS INSECTS**

5. No Owner or occupier of real property shall permit or allow an infestation by caterpillars or other noxious or destructive insects on the property.

**GRASS HEIGHT RESTRICTION**

6. No Owner of real property located in a “Residential Zone” pursuant to the City’s Zoning Bylaw, in force from time to time, shall permit or allow grass or any other ground cover vegetation to exceed a height of 25 centimetres.

**INSPECTION**

7. A Bylaw Enforcement Officer may enter onto a parcel of land and may inspect and examine that parcel of land at all reasonable times to ascertain whether this Bylaw is being observed by the Owner, or for any other purpose relating to the administration or enforcement of this Bylaw.
8. No person shall obstruct a Bylaw Enforcement Officer from entering onto a parcel of land in accordance with Section 7.
9. Where a Bylaw Enforcement Officer enters a parcel of land pursuant to Section 7, the Owner of the parcel must give all reasonable assistance in connection with the inspection and examination of the parcel by the officer, and must answer all questions relating to the inspection and examination and, where required for those purposes, the Owner must attend at the parcel under inspection.

**REMOVAL NOTICE**

10. After completing an inspection under Section 7, if a Bylaw Enforcement Officer observes that there is a violation of this Bylaw, the Bylaw Enforcement Officer may deliver a Notice to the Owner of the parcel:
  - (1) requiring the Owner to clear any brush, noxious weeds, tall grass or other growths described in the Notice, or to remove any infestation of caterpillars or other noxious or destructive insects within 5 days, at the Owner’s expense; and
  - (2) stating that, after the expiration of 5 days, the City by its officers, employees, contractors or agents may, at the expense of the Owner, enter on the parcel and clear any brush, noxious weeds, tall grass, or other growth described in the Notice, or remove any infestation of caterpillars or other noxious or destructive insects.
11. Where an Owner receives a Notice with respect to his or her parcel, the Owner must clear from the parcel any brush, noxious weeds, tall grass, or other growths described in the Notice, and remove any infestation of caterpillars or other noxious or destructive insects within 5 days from the date the Notice is served.
12. A Notice shall be deemed served on an Owner if:
  - (1) personally served on a person aged 18 years of age or more, and occupying the parcel affected by the Notice;

**REMOVAL NOTICE (continued)**

- (2) mailed by express post (signature required) to the registered Owner at the Owner’s address recorded in the City of Chilliwack’s property record database; or,
- (3) deposited in a place normally used for the reception of mail for the affected parcel.

**DEFAULT**

- 13.** If, on any date that is 5 days after service of a Notice on an Owner, the Bylaw Enforcement Officer finds that the Owner has not complied with the requirements of the Notice, the City may cause an employee, contractor, or agent of the City, between 8:00 a.m. and 8:00 p.m., to enter the parcel that is subject to the Notice and clear any brush, noxious weeds, tall grass, or other growths described in the Notice, and remove any infestation of caterpillars or other noxious or destructive insects.
- 14.** The Owner of a parcel that has been cleared by the City of brush, noxious weeds, tall grass, or other growths, or any infestation of caterpillars or other noxious or destructive insects under Section 13 must pay to the City the actual cost of the clearing, plus an administration fee of \$75.00.
- 15.** If the debt described in Section 14 remains unpaid by the Owner on December 31 of the year in which the clearing was completed by the City, the City may add the cost of the clearing to the taxes due and owing on the subject parcel.

**APPEAL OF NOTICE**

- 16.** Any person served a Notice pursuant to this Bylaw may, within the time specified in the Notice, appeal the Notice to Council through the office of the City Clerk, and Council must hear and decide upon the appeal, and the decision of Council shall be final.

**APPEAL OF CHARGES**

- 17.** If the Owner of real property has been assessed charges under this Bylaw, and the Owner proves to the satisfaction of the City Clerk that unforeseen or unusual circumstances prevented the Owner’s compliance with the Notice, the City Clerk may waive all or part of the charges.

**OFFENCE AND PENALTY**

- 18.** Every person who violates any provision of this Bylaw, or who suffers or permits any act to be done in violation of any of the provisions of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable on summary conviction and

**OFFENCE AND PENALTY** (continued)

- (1) is liable to a fine of not less than \$2,000.00 and not more than \$10,000.00, and,
- (2) if the offence is a continuing offence, each day that such offence is continued will constitute a separate offence, and the person is liable for an additional fine of not less than \$2,000.00 and not more than \$10,000.00 in respect of each day.

**TICKETING**

- 19. A Bylaw Enforcement Officer may issue a Bylaw Enforcement Notice or Municipal Ticket Information informing a person that an offence has occurred under this Bylaw.

**SEVERABILITY**

- 20. If any portion of this Bylaw is held invalid by a court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Received first reading on the 6<sup>th</sup> day of October, 2008.  
Received second reading on the 6<sup>th</sup> day of October, 2008.  
Received third reading on the 6<sup>th</sup> day of October, 2008.  
Finally passed and adopted on the 20<sup>th</sup> day of October, 2008.

“Clint Hames”

\_\_\_\_\_  
Mayor

“Robert L. Carnegie”

\_\_\_\_\_  
Clerk

**Schedule “A”**

**NOXIOUS WEEDS**

Annual Sow Thistle	(Sonchus oleraceus)
Canada Thistle	(Cirsium arvense)
Common Crupina	(Crupina vulgaris)
Common Toadflax	(Linaria dalmatica)
Diffuse Knapweed	(Centaurea diffusa)
Dodder	(Cuscuta spp.)
Giant Hogweed	(Heracleum mantegazzianum)
Gorse	(Ulex europaeus)
Hound’s-tongue	(Cynoglossum officinale)
Jointed Goatgrass	(aegilops cylindrica)
Leafy Spurge	(Euphorbia esula)
Perennial Sow Thistle	(Sonchus arvensis)
Purple Nutsedge	(Cyperus rotundus)
Rush Skeleton Weed	(Chondrilla juncea)
Scentless Chamomile	(Matricaria maritima)
Spotted Knapweed	(Centaurea maculosa)
Tansy Ragwort	(Senecio jacobaea)
Velvetleaf	(Abutilon theophrasti)
Wild Oats	(Avena fatua)
Yellow Nutsedge	(Cyperus esculentus)
Yellow Starthistle	(Centaurea solstitialis)