BYLAW NO. 4181, 2010

A Bylaw to regulate and prevent the spread of noxious weeds in the City of Coquitlam.

WHEREAS:

A. Section 8(3)(h) of the *Community Charter,* S.B.C. 2003, c. 26 (the *"Community Charter"*) provides that Council may, by bylaw regulate and impose requirements in relation to nuisances, disturbances and other objectionable situations;

B. Section 64(1) of the *Community Charter* grants Council the authority to exercise that power in relation to trees, weeds and other growths that Council considers should be removed, cut down or trimmed; and

C. Council considers it necessary and desirable to exercise the authority granted in the *Community Charter* so as to prevent the spread of noxious weeds in the City of Coquitlam.

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the "Noxious Weed Bylaw No. 4181, 2010."

2. Definitions

In this Bylaw, *Noxious Weed* means a species of weed identified in Schedule "A" attached to this Bylaw.

3. Accumulation on Premises

No owner or occupier of real property, or their agent, will grow a Noxious Weed, or allow a Noxious Weed to grow, or otherwise remain on their real property.

4. Right of Entry

In accordance with the provisions of the *Community Charter,* any officer, employee or agent of the City may enter onto private property to ascertain whether the requirements of this Bylaw are being met or the regulations are not being observed.

5. Notice of Non-Compliance

On identification or observation of non-compliance with this Bylaw, any officer, employee or agent of the City may require the owner or occupier of the real property, or their agent, to clear the real property of a Noxious Weed within the time frame specified in the notice, which will be

no less than fourteen (14) days. Notice of non-compliance may be delivered orally to an owner, or to an occupier of the real property apparently over the age of 16, or their agent, or delivered in writing by hand to the owner of the real property, the occupier, or their agent, or by registered mail to the registered owner of the real property, the occupant, or their agent.

6. City to Effect Compliance

6.1   If the owner or occupier of real property, or their agent, fails to comply with a notice given pursuant to section 5 of this Bylaw, the City, by its employees or other persons, at reasonable times, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply;

6.2   If the person at whose expense the compliance is carried out under section 6.1, does not pay the costs incurred by the City to effect compliance on or before December 31st in the year that the compliance was effected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears.

7. No Interference

No person shall interfere with any officer, employee or agent of the City in the performance of his or her duties under this Bylaw.

8. Offences

8.1   Every person who violates any provisions of this Bylaw or who suffers or permits any act or thing to be done or omitted to be done in contravention of this Bylaw, commits and offence and is liable for a fine of up to $10,000.

8.2   Each day on which any contravention occurs will be deemed to be a separate offence.

9. Severability

If any part of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion will be severed and will not affect the validity of the remainder of the Bylaw which will continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.
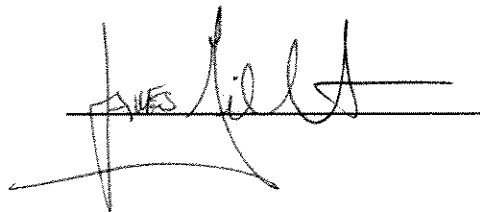
READ A FIRST TIME this 6th day of December, 2010.

READ A SECOND TIME this 6th day of December, 2010.

READ A THIRD TIME this 6th day of December, 2010.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 13th day of December, 2010.

_____ MAYOR

_____ CLERK

SCHEDULE "A"

Giant Hogweed (*Heracleum mantegazzianum*)