

UNEDITED

# *The Noxious Weeds Act*

*being*

Chapter 215 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 215

### An Act respecting Noxious Weeds

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Noxious Weeds Act*.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

##### “commissioner”

- 1 “**commissioner**” means the Field Crops Commissioner in the Department of Agriculture;

##### “council”

- 2 “**council**” means the council of a municipality;

##### “department”

- 3 “**department**” means the Department of Agriculture;

##### “district representative”

- 4 “**district representative**” means an officer of the department appointed by the minister under the provisions of this Act;

##### “inspector”

- 5 “**inspector**” means an inspector appointed by the council of a city, town, village or rural municipality, or by the minister under the provisions of section 7;

##### “land”

- 6 “**land**” includes land in cities, towns and villages as well as in rural municipalities;

##### “minister”

- 7 “**minister**” means the Minister of Agriculture;

##### “municipality”

- 8 “**municipality**” means a city, town, village or rural municipality;

##### “noxious weeds”

- 9 “**noxious weeds**” includes the following plants or seeds thereof: perennial sow thistle, annual sow thistle, Canada thistle, couch grass, poverty weed, wild oats, darnel, wild mustard, stinkweed, tumbling mustard, hare’s ear mustard, ball mustard, toad flax (*linaria vulgaris*), false flax, bird rape, Russian thistle, blue burr, ragweed, purple cockle, cow cockle, night flowering catchfly, green foxtail (*setaria viridis*), bladder campion, leafy spurge, hoary cress, Russian knapweed, field bindweed (*convolvulus arvensis*) and barberry (with the exception of *Berberis thunbergii*), marihuana, sometimes known as Indian hemp (*cannabis sativa*), and such other plants as may be declared by the minister by order published in The Saskatchewan Gazette to be noxious weeds;

##### “occupant”

- 10 “**occupant**” means a resident occupier of land in a municipality, or, if there is no resident occupier, the person entitled to the possession thereof as lease holder, or a person having or enjoying in any way for any purpose the use of land in a municipality;

**“owner”**

11 **“owner”** means a person who has any right, title, estate or interest in or to land in a municipality and who is assessed in respect of such land;

**“roads”**

12 **“roads”** includes streets and lanes in cities, towns and villages, as well as public highways or road allowances in rural municipalities.

R.S.S. 1940, c.202, s.2; 1946, c.61, s.2; R.S.S.  
1953, c.215, s.2.

## DUTIES OF OWNERS OR OCCUPANTS OF LANDS

**Control of weeds**

3(1) It shall be the duty of every owner or occupant of land to destroy noxious weeds thereon, and prevent the spread of such weeds to other lands.

(2) For the purposes of this Act a municipality shall be deemed to be the owner of the roads within its boundaries.

(3) An owner or occupant shall be deemed to have complied with this section when he has performed on the land concerned, in due season and in a workmanlike manner, such acts as are commonly regarded in the district adjacent to the land as effective in controlling the noxious weeds found thereon.

R.S.S. 1940, c.202, s.3; R.S.S. 1953, c.215, s.3.

**Appointment of agent by absent owner**

4(1) The owner of or any person having an interest in land, not being the occupant thereof, may appoint a resident of Saskatchewan as his agent for the purpose of notification hereunder, and in such case he shall by registered mail, before the first day of May in any year, notify the clerk or secretary treasurer of the municipality in which the land is situated of such appointment.

(2) The clerk or secretary treasurer shall, forthwith after receipt of notice of the appointment of an agent, notify the weed inspector for the district, in writing, of the appointment giving the name and address of the agent and a description of the land for which he is agent.

R.S.S. 1940, c.202, s.4; R.S.S. 1953, c.215, s.4.

**Railway companies**

5(1) Railway companies shall be responsible for the destruction of noxious weeds upon their property, and all orders with respect thereto shall be sufficiently served if delivered or sent by registered mail to the section foreman concerned.

(2) The inspector shall, forthwith after serving the order, advise the clerk or secretary treasurer of the municipality thereof, and the clerk or secretary treasurer shall thereupon give written notification of the service to the superintendent of the railway division in which the weeds are found.

R.S.S. 1940, c.202, s.5; R.S.S. 1953, c.215, s.5.

**Irrigation companies and drainage associations**

**6** Irrigation companies and drainage associations shall be responsible for the destruction of weeds in or upon associations ditches, rights of way and other property under their control, and all orders with respect thereto shall be sufficiently served if delivered or sent by registered mail to the secretary, superintendent, manager or ditch rider concerned.

R.S.S. 1940, c.202, s.6; R.S.S. 1953, c.215, s.6.

**WEED INSPECTORS****Appointment, term of office and remuneration**

**7(1)** The council of a municipality may appoint any inspectors required to enforce the provisions of this Act within the municipality. If no appointment has been made, the council shall make an appointment at its next meeting following the receipt of a petition signed by at least ten ratepayers requesting that such appointment be made.

(2) If the council of a municipality in which noxious weeds are prevalent has not appointed an inspector, the minister may, after giving notice requiring such appointment, to the council through its clerk or secretary treasurer, and on failure of the council for fifteen days to comply with the notice, appoint one or more persons to perform the duties of weed inspectors within the municipality and determine the duration of such appointment and the remuneration of such person or persons to be paid out of the funds of the municipality.

(3) If the council neglects or refuses to pay such remuneration, the Provincial Treasurer, on the recommendation of the minister, may do so, and sums so paid shall be deducted from any sums payable at any time thereafter to the municipality.

(4) Subject to the provisions of subsection (2) weed inspectors shall be paid such remuneration as the council may decide and shall hold office until the thirty-first day of December of the year in which the appointment is made unless the engagement is terminated at an earlier date by notice in writing.

R.S.S. 1940, c.202, s.7; R.S.S. 1953, c.215, s.7.

**Notification to commissioner of appointment**

**8** The clerk or secretary treasurer of the municipality shall notify the commissioner forthwith of any appointment made by the municipality, giving the post office addresses of the appointees, the locations of their residences and the territory assigned to each.

R.S.S. 1940, c.202, s.8; R.S.S. 1953, c.215, s.8.

**Powers of rural inspectors in urban municipalities**

**9(1)** If an urban municipality has not appointed an inspector, an inspector designated by the rural municipality surrounding the urban municipality may exercise in that municipality all the powers herein conferred on weed inspectors.

(2) If the notification of the appointment of an inspector in an urban municipality is not received by the commissioner within fourteen days of the appointment, the municipality shall be deemed not to have appointed an inspector.

R.S.S. 1940, c.202, s.9; R.S.S. 1953, c.215, s.9.

**Liability of municipality**

**10** Every municipality shall be responsible for the acts and negligences of its weed inspectors in the performance of their duties, whether appointed by the council or by the minister.

R.S.S. 1940, c.202, s.10; R.S.S. 1953, c.215, s.10.

## POWERS AND DUTIES OF WEED INSPECTORS

**Entry on land**

**11** An inspector may enter upon land and into premises for the purpose of performing his duties and exercising the powers herein contained, and he shall be afforded a reasonable opportunity for a thorough inspection.

R.S.S. 1940, c.202, s.11; R.S.S. 1953, c.215, s.11.

**Enforcement of Act**

**12** It shall be the duty of an inspector to enforce the provisions of this Act and to investigate and deal with complaints made to the council or to him respecting noxious weeds.

R.S.S. 1940, c.202, s.12; R.S.S. 1953, c.215, s.12.

**Orders for destruction of weeds**

**13(1)** Subject to the provisions of subsections (2) and (3), an inspector may issue orders (form A) to owners or occupants of land requiring the destruction of noxious weeds thereon through the performance of such acts or operations as in his judgment constitute good agricultural practice for the land and district concerned, which may include the use of chemicals; and such acts or operations shall be specified in the orders.

(2) No order shall be issued which includes the destruction of a crop, except in the case of perennial sow thistle or Canada thistle, and in this event, the consent of the reeve and the councillor for the division concerned, or the council, shall first be obtained, where the part to be destroyed exceeds one-tenth of the total cropped area of the infested field.

(3) If the occupant resides in the municipality, the inspector shall confer with him regarding the methods of control to be applied with a view to the most satisfactory treatment from the standpoint of the occupant as well as the community, and an agreement (form B), setting forth fully the arrangements made, may be signed by both parties. If an agreement cannot be reached, or if the inspector, after two visits on different days, fails to find the occupant at his usual place of residence, the inspector may issue an order (form A), providing for the destruction of the noxious weeds, and such order shall, notwithstanding the provisions of section 14, be deemed properly served if left with some grown up person resident on the farm of the occupant, or if posted by registered mail to the last known address of the occupant, who shall be allowed five days from the date of posting or service in which to commence the work.

(4) If an agreement has been duly signed but is not being carried out to the satisfaction of the inspector, the inspector may forthwith take such steps as are necessary to perform the work required by the agreement.

(5) An inspector may make agreements or issue orders requiring the destruction of weeds in the following year, and such agreements or orders shall have the same effect as if made or issued in the year in which the work is to be done.

R.S.S. 1940, c.202, s.13; R.S.S. 1953, c.215, s.13.

#### Service of order

14(1) If the owner or occupant resides in the municipality the order shall be served by the inspector in person and five days from the date of service shall be allowed in which to commence the work ordered.

(2) If the occupant resides outside the municipality but within the province, the order shall be served in person by the inspector or posted by the clerk or secretary treasurer by registered mail addressed to the occupant, who shall be allowed five days from the date of posting or service in which to commence the work.

(3) Where, in the case of occupied land, an agent has been appointed as provided by section 4 and the inspector has issued an order to the occupant, the inspector shall forthwith transmit a copy of the order to the clerk or secretary treasurer who shall immediately post it to the agent.

(4) Where, in the case of unoccupied land, an agent has been appointed as provided by section 4, the inspector shall transmit the order to the clerk or secretary treasurer who shall immediately post a copy thereof by registered mail, addressed to the agent, who shall be allowed ten days after the mailing thereof in which to commence the work.

(5) Where, in the case of unoccupied land, a non-resident owner has no authorized agent in Saskatchewan, the order shall be posted by the clerk or secretary treasurer by registered mail, addressed to the owner, who shall be allowed ten days from the date of posting the letter in which to commence the work.

(6) Notwithstanding the foregoing provisions of this section, after the first day of July in any year, in the case of perennial sow thistle, only seventy-two hours from the time the notice is served shall be allowed in which to commence work. Notice may be served by telegram when the time of despatching the telegram shall be considered the time of service.

R.S.S. 1940, c.202, s.14; R.S.S. 1953, c.215, s.14.

#### Destruction of weeds

15(1) If an order has been served or posted under section 13 or 14, the inspector may, if the work is not commenced within the time therein mentioned and carried out as specified in the order, forthwith take the steps necessary to perform the work required by the order.

(2) In rural municipalities no expense in excess of \$200 shall be incurred for the destruction of noxious weeds and in weed control measures on a quarter section of land in any year, except in the case of perennial sow thistle when an expense not exceeding \$300 may be incurred.

(3) In cities, towns and villages no expense in excess of \$5 per lot shall be incurred for the destruction of noxious weeds in any year except for the destruction of leafy spurge, hoary cress, Russian knapweed, toad flax or bladder campion, in which case any expense deemed necessary by the inspector may be incurred in any year but no amount in excess of \$50 per lot shall be recoverable.

R.S.S. 1940, c.202, s.15; 1951, c.62, s.1; R.S.S. 1953, c.215, s.15.

**Destruction of weeds in urban municipalities**

**16** Notwithstanding the foregoing provisions of this Act, the council of any city, town or village may authorize an inspector to enter upon any unoccupied parcel of land within its boundaries, without previous notice to the owner, and to take such steps to destroy noxious weeds thereon as the inspector deems fit and proper:

Provided that no amount in excess of \$1 per lot shall be expended in any year.

R.S.S. 1940, c.202, s.16; R.S.S. 1953, c.215, s.16.

**Power to prohibit removal of grain, etc.**

**17(1)** An inspector may, by order in writing, prohibit, except under such conditions as may be permitted and specified in writing by the inspector, the sale or other disposal or the purchase or other acquisition or the movement, except on the parcel of land on which it was produced, of hay or straw or other fodder or field crop seeds, bran, shorts, crushed grain or cleanings of any kind, if found to contain noxious weed seeds.

(2) A weed inspector employed by a rural municipality shall have power in urban municipalities to inspect any grain, fodder or other thing named in this section and may prohibit, except under such conditions as may be permitted and specified in writing, the sale, movement or other disposal of such material if found to contain noxious weeds.

(3) A municipality may by bylaw require that, before any grain, fodder or other thing named in this section is moved into the municipality, the owner thereof or his agent shall notify a weed inspector employed by the municipality, or, if there is no weed inspector, the clerk or secretary treasurer of the municipality, and reasonable opportunity for inspection shall be afforded the person notified. This sub-section does not apply to registered seed in sealed sacks bearing the seal of The Canadian Seed Growers' Association, or seed which is correctly graded and labelled in accordance with the *Seeds Act (Canada)*.

(4) Before the removal of screenings from grain elevators or warehouses where grain is cleaned or stored, the purchaser of the screenings shall obtain a permit to do so from a weed inspector or, if there is no weed inspector, from the clerk or secretary treasurer of the municipality into which it is proposed to remove the screenings, and the removal shall be subject to the conditions specified in the permit:

Provided that a farmer may without a permit receive and return to his own premises the screenings from grain produced on his farm, if measures satisfactory to the weed inspector are taken to prevent their distribution.

(5) Non-compliance with the conditions of a permit granted by a weed inspector or a clerk or secretary treasurer under the authority of this section shall be a violation of this Act and each violation shall constitute a separate offence.

(6) A legible card containing the provisions of subsection (4) of this section shall be conspicuously posted in grain elevators or warehouses where grain is cleaned or stored.

R.S.S. 1940, c.202, s.17; R.S.S. 1953, c.215, s.17.

**Copies of agreements and orders**

**18** Every inspector shall make three copies of all agreements made and orders given in accordance with this Act.

R.S.S. 1940, c.202, s.18; R.S.S. 1953, c.215, s.18.

**Weekly report to municipality**

**19** Every inspector shall make a weekly report, on a municipality form to be approved by the minister, to the clerk or secretary treasurer of the municipality in which he is engaged, setting forth clearly and fully all details of inspections made, and all orders served by him.

R.S.S. 1940, c.202, s.19; R.S.S. 1953, c.215, s.19.

**Annual report**

**20** Every inspector shall deliver two copies of an annual report, on a form to be approved by the minister, to the clerk or secretary treasurer of the municipality not later than the first day of November in each year, which shall include the general conditions observed regarding weeds, the methods followed, and the results obtained; and the report shall be accompanied by two copies of all agreements made and orders issued under this Act during the season.

R.S.S. 1940, c.202, s.20; R.S.S. 1953, c.215, s.20.

**Municipality furnishes information to commissioner**

**21** One copy of all forms received by the clerk or secretary treasurer of a municipality under section 20, shall be missioner forwarded to the commissioner not later than the thirty-first day of December in the year to which they refer, and every clerk or secretary treasurer shall promptly mail for examination any other records relating to weed inspection requested by the commissioner.

R.S.S. 1940, c.202, s.21; R.S.S. 1953, c.215, s.21.

**PRECAUTIONS RE THRESHING MACHINES AND THRESHED GRAIN****Machines, etc., to be cleaned before removal**

**22(1)** Every person in possession or in charge of any machine used for threshing or for cutting and threshing shall, before removing such machine or the wagon racks or any part thereof to another farm, thoroughly clean the machine both inside and out by the removal of all seeds and other crop refuse, and cause the wagon racks used in connection with such machine to be thoroughly cleaned and swept immediately after threshing.

(2) An inspector or the clerk or secretary treasurer of a municipality may issue an order to the person in possession or in charge of any machine or implement which is infested with noxious weeds requiring their removal or destruction in a manner satisfactory to the inspector or clerk or secretary treasurer, before the machine or implement is moved into the municipality; and every person who fails to comply with such order shall be guilty of a violation of this Act.

R.S.S. 1940, c.202, s.22; R.S.S. 1953, c.215, s.22.

**Cards to be posted on machines**

**23** A legible card containing the provisions of subsection (1) of section 22 and this section shall be kept posted in a conspicuous place on all machines used for threshing or for cutting and threshing, when in operation, and shall be furnished free by the secretary treasurer upon application.

R.S.S. 1940, c.202, s.23; R.S.S. 1953, c.215, s.23.

**Municipal records**

**24** The secretary treasurer of every rural municipality shall record a list, in such form as the minister may approve, of all the threshermen to whom cards were issued during the year and shall mail a copy of the list to the commissioner not later than the thirty-first day of December in the year to which it refers.

R.S.S. 1940, c.202, s.24; R.S.S. 1953, c.215, s.24.

**Protection of screenings**

**25** No person shall for a period of more than five days leave exposed or unprotected at or near any place where grain has been threshed screenings containing the seeds of noxious weeds, nor shall any person place or leave exposed or unprotected, except in a securely constructed building or other closed container, any matter containing such seeds without having first destroyed the germinating qualities thereof.

R.S.S. 1940, c.202, s.25; R.S.S. 1953, c.215, s.25.

**Machines containing noxious weeds**

**26** No person shall take or cause to be taken across any cultivated field any machine, implement or vehicle containing noxious weeds, or to which noxious weeds are adhering, without having first obtained the permission of the owner or occupant of the land.

R.S.S. 1940, c.202, s.26; R.S.S. 1953, c.215, s.26.

## COST OF DESTROYING WEEDS

**Recovery from owner or occupant**

**27** The amounts expended in work performed in the destruction of noxious weeds authorized by this Act or any municipal Act, may be recovered from the owner or occupant of the land, in the same manner as rates and taxes.

R.S.S. 1940, c.202, s.27; R.S.S. 1953, c.215, s.27.

**Expense forms part of taxes**

**28** Every such amount shall forthwith be added to and form part of the taxes upon the parcel of land on which the work was done.

R.S.S. 1940, c.202, s.; R.S.S. 1953, c.215, s.28.

**Notification to owner or occupant of amount due**

**29** The treasurer of each municipality in which any expenditure has been made for the destruction of noxious weeds shall, at least one month before the thirty-first day of December next following, notify every owner or occupant of land in respect of which expenditure has been made of the amount chargeable against his land in respect thereof.

R.S.S. 1940, c.202, s.29; R.S.S. 1953, c.215, s.29.

**Certificate by treasurer is evidence of expenditure**

**30(1)** A certificate purporting to be signed by the treasurer, to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon an area of land described therein, shall be *prima facie* evidence that the amount named has been so expended, but, if the cost of the work exceeds \$25 per quarter section, the owner shall be entitled to receive a statement of the work done and a further statement, signed by the reeve, overseer or mayor, to the effect that he has personally inspected the property after completion of the work and finds that the work has been satisfactorily done and the charge made fair and just.

(2) A mortgagee shall upon application therefor be entitled to receive copies of the statements to which an owner is entitled under subsection (1).

R.S.S. 1940, c.202, s.30; R.S.S. 1953, c.215, s.30.

**AGREEMENTS****Agreements for eradication of certain weeds**

**31(1)** Where any land in a municipality is infested with leafy spurge, field bindweed, Russian knapweed, toad flax and hoary cress, or any of them, the municipality may enter into an agreement with the owner of the land, the occupant thereof, if any, and any person or persons having a registered mortgage thereon, for the purpose of destroying and eradicating these weeds.

(2) The agreement shall:

(a) specify the methods of destruction and eradication to be used whether by cultural practices, sowing down to grass, the application of chemicals or any other means;

(b) specify whether such methods are to be applied by the municipality or by any or all of the other parties to the agreement; and

(c) provide for all other matters and things necessary to carry out the purposes of the agreement, including the ownership or apportionment of the crops grown on the land, the payment of taxes, the compensation, if any, to be paid to the owner, occupant or other person entitled thereto, and the manner in which any compensation shall be paid or applied.

(3) No agreement shall cover a period longer than five years, but an agreement may be renewed from time to time for any period not exceeding five years.

1946, c.61, s.3; 1949, c.75, s.2; R.S.S. 1953, c.215, s.31.

**Bylaw authorizing entry on land and eradication of weeds thereon**

**32(1)** Where any land in a municipality is infested with leafy spurge, hoary cress, Russian knapweed or toad flax, and the council deems it impossible or inexpedient to enter into an agreement under section 31, the council may by bylaw:

(a) authorize an inspector or inspectors or any other person or persons to enter on, take possession of and occupy the land, but not the buildings thereon, with such men, animals and machines as may be necessary, to cultivate the land, to sow and harvest crops thereon, to destroy and eradicate weeds and to take all such steps as may be necessary or expedient for those purposes;

(b) prohibit the owner or occupant from sowing or harvesting crops of any kind on the land, pasturing animals thereon or otherwise using the land; and

(c) require that the land or any part thereof shall be used for pasture only, and for that purpose authorize the reeve and secretary treasurer to lease the same to any person or persons upon such terms and at such rental as shall be fixed by the bylaw.

(2) No municipality shall remain in possession or occupation of land or lease the same under subsection (1) for any period longer than five years, and at the end of five years from the first entry thereon shall yield up possession and occupation thereof and permit the person entitled thereto to re-enter.

(3) Where a municipality enters into possession and occupation of land under subsection (1) and crops are harvested thereon, the municipality may retain and apply the whole or any portion of the proceeds of the sale thereof, firstly, on expenses incurred by reason of action taken under subsection (1) and secondly, on the taxes owing in respect of the land for a number of years equal to the number of years during which the municipality is in possession and occupation of the land; and if the proceeds of sale exceed the amount of such expenses and taxes the municipality shall pay the surplus to the person entitled thereto.

(4) Where land is taken possession of and occupied under subsection (1) the council may by bylaw authorize the expenditure of such moneys as it deems necessary for carrying into effect and completing any program for the destruction and eradication of weeds mentioned in subsection (1).

**Notice of passing of bylaw**

**33** When a bylaw mentioned in subsection (1) of section 32 has been passed the secretary treasurer shall give written notice thereof to each owner and occupant of land affected thereby.

**Appeal against bylaw**

**34(1)** Any person having an interest as owner or occupant in land affected by such bylaw who considers himself aggrieved thereby may appeal against the bylaw to the minister after giving notice to the secretary treasurer of the municipality that he intends to appeal.

(2) Every appeal shall be in writing, shall set out the name and address of the appellant, a description of the bylaw, the location of the land affected and the grounds of the appeal, and shall be mailed to the minister within fifteen days from the date of receipt of the notice mentioned in section 33.

(3) The minister may dismiss the appeal or order that the bylaw shall not affect the land or any designated portion thereof, and where such order is made the land or portion shall thereupon cease to be affected by the bylaw.

(4) The decision of the minister shall be final, and the minister shall cause notice of his decision to be given to the appellant and the secretary treasurer of the municipality.

**Agreements between municipalities**

**35(1)** Any municipality may enter into an agreement or agreements with any other municipality or municipalities for joint action in controlling, destroying or eradicating noxious weeds, including the appointment of a joint committee to control, supervise and manage the program of weed control, destruction or eradication undertaken pursuant to the agreement, and including the purchase of equipment and hiring of operators therefor.

(2) Where an agreement is made under subsection (1) the council may appoint one or more persons to represent the municipality on the joint committee and may by bylaw authorize the expenditure of moneys required for the purpose of implementing the agreement and meeting the expenses thereby incurred.

1949, c.75, s.3; R.S.S. 1953, c.215, s.35.

**LOCAL IMPROVEMENT DISTRICTS****Act to apply**

**36(1)** Subject to the following provisions, this Act applies to the control of noxious weeds on lands in any local improvement district in the same manner as if it were a municipality.

(2) The Minister of Municipal Affairs, upon the recommendation of the Minister of Agriculture, may appoint such weed inspectors or other officers as are required to carry out the provisions of this Act in local improvement districts, and may fix their remuneration and define their duties.

R.S.S. 1940, c.202, s.31; R.S.S. 1953, c.215, s.36.

**Expenditure**

**37** The Minister of Municipal Affairs may authorize the expenditure, from the funds of any local improvement district, of any sums deemed advisable for the destruction and control of noxious weeds, and may authorize the destruction of weeds upon any land therein situated.

R.S.S. 1940, c.202, s.32; R.S.S. 1953, c.215, s.37.

**Certificate of work done**

**38** Where, upon failure of the owner or occupant to comply with an order under sections 13 and 14 for the destruction of the noxious weeds upon any land, the Minister of Municipal Affairs has authorized such destruction, a certificate from the Minister of Agriculture stating that the work has been done and the costs thereof shall be sufficient authority to the Minister of Municipal Affairs to pay such costs up to the amount authorized.

R.S.S. 1940, c.202, s.33; R.S.S. 1953, c.215, s.38.

**Recovery of expense**

**39** The amount expended may be recovered from the owner or occupant in the same manner as rates and taxes levied under *The Local Improvement Districts Act*.

R.S.S. 1940, c.202, s.34; R.S.S. 1953, c.215, s.39.

**Expense forms part of taxes**

**40** Every such amount shall forthwith be added to and form part of the taxes upon the lands in respect of which the expense was incurred.

R.S.S. 1940, c.202, s.35; R.S.S. 1953, c.215, s.40.

**Notification to owner or applicant**

**41** Where money has been expended for the destruction of noxious weeds, the Minister of Municipal Affairs shall, at least one month before the thirty-first day of December next following, notify the owner or occupant of the land of the amount chargeable against the land in respect thereof.

R.S.S. 1940, c.202, s.36; R.S.S. 1953, c.215, s.41.

## DUTIES OF FIELD CROPS COMMISSIONER

**Duties**

**42** It shall be the duty of the Field Crops Commissioner to:

- (a) afford information to the public on matters relating to the destruction of noxious weeds, and other plants injurious to agriculture;
- (b) prepare and supervise the publication of bulletins for public information with respect to noxious weeds;
- (c) conduct such investigations as are necessary for the proper administration of this Act;
- (d) answer all inquiries relating to noxious weeds and the identification thereof, and otherwise assist in the administration of this Act as the minister directs;
- (e) perform such other duties as may be necessary in the administration of this Act.

R.S.S. 1940, c.202, s.37; R.S.S. 1953, c.215, s.42.

## OFFICERS

**Appointment, remuneration and duties**

**43(1)** The Public Service Commission may appoint the district representatives and other officers required to carry out the provisions of this Act, and may fix their remuneration and define their duties.

**(2)** The commissioner and district representatives shall have all the powers of weed inspectors.

R.S.S. 1940, c.202, s.38; R.S.S. 1953, c.215, s.43.

## OFFENCES AND PENALTIES

**Neglect**

**44** An inspector and any other person who neglects to perform any duty placed upon him by this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$50.

R.S.S. 1940, c.202, s.39; R.S.S. 1953, c.215, s.44.

**Obstruction of inspector**

45 A person who wilfully obstructs or delays the work of an inspector is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$50.

R.S.S. 1940, c.202, s.40; R.S.S. 1953, c.215, s.45.

**Failure to comply with order**

46 A person with whom an inspector has made an agreement under section 13 but who has not fully carried out its provisions, and a person who neglects to comply with an order of an inspector served under this Act or who neglects to carry out the directions contained therein, is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$20.

R.S.S. 1940, c.202, s.41; R.S.S. 1953, c.215, s.46.

**General penalty**

47 Every person who is guilty of a violation of any provision of this Act for which no other penalty is provided is on summary conviction liable to a fine of not less than \$5 nor more than \$50.

R.S.S. 1940, c.202, s.42; R.S.S. 1953, c.215, s.47.

**Fines payable to municipality**

48 Every fine imposed for a violation of any of the provisions of this Act within a municipality shall be payable to the municipality whose council takes the necessary steps to enforce such penalty.

R.S.S. 1940, c.202, s.43; R.S.S. 1953, c.215, s.48.

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SCHEDULE

FORM A

(Section 13 (1) and (3))

ORDER

Order No. \_\_\_\_\_

Date of Issue \_\_\_\_\_, 19\_\_\_\_

Dear Sir:

It has come to my notice that the following weeds \_\_\_\_\_  
declared noxious under *The Noxious Weeds Act*, have become established upon  
your land \_\_\_\_\_ 1/4S \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_  
W \_\_\_\_\_ M, as shown on the diagram below. In accordance with section,  
subsection, of said Act you are hereby notified (*Detail instructions indicating methods  
to be followed in destruction of weeds*).

To \_\_\_\_\_

Address \_\_\_\_\_

NOXIOUS WEEDS

.....  
*Municipal Weed Inspector.*

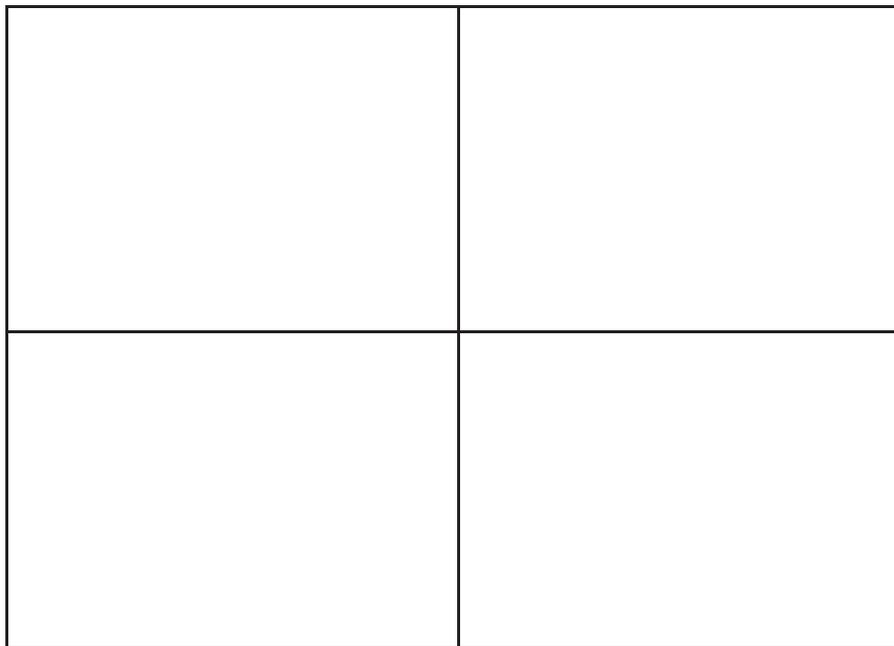
.....  
*Address.*

Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_

DIAGRAM SHOWING LOCATION OF WEEDS

North-West 1/4

North-East 1/4



South-West 1/4

South-East 1/4

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ West of \_\_\_\_\_ Meridian.

(These locations are approximations only and do not necessarily indicate all noxious weeds present.)

*N.B. This order to be made in triplicate. The original copy for the person on whom served, the other two copies to be attached to annual report to the Municipal Council.*

FOR HISTORICAL REFERENCE ONLY

NOXIOUS WEEDS

c. 215

FORM B  
(Section 13 (3))

AGREEMENT

Agreement No. \_\_\_\_\_

Date of Issue \_\_\_\_\_, 19\_\_\_\_.

Agreement between .....  
(Name) (Address)  
.....of .....S .....T .....R .....W. of .....  
Meridian.

—and—

.....  
(Name) (Address)  
Weed Inspector of Municipality of ..... No. ....

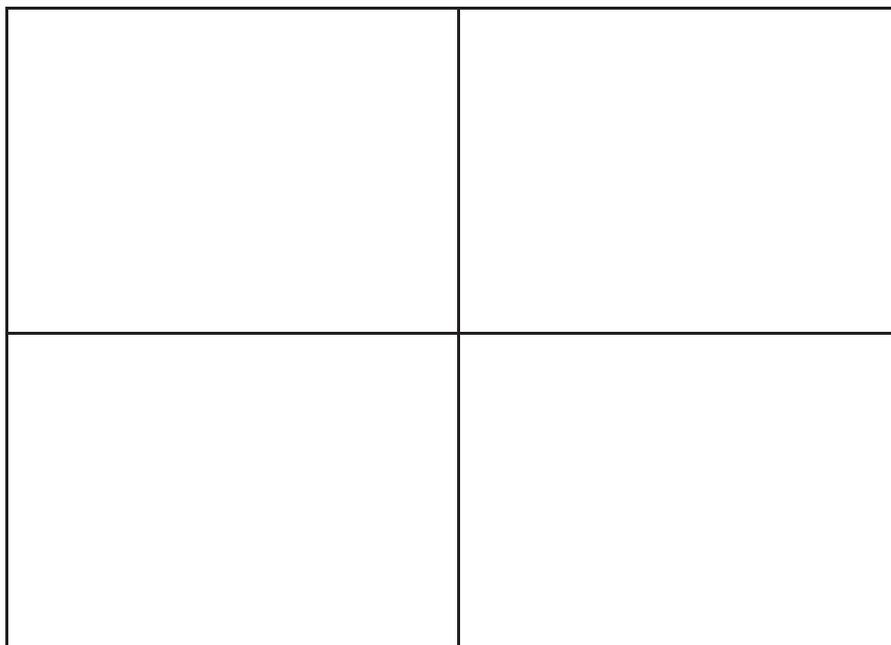
As provided in *The Noxious Weeds Act*, I, the above mentioned owner or occupant, having this day conferred with the above mentioned weed inspector, hereby acknowledge the presence of the following noxious weeds on the above mentioned land and hereby agree to do the following work (*specify work to be done*).

(Signed).....  
*Owner of Occupant*

(Signed).....  
*Weed Inspector*

DIAGRAM SHOWING LOCATION OF WEEDS

North-West 1/4 North-East 1/4



South-West 1/4

South-East 1/4

FOR HISTORICAL REFERENCE ONLY

(These locations are approximations only and do not necessarily indicate all noxious weeds present.)

*N.B. This agreement to be made in triplicate. The original copy for the occupant, the other two copies to be attached to annual report to the Municipal Council.*