



Province of Alberta

## WEED CONTROL ACT

# WEED CONTROL REGULATION

**Alberta Regulation 19/2010**

### Extract

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**ALBERTA REGULATION 19/2010**

**Weed Control Act**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Weed Control Act*;
- (b) “authorized person” means a person authorized by the Minister;
- (c) “licence” means a licence to operate a seed-cleaning facility or to provide a seed-cleaning facility for rent or lease.

**Part 1**  
**Seed-cleaning Facility Licences**  
**and Notice to Move a Seed-cleaning**  
**Facility**

**Application for licence**

**2(1)** An applicant for a licence shall contact the chief administrative officer of the municipality in which the seed-cleaning facility is located.

**(2)** On receipt of the application, the chief administrative officer shall request an inspector to inspect the facility for the purposes of issuing the licence.

**Licence issue**

**3(1)** On completion of a satisfactory inspection, the inspector may issue or renew a licence to the applicant in the form required by the Minister.

**(2)** An inspection will be considered to be satisfactory if the inspector

- (a) completes the inspection in the form and manner required by the Minister, and
- (b) gives the applicant a rating of 80% or more.

**Contraventions**

- 4(1)** If an inspector considers that an applicant or licence holder has contravened a provision of the Act or this Regulation, the inspector may report that contravention to an authorized person.
- (2)** The inspector shall give written notice to the applicant or licence holder of having made the report.
- (3)** The notice must
- (a) be given no later than 7 days after making the report, and
  - (b) advise the applicant or licence holder of the right to make submissions to the authorized person within 14 days after having been given the notice.
- (4)** The notice may be delivered to the last known address for the applicant or licence holder as recorded in the licence or licence application records of the chief administrative officer of the municipality where the facility is located.
- (5)** Fifteen or more days after the applicant or licence holder receives the notice with respect to a contravention of the Act or this Regulation, an authorized person may suspend, cancel or refuse to issue or renew a licence.
- (6)** An applicant or licensee may appeal a decision of an authorized person under subsection (5) to the Minister.

**Expiry**

- 5** A licence expires one year after its date of issue.

**Transfer of licence**

- 6(1)** A licence is not transferrable.
- (2)** If a licence holder purports to transfer a licence, the licence is void.

**Movement of seed-cleaning facility**

- 7(1)** If a seed-cleaning facility is to be moved into a municipality, the owner or operator of the seed-cleaning facility shall notify an inspector in that municipality at least 24 hours before the seed-cleaning facility is moved into the municipality.
- (2)** An inspector may waive the 24-hour notice requirement.

## **Part 2 Designation of Weeds**

### **Schedule of designations**

**8** Subject to section 9(6), the plants set out in the Schedule are designated as noxious weeds or prohibited noxious weeds in accordance with the Schedule.

### **Municipal designations**

**9(1)** The local authority of a municipality may designate a plant as a noxious weed or a prohibited noxious weed within the municipality by bylaw.

**(2)** If the plant is designated as a noxious weed within a municipality by the Schedule, the local authority may designate it as a noxious weed or a prohibited noxious weed.

**(3)** If the plant is designated as a prohibited noxious weed within a municipality by the Schedule, the local authority may only designate it as a prohibited noxious weed.

**(4)** A designation under this section is not effective unless it is approved by the Minister.

**(5)** The plants set out in a bylaw of a municipality are designated as noxious weeds or prohibited noxious weeds within that municipality in accordance with the bylaw.

**(6)** A designation as a prohibited noxious weed under this section prevails over a designation as a noxious weed under section 8.

## **Part 3 Appeal of Inspector's Notice, Local Authority's Notice or Debt Recovery Notice**

### **Application**

**10** This Part sets out the requirements that apply to an appeal of an inspector's notice, local authority's notice or debt recovery notice under section 19(2) of the Act.

### **Delivery of notice**

**11(1)** The appellant shall provide notice of the appeal to the chief administrative officer of the municipality in which the land subject to the notice is located.

(2) The notice of appeal must be delivered personally or sent by certified or registered mail within the time specified in the notice for doing the thing required by the notice or 10 days, whichever is less.

#### **Notice requirements**

**12** The notice of appeal must be in writing and include

- (a) the name and address of the appellant,
- (b) a copy of the notice in respect of which the appeal is being taken,
- (c) the legal description of the land affected,
- (d) the grounds for appeal, and
- (e) a \$500 appeal fee.

#### **Determination of appeal**

**13(1)** The appeal panel shall hear and determine the appeal within 5 days of receipt of the notice of appeal by the chief administrative officer.

(2) The appeal panel may confirm, rescind or vary the notice.

(3) The chief administrative officer shall send a copy of the decision together with the written reasons, if any, to the appellant by certified or registered mail.

#### **Appeal review request**

**14** A request to review a decision of the appeal panel under section 20 of the Act must be made to the Minister within 3 days of the appellant receiving the appeal decision.

#### **Refund of fee**

**15(1)** If the appellant is successful in an appeal or review, the \$500 appeal fee will be refunded to the appellant.

(2) If the appellant is partially successful in an appeal or review, the \$500 appeal fee may be refunded in whole or in part at the sole discretion of the appeal panel or the Minister, as the case may be.

## Part 4 Other Matters

### Transitional

**16(1)** A municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5, is continued under this Regulation.

**(2)** For a period of six months after the coming into force of this Regulation, a municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5,

- (a) is to be read as if a designation of a plant as a restricted weed is a designation as a prohibited noxious weed, and
- (b) despite section 9(4), may be amended without the approval of the Minister to the extent the amendment is
  - (i) amending a designation of a plant as a restricted weed to a designation as a prohibited noxious weed, or
  - (ii) repealing a designation of a plant as a nuisance weed.

**(3)** A licence under the *Seed Cleaning Plant Regulation* (AR 15/2003) is continued under this Regulation.

### Repeals

**17** The following regulations are repealed:

- (a) the *Weed Regulation* (AR 171/2001);
- (b) the *Seed Cleaning Plant Regulation* (AR 15/2003).

### Expiry

**18** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 1, 2016.

### Coming into force

**19** This Regulation comes into force on the coming into force of the *Weed Control Act*, SA 2008 cW-5.1



### Schedule

1 The following plants are designated as prohibited noxious weeds in Alberta:

autumn olive — *Elaeagnus umbellata* Thunb.  
balsam, Himalayan — *Impatiens glandulifera* Royle  
barberry, common — *Berberis vulgaris* L.  
bartsia, red — *Odontites vernus* (Bellardi) Dumort  
buckthorn, common — *Rhamnus cathartica* L.  
cinquefoil, sulphur — *Potentilla recta* L.  
crupina, common — *Crupina vulgaris* Pers. ex Cass.  
dyer's woad — *Isatis tinctoria* L.  
Eurasian water milfoil — *Myriophyllum spicatum* L.  
flowering rush — *Butomus umbellatus* L.  
garlic mustard — *Alliaria petiolata* (M. Bieb.) Cavara & Grande  
goatgrass, jointed — *Aegilops cylindrica* Host  
hawkweed, meadow — *Hieracium caespitosum* Dumort.  
hawkweed, mouse-ear — *Hieracium pilosella* L.  
hawkweed, orange — *Hieracium aurantiacum* L.  
hoary alyssum — *Berteroa incana* (L.) DC.  
hogweed, giant — *Heracleum mantegazzianum* Sommier & Levier  
iris, pale yellow — *Iris pseudacorus* L.  
knapweed, bighead — *Centaurea macrocephala* Puschk. ex Willd.  
knapweed, black — *Centaurea nigra* L.  
knapweed, brown — *Centaurea jacea* L.  
knapweed, diffuse — *Centaurea diffusa* Lam.  
knapweed, hybrid — *Centaurea* × *psammogena* Gáyér  
knapweed, meadow — *Centaurea* × *moncktonii* C. E. Britton  
knapweed, Russian — *Rhaponticum repens* (L.) Hidalgo  
knapweed, spotted — *Centaurea stoebe* L. ssp. *micranthos*  
(Gugler) Hayek  
knapweed, squarrose — *Centaurea virgata* Lam. ssp. *squarrosa*  
(Willd.) Gugler  
knapweed, Tyrol — *Centaurea nigrescens* Willd.  
knotweed, giant — *Fallopia sachalinensis* (F. Schmidt Petrop.)  
Ronse Decr.  
knotweed, hybrid Japanese — *Fallopia* × *bohemica* (Chrték &  
Chrtková) J. P. Bailey  
knotweed, Japanese — *Fallopia japonica* (Houtt.) Ronse Decr.  
loosestrife, purple — *Lythrum salicaria* L.  
medusahead — *Taeniatherum caput-medusae* (L.) Nevski  
nutsedge, yellow — *Cyperus esculentus* L.  
puncturevine — *Tribulus terrestris* L.  
ragwort, tansy — *Jacobaea vulgaris* Gaertn.  
rush skeletonweed — *Chondrilla juncea* L.  
saltcedar — *Tamarix ramosissima* Ledeb.  
saltlover — *Halogeton glomeratus* (M. Bieb.) C.A. Mey.  
St John's-wort, common — *Hypericum perforatum* L.  
starthistle, yellow — *Centaurea solstitialis* L.  
tamarisk, Chinese — *Tamarix chinensis* Lour.

tamarisk, smallflower — *Tamarix parviflora* DC.  
thistle, marsh — *Cirsium palustre* (L.) Scop.  
thistle, nodding — *Carduus nutans* L.  
thistle, plumeless — *Carduus acanthoides* L.

**2** The following plants are designated as noxious weeds in Alberta:

baby's-breath, common — *Gypsophila paniculata* L.  
bellflower, creeping — *Campanula rapunculoides* L.  
bindweed, field — *Convolvulus arvensis* L.  
blueweed — *Echium vulgare* L.  
brome, downy — *Bromus tectorum* L.  
brome, Japanese — *Bromus japonicus* Thunb.  
burdock, great — *Arctium lappa* L.  
burdock, lesser — *Arctium minus* (Hill) Bernh.  
burdock, woolly — *Arctium tomentosum* Mill.  
buttercup, tall — *Ranunculus acris* L.  
chamomile, scentless — *Tripleurospermum inodorum* (L.) Sch. Bip.  
clematis, yellow — *Clematis tangutica* (Maxim.) Korsh.  
cockle, white — *Silene latifolia* Poir. ssp. *alba* (Miller) Greuter & Burdet  
daisy, oxeye — *Leucanthemum vulgare* Lam.  
dame's rocket — *Hesperis matronalis* L.  
henbane, black — *Hyoscyamus niger* L.  
hoary cress, globe-podded — *Lepidium appelianum* Al-Shehbaz  
hoary cress, heart-podded — *Lepidium draba* L.  
hoary cress, lens-podded — *Lepidium chalepense* L.  
hound's-tongue — *Cynoglossum officinale* L.  
mullein, common — *Verbascum thapsus* L.  
pepper-grass, broad-leaved — *Lepidium latifolium* L.  
scabious, field — *Knautia arvensis* (L.) Coult.  
sow thistle, perennial — *Sonchus arvensis* L.  
spurge, leafy — *Euphorbia esula* L.  
tansy, common — *Tanacetum vulgare* L.  
thistle, Canada — *Cirsium arvense* (L.) Scop.  
toadflax, Dalmatian — *Linaria dalmatica* (L.) Mill.  
toadflax, yellow — *Linaria vulgaris* Mill.