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[Search this Act](#)  
[Information table](#)

## C.C.S.M. c. N110

# The Noxious Weeds Act

[Table of Contents](#)

[Regulations](#)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

### Definitions

1 In this Act,

**"agent"** means any person, firm or corporation duly authorized to act and to accept responsibility on behalf of an occupant or owner of land; (« représentant »)

**"board"** means a Weed Control Board appointed by a municipality under this Act; (« commission »)

**"department"** means the department of government over which the minister presides and through which this Act is administered; (« ministère »)

**"destroy"** means, with respect to noxious weeds, to cut down, burn, kill by chemicals or toxic substances, or eradicate by any means whatsoever; and in respect to noxious weed seeds, means to burn or kill by any means whatsoever so as to prevent germination; (« détruire »)

**"district"** means a Weed Control District created under this Act; (« district »)

**"earthwork"** means any dump or heap of earth, sand, or gravel or any place from which earth, sand, or gravel has been removed; (« terrassement »)

**"harvester"** means a person in possession of or in charge of a harvesting machine; (« moissonneur »)

**"harvesting machine"** means a machine that while moving or stationary harvests, threshes, or processes any forage or cereal crop, root crop, or the residue thereof; (« moissonneuse »)

**"inspector"** means a noxious weeds inspector appointed under this Act, and includes a municipal noxious weeds inspector, a district noxious weeds inspector, a sub-inspector, a weed supervisor, or an assistant weed supervisor; (« inspecteur »)

**"minister"** means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

**"municipality"** includes, for the purpose of section 31, a local government district; (« municipalité »)

**"noxious weed"** means a weed named in the Schedule that is declared by a regulation of the Lieutenant Governor in Council to be a noxious weed, and includes the seed thereof; (« mauvaise herbe »)

**"occupant"** means a person occupying or having the right to occupy any land. (« occupant »)

[S.M. 2000, c. 35, s. 63.](#)

### Declaration of noxious weeds

2 The Lieutenant Governor in Council may, for any part or all of the province, by regulation, declare any plant not included in the Schedule to be a noxious weed, but any such declaration ceases to have effect on, from and after the last day of the session of the Legislature next following the date of the regulation containing the declaration.

### General duty to destroy weeds

3(1) Each occupant of land, or, if the land is unoccupied, the owner thereof, or the agent of the owner, and each person, firm, or corporation who or which is in control of, or in possession of, or in charge of, land, shall destroy all noxious weeds and noxious weed seeds growing or located on the land as often as may be necessary to prevent the growth, ripening and scattering of weeds or weed seeds.

### Duty for earthwork

3(2) For the purpose of subsection (1), every person by whom any construction work, earthwork, or ditch is constructed, maintained or used is deemed to be the occupant thereof.

### Duty for departmental roads

3(3) For the purpose of subsection (1), Her Majesty in the right of the province is deemed to be the owner and occupant of every departmental road and road allowance as defined in *The Highways and Transportation Act*.

#### **Duty for other roads**

3(4) For the purpose of subsection (1), a municipality is deemed to be the occupant of and in control and possession of every highway, road or road allowance within the municipality that is not a departmental road or road allowance as defined in *The Highways Transportation Act*.

#### **Land adjacent to water**

3(5) Where land abuts a river, stream, lake, or other body of water, the occupant, owner, or person in control of or in charge of the land shall destroy all noxious weeds as required under this Act that are growing between the limit of the lands and the low water mark of the river, stream, lake, or other body of water.

S.M. 2000, c. 35, s. 63.

#### **Threshing machines to be cleaned**

4(1) Every harvester, immediately after completing any work with a harvesting machine and before leaving the land on which the work is done or before travelling upon any public roadway, shall clean or cause to be cleaned the harvesting machine together with all wagons, trucks, and other equipment used in connection therewith, so that seeds of noxious weeds shall not be carried from the lands to other lands or onto a public roadway by the harvesting machine or the wagons, trucks, or other equipment used in connection therewith.

#### **Copy of section to be affixed to machine**

4(2) A harvester, except a harvester who operates his harvesting machine only on land owned or operated by himself, shall fix and keep affixed in full view on every harvesting machine owned or operated by him, a copy of this section at all times that the machine is being operated in the province; and the failure or neglect to comply with this subsection on each individual farm, or for more than one day is a separate offence for each farm or for each day that it continues.

#### **Duty respecting farm machines**

5(1) No person shall move, or cause to be moved, any farm machine or implement including, without limiting the generality of the foregoing, those used for seed or grain cleaning, sowing, or planting, cultivating or summerfallowing, harvesting, transporting, or processing any seeds, grain, forage crop, root crop, or the residue thereof, without first removing therefrom all noxious weeds or the seeds thereof.

#### **Inspection of farm machines**

5(2) The council of a municipality, or the Weed Control Board of a Weed Control District established under this Act, may require any person who brings or causes to be brought into the municipality or the Weed Control District a harvesting machine, or any other farm machine or implement referred to in subsection (1), to cause the harvesting machine or other farm machine or implement to be inspected by an inspector in the manner prescribed by the council or Weed Control Board; and the person shall pay to the council or Weed Control Board such fee for the inspection or any re-inspection of the harvesting machine or other farm machine or implement, as may be prescribed by the regulations.

#### **Duty respecting elevators and mills**

6 Every person in charge of a grain elevator, flour mill, seed or grain cleaning plant, or seed or grain grinding plant, shall dispose of all screenings and refuse containing noxious weeds or noxious weed seeds in such manner as will prevent the weed seeds from ripening or scattering.

#### **Duty respecting public places**

7 No person shall deposit or permit to be deposited any noxious weeds or weed seeds on roads, road allowances, highways, streets, or lanes, ditches, streams, lakes, or bodies of water, or any other place.

#### **Powers of inspector by notice**

8(1) An inspector or sub-inspector who finds any noxious weeds or noxious weed seeds in grain, seed, forage, hay, or root crops, may, by written notice, order the person responsible under this Act

- (a) to screen the grain or seeds so as to remove the noxious weed seeds and to destroy the screenings; or
- (b) to burn or otherwise destroy straw or screenings or both after threshing; or

(c) to cease and refrain from threshing any grain, seed or other crop that, in the opinion of the inspector, might result in the spread of noxious weeds; or

(d) to cease and refrain from removing forage or root crops containing noxious weeds or noxious weed seeds, and to use the forage or root crops in the manner and in the place designated by the inspector; or

(e) to cease and refrain from sowing or using in any way any seed that, in the opinion of the inspector, might result in the spread of noxious weeds; or

(f) to destroy noxious weeds or noxious weed seeds and the crops, hay, straw, forage plants, or root plants containing, or in the opinion of the inspector, likely to contain any noxious weeds or noxious weed seeds; or

(g) to move or transport the grain, seed, forage, hay, or root crops in the manner required by the inspector, to prevent the spread of noxious weeds; or

(h) to take any measure in respect of the transportation or movement of grain, seed, forage, hay, or root crop to reduce or prevent the spread of noxious weed seeds that might be contained or become mixed with the grain, seed, forage, hay, or root crop; including, without limiting the generality of the foregoing, the covering as required, the reduction or the cleaning of a load of grain, seed, forage, hay, or root crop for the purpose of reducing or preventing the spread of noxious weed seeds.

#### **Service of notice**

**8(2)** The notice may be served as provided in subsection 9(4).

#### **Notice to owner forbidding rental**

**9(1)** If, in the opinion of an inspector or sub-inspector any noxious weeds or weed seeds exist to a detrimental extent on any land, the inspector or sub-inspector, may, by notice in writing, forbid the owner, agent of the owner, or any other person from renting that land.

#### **Contents of notice**

**9(2)** The notice shall indicate the kinds of noxious weeds or weed seeds present in or on the land.

#### **Service of notice**

**9(3)** The clerk of the municipality, upon receipt from the inspector or sub-inspector of the notice, shall cause it to be served upon the proper person.

#### **Method of service**

**9(4)** The notice may be served personally or by leaving it with any person, apparently over the age of 16 years, at the dwelling house of the owner or agent or other person to be served, or by mailing it by registered mail addressed to the owner or agent or other person at his last known post office address.

#### **Change of ownership of no effect**

**9(5)** No change of ownership of the land shall be held to invalidate the force or effect of the notice referred to in subsection (1).

#### **Liability of owner**

**9(6)** A person who rents land to another contrary to the provisions of this section, shall, in addition to any other penalty herein, also be liable for any loss the tenant may suffer by the contravention of this section.

#### **Power to declare land a weed infested area**

**10(1)** Where any land within a municipality is infested with noxious weeds, the council of the municipality may, by by-law passed by the votes of a majority of all the councillors of the municipality, declare the land to be a weed infested area.

#### **Agreement with owner providing for eradication**

**10(2)** Where any land has been declared to be a weed infested area, the municipality may enter into an agreement with the owner of the land or his agent and with the occupant and with any other person having a registered mortgage thereon, whose interests are affected by the agreement; and the agreement shall provide for the destruction of the noxious weeds by the municipality or by the other party or parties to the agreement.

#### **Power of municipality to enter on land and eradicate weeds**

**10(3)** Where any land has been declared to be a weed infested area, if the council deems it impossible or inexpedient to enter into an agreement under subsection (2), the municipality, may, by by-

law

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

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

(c) require the land or any part thereof to be used for pasture only, and for that purpose authorize the proper officers of the municipality to lease the land to any person on such terms and at such rental as fixed in the by-law.

#### **Term of agreement**

**10(4)** An agreement under subsection (2) shall not be made in respect of any period longer than five years, but may be renewed for a further period or periods.

#### **Application of proceeds of crops**

**10(5)** Where a municipality enters into possession and occupation of land under subsection (3), if any 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 (3), 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; but if the proceeds of the crop sold exceed the amount of such expenses and taxes, the municipality, on giving up possession of the land, shall pay the surplus to the person entitled thereto.

#### **Inspectors**

**11(1)** Except as provided in section 32, every municipal council shall, not later than March 1 in each year, appoint by resolution at least one official to be known as "municipal noxious weeds inspector", who shall during the period of his employment as municipal noxious weeds inspector see that the provisions of this Act are observed and carried out; but the time for making such an appointment may be extended in any year by the Lieutenant Governor in Council.

#### **Duration of appointment**

**11(2)** The appointment or re-appointment shall be for 12 months or until a successor is appointed, but a municipal council may, at any time, for cause, remove any inspector from office and appoint a successor to serve the remaining portion of his period of appointment.

#### **Notice of appointment of inspector**

**11(3)** Within one week after a municipal noxious weeds inspector is appointed, the clerk of the municipality shall transmit to the Director of the Soils and Crops Branch of the department a copy of the appointment of the inspector.

[S.M. 2000, c. 35, s. 63.](#)

#### **Remuneration for inspector**

**12** The resolution of a municipal council making or extending an appointment of a municipal noxious weeds inspector may fix the rate of remuneration to the person appointed, and shall define the limits of the division in which each inspector shall exercise his duties; and each limit shall be so defined that every portion of the municipality shall be included within the jurisdiction of at least one inspector.

#### **Sub-inspector**

**13** A municipal council may appoint one or more sub-inspectors to assist an inspector, and the sub-inspector shall have all the powers and authority of an inspector; and all provisions that apply to the remuneration of an inspector apply to the remuneration of a sub-inspector.

#### **Where municipality refuses or neglects to appoint**

**14(1)** Where a municipal council neglects or refuses to appoint and employ a municipal noxious weeds inspector as required under this Act, the minister may, after having given notice to the council addressed to the clerk thereof, and after failure on the part of the council for 15 days to comply with the notice, appoint and employ a person to perform the duties of municipal noxious weeds inspector and shall fix the remuneration of that person for the services; and that amount shall be paid out of the funds of the municipality as though the appointment had been made and the employment effected by the council thereof.

#### **Inspector appointed by minister**

**14(2)** Where an appointment is made under subsection (1) by the minister, the direction and control of the inspector or sub-inspector may be assumed by the minister to such an extent as he may decide.

#### **Refusal of inspector to act**

**14(3)** Where a municipal weeds inspector or sub-inspector appointed under this Act neglects or refuses to act in that capacity, the mayor or reeve shall forthwith appoint a person to act in his stead and fix the amount that the person be paid for the services, and that amount shall be paid out of the funds of the municipality as though the appointment had been made by the council thereof; and in default of such a new appointment being made by the mayor or reeve, the minister may make the appointment in the manner, and to the extent, and with the effect, set forth in subsection (1).

#### **Inspector incompetent**

**14(4)** If, in the opinion of the minister, any inspector or sub-inspector is incompetent or remiss in the performance of his duties, the minister may, in writing, addressed to the council of the municipality concerned, annul the appointment of that inspector or sub-inspector and may provide for the appointment of some other inspector or sub-inspector as provided in subsection (5).

#### **Additional inspectors as minister may require**

**14(5)** Where, in the opinion of the minister, it is impossible or impracticable for one inspector to perform the inspectorial work in any municipality, he may, at his discretion, require of the council the appointment and employment of such additional inspectors or sub-inspectors as to him seems necessary; and in case of neglect or failure on part of council to comply with the requirement of the minister, he may appoint, employ, and provide remuneration for such persons as he deems necessary under the conditions and terms similar to those outlined in subsection (1).

#### **Temporary assumption of duties by minister**

**14(6)** In case of failure to keep noxious weeds under control as required within the municipality by this Act, the minister may, at his discretion, employ for that purpose such persons as may seem to him fit, and any expenditures shall be paid out of the funds of the municipality.

#### **Action on default of municipality**

**15** Where a municipal council neglects or refuses to make a payment as is required by section 14, it may be made by the Minister of Intergovernmental Affairs and Trade on the recommendation of the minister, and included by him in his next annual levies under *The Municipal Affairs Administration Act* against the municipality so in default.

[S.M. 1993, c. 48, s. 80; S.M. 2000, c. 35, s. 63; S.M. 2004, c. 42, s. 74.](#)

#### **Unorganized territory**

**16** In unorganized territory the Lieutenant Governor in Council may appoint and fix the remuneration of inspectors to be known as "district noxious weeds inspectors"; and they have authority to the same extent as municipal noxious weeds inspectors over such territory as defined by the Lieutenant Governor in Council.

#### **Duties of inspector**

**17(1)** Every inspector or sub-inspector shall, with all diligence, proceed to examine the lands in the area over which his jurisdiction extends for the purpose of ascertaining that the provisions of the Act and regulations are complied with.

#### **Service of notice**

**17(2)** Where he finds noxious weeds on any lands, he may serve notices upon the persons as are responsible under this Act in respect of the lands.

#### **Contents of notice**

**17(3)** The notice may require the noxious weeds to be destroyed within a certain time to be prescribed and set forth in the notice, not exceeding 15 days.

#### **Service of notice**

**17(4)** The notice may be served as provided in subsection 9(4).

#### **Service on agent**

**18** Where a notice is required to be served on any person under this Act, service on the agent of that person is deemed to be notice.

**Refusal to comply with notice**

**19(1)** Any person responsible under this Act, upon whom notice has been served, who neglects or refuses to destroy the noxious weeds required by this Act within the period stated in the notice, or otherwise to comply with the requirements of the notice served upon him is guilty of an offence, and is liable, on summary conviction, in addition to the penalty hereinafter provided, to a further fine of \$100. for each day during which he neglects to comply with the notice.

**Destruction of weeds by inspector**

**19(2)** In a case to which subsection (1) applies the noxious weeds inspector or sub-inspector having jurisdiction in the area, shall enter upon the land, and cause the weeds to be destroyed or take such other action as is required to effect compliance with the terms of the notice.

**Destruction of ripening seeds**

**19(3)** Any municipal council, by resolution, may authorize any inspector or sub-inspector appointed by it to destroy any noxious weeds that he considers to be in danger of ripening seeds within ten days following, without the service of any notice whatever upon the person, firm or corporation responsible under this Act; and the cost of the work may be levied against the land in question as hereinafter provided.

**Destruction of weeds without notice**

**19(4)** Where noxious weeds are found on unoccupied or vacant lands and the owner or person in control of the lands resides outside the municipality, it is not necessary for the inspector to give notice as in this section provided; but he may forthwith destroy the noxious weeds.

**Newspaper notice for subdivided area**

**20(1)** Notwithstanding any other provision of this Act, the council of any municipality, after publication of a notice thereof in a newspaper having general circulation in the area, may direct any of its inspectors to cause noxious weeds on any subdivided portions of the municipality to be destroyed in such manner as the inspector may deem proper.

**Inspector's Expenses**

**20(2)** The inspector shall report to the clerk of the municipality the amount of expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and thereupon section 27 applies.

**Cutting down crops under three acres**

**21(1)** An inspector may, without notice, cut down a growing crop or take other steps to destroy or control noxious weeds in a growing crop on an area not exceeding three acres in any quarter section, on the lands farmed by that person.

**Cutting down crops over three acres**

**21(2)** An inspector may cut down a growing crop or take other steps to destroy or control noxious weeds in a growing crop on an area exceeding three acres after

- (a) notifying the occupant, owner, or agent of the owner; and
- (b) obtaining the approval of the mayor or reeve of the municipality, or the chairman of the Weed Control Board, in which the land is situated.

**Right of entry and inspection**

**22** For the purpose of performing his duties and exercising the powers under this Act, every noxious weeds inspector or sub-inspector or every person charged with the enforcement of this Act, may, without the consent of the owner or occupant and without being subject to any action for trespass or damages for any action taken in this section

- (a) enter upon and inspect any land, construction work, earthwork or premises, other than a dwelling house;
- (b) inspect any crops, hay, fodder, grain, seeds, or screenings; and
- (c) inspect any machinery, elevator, mill, implement, or vehicle.

**Liability for work done**

**23** Where an inspector, or sub-inspector, acting in good faith under this Act, cuts down or destroys any crop or a part thereof or takes other steps to destroy or control noxious weeds therein, or causes the work to be done under his direction; or causes any other damage or injury to persons or property of any kind, unless the work is done negligently, no action, claim, or suit shall be brought, made, allowed, or

sustained against the inspector or sub-inspector, or any person acting under his direction, or against the municipality, or any member of the council thereof, or against any person appointed by council under this Act.

#### **Report of inspectors**

**24(1)** When required by the minister, every inspector shall make a written report to the minister, upon a form approved by him, of the prevalence of any noxious weeds, the methods followed in enforcing the Act, a description of weed infested lands, and any other matters that relate to the enforcement of this Act.

#### **Additional report**

**24(2)** The minister may require a further report and additional information from any inspector at any time.

#### **Special reports**

**24(3)** A municipality may require from any of its inspectors or sub-inspectors reports upon any parcel of land under his jurisdiction relating to the enforcement of this Act or the distribution or control of noxious weeds.

#### **Payment of expenses**

**25** To enable municipal noxious weeds inspectors or sub-inspectors to carry out efficiently this Act, the council of every municipality shall, in each year, provide the treasurer of the municipality with funds, to be paid out on the order of any municipal inspector or sub-inspector for wages of men employed under his direction and for equipment and supplies required for the purpose of destroying or controlling noxious weeds; and every such order shall be countersigned by the mayor or reeve.

#### **Statement of inspector's expenses**

**26(1)** Every municipal or district weed inspector shall keep an accurate statement of the moneys paid out under section 25 and a description of the parcel of land in respect of which the moneys were paid and shall deliver a copy of the statement to the clerk of the municipality upon request.

#### **Expenses not included**

**26(2)** This section does not apply to the expenses incurred by an inspector merely in carrying out the inspection required by this Act.

#### **Municipal council to review expenditures**

**27(1)** The council of the municipality shall review the statement of expenditures referred to in section 26 and may, by by-law, direct that all or part of the sums of money paid by the council be, by the clerk, separately entered in the tax roll of the municipality against the parcels of land described in the statement.

#### **Expenses collected as taxes**

**27(2)** The sums entered in the tax roll shall be collected in the same manner as other taxes imposed by the municipality.

#### **Limitation on amount collected**

**27(3)** No sum in excess of \$500. in any one year shall be charged

- (a) against any one parcel of land, where the parcel is a quarter section or less; or
- (b) against each quarter section or portion thereof in a parcel of land, where the parcel is in excess of a quarter section;

without the written approval of the minister having previously been given.

[S.M. 1996, c. 58, s. 464.](#)

#### **Special levy in certain cases**

**28(1)** The council of a municipality, upon the recommendation of the municipal noxious weeds inspector or chairman of the Weed Control Board, by resolution, may levy a charge upon any land which is found to be infested with noxious weeds, the charge not to exceed \$10. for each acre of land so infested.

#### **Notice to be served**

**28(2)** Where council levies a charge as provided in subsection (1), the clerk of the municipality shall serve a notice in writing on the owner or occupant of the land of the levy and of the method to be used in

destroying or controlling the noxious weeds; and the notice may be served as provided in subsection 9 (4).

**Charge added to tax roll**

**28(3)** The clerk shall cause the charge, levied as aforesaid, to be entered in the tax roll of the municipality against the lands described in the notice, or such of them as are taxable.

**Collection of taxes**

**28(4)** The charge shall be collected in the same manner as other taxes imposed by the municipality without the necessity of any by-law imposing the charge.

**Saving clause**

**28(5)** No levy may be made by a municipality unless the notice provided under subsection (2) is served before March 1 in the year in which the charge is levied.

**Recommendation by inspector**

**28(6)** Where the owner or occupant has taken the measures for the control of the noxious weeds stipulated in the notice served on him under subsection (2), to the satisfaction of an inspector, the inspector may recommend to the council that the charge or levy be cancelled in whole or in part.

**Cancellation of levies**

**28(7)** Upon receiving the recommendation of the inspector, the council may, by resolution, cancel any charge or levy or any part thereof as seems just and the collectors roll shall be amended accordingly.

[S.M. 1996, c. 58, s. 464.](#)

**Expenditure of municipality**

**29** The council of any municipality may, by by-law, authorize the expenditure of such moneys as may be necessary for carrying into effect and completing any program for the destruction and control of noxious weeds required to be undertaken by the municipality under this Act.

**Recovery by municipality**

**30** Any moneys expended by a municipality under this Act may be recovered by the municipality as provided in section 27.

**Weed Control Board**

**31(1)** A municipality may, by by-law,

(a) establish a Weed Control District covering all the municipality and provide for the appointment of a Weed Control Board; or

(b) make an agreement with any other municipality for joint action in establishing a Weed Control Board District covering all those municipalities; and appointing a Weed Control Board;

to control, supervise, and manage a program of control and destruction of noxious weeds within the Weed Control District.

**Members**

**31(2)** The municipal council may appoint one or more persons, who may or may not be members of council, to represent the municipality on a Weed Control Board established under subsection (1).

**Grants and expenditures**

**31(3)** The municipality may authorize the making of a grant to a Weed Control Board from the general funds of the municipality for the purpose of implementing the agreement and meeting its share of the expenses under the agreement, or may authorize the expenditure of any moneys required for the purpose of a Weed Control Board within the municipality.

**Part of local government district**

**31(4)** Notwithstanding clause (1)(b), a part only of a local government district may, by agreement, be included in a Weed Control District; but where a part only of a local government district is included in a Weed Control District, the expenses incurred by the local government district in implementing the agreement may be levied upon the lands of and collected from the ratepayers resident within that part of the local government district.

**Delegation of authority to board**



**31(5)** The municipality shall, upon appointment of a Weed Control Board, by by-law, authorize the board to appoint a weed supervisor and may, by by-law, delegate the powers, rights, functions, and authority that the municipality has under this Act and that it considers necessary for the control and destruction of noxious weeds to the Weed Control Board and thereupon the Weed Control Board may exercise all those powers, rights, functions and authority.

#### **Appointment of weed supervisors**

**31(6)** Every Weed Control Board appointed under this section shall, by resolution, appoint a weed supervisor and, if necessary, one or more assistant weed supervisors, who shall, subject to the direction of the Weed Control Board

- (a) see that the provisions of this Act are observed and carried out;
- (b) have, in respect of the area in the Weed Control District all the authority, powers and duties of an inspector under this Act; and
- (c) be paid such remuneration and expenses as the board may determine.

#### **Appointment of secretary-treasurer**

**31(7)** The board appointed under subsection (1) shall, by resolution, appoint a secretary-treasurer for the board and pay to him such salary as the board considers reasonable.

S.M. 1996, c. 58, s. 464.

#### **Section not to apply**

**32** Where a weed supervisor is appointed by a board under section 31, section 11 does not apply to that municipality.

#### **Obstruction of inspector an offence**

**33** Every person who prevents an inspector from entering any land or premises, other than a dwelling house, or who obstructs any entry or inspection by an inspector is guilty of an offence.

#### **Contravention of Act an offence**

**34** Every person who contravenes this Act or the regulations or fails to observe and carry out any provision of this Act or the regulations that he is required to observe and carry out, is guilty of an offence.

#### **Failure to obey notice an offence**

**35** Every person to whom pursuant to this Act, a notice is given to perform any duty or take any action as set out in the notice, and who neglects or refuses to perform the duty or take the action is guilty of an offence.

#### **Penalty**

**36(1)** Every person who is guilty of an offence under this Act, is liable, on summary conviction, to a fine of not more than \$500. or to imprisonment for a term not exceeding one year, or to both.

#### **Liability of officers**

**36(2)** Where a corporation is guilty of an offence under this Act, any officer, director, or agent of the corporation who directed, authorized, assented to, acquiesced, or participated in the commission of the offence is a party and guilty of the offence and is subject to the penalties prescribed under subsection (1).

#### **Saving clause re notices**

**37** The provisions of this Act respecting the giving of notices are directory only, and the failure on the part of any person to give or serve, or proof of non-service of, any notice shall not be raised as a defence in any proceedings hereunder, but may be considered by the justice in mitigation of punishment.

#### **Lien for money expended**

**38(1)** Where money is expended under this Act on land not lying within the limits of a municipality, the money forms a lien and charge against the land in favour of the Crown; and a certificate of the charge signed by the minister may, without fee, be filed in the land titles office in the following form:

Province of Manitoba

Charge under *The Noxious Weeds Act*

I hereby certify that the sum of \$ \_\_\_\_\_ was expended under *The Noxious Weeds Act* on the following lands:

Dated this      day of      , 19      .  
 Minister of Agriculture, Food and Rural Initiatives.

#### Priority of lien

**38(2)** A lien and charge under subsection (1) takes priority over all mortgages or charges against land.

[S.M. 2000, c. 35, s. 63; S.M. 2004, c. 42, s. 74.](#)

#### Appointment of Weed Control Advisory Board

**39(1)** The minister may appoint a board, to be known as "The Weed Control Advisory Board", to advise him on all matters relating to the control and destruction of noxious weeds and on the ways and means of achieving the objectives of the Act.

#### Payment of expenses

**39(2)** A member of The Weed Control Advisory Board may be repaid any travelling or out-of-pocket expenses incurred by him in discharging his duties as a member thereof as may be approved by the Minister of Finance.

#### Regulations

**40** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made under and in accordance with the authority granted by this section has the force of law.

#### Expenditures out of Consolidated Fund

**41** Moneys required to be expended for the purpose of this Act shall be paid out of the Consolidated Fund, with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

#### Crown bound

**42** The Crown is bound by this Act.

#### SCHEDULE OF

#### NOXIOUS WEEDS

absinth

algae

alyssum      hoary

    small

    yellow

amaranth, prostrate

arrow-grass, marsh

    seaside

artichoke, Jerusalem

aster, hearth

    hoary

    showy

atriplex, garden

    halberd-leaved

    Nuttall's

    Russian

    silvery

    spreading

baby's breath

barberry, all deciduous

varieties

barley, foxtail  
bartsia, red  
bassia, five-hooked bedstraw, northern  
    smooth  
    yellow  
beggarticks, devil's  
    nodding  
    tall  
bellflower, creeping  
bergamot wild  
bind weed, field  
    hedge  
bittersweet  
black-eyed Susan  
Bladdewot, common  
    flat-leaved  
    small  
blazingstar, dotted  
    meadow  
blite, strawberry  
bluebur  
bluebur, western  
blueweed  
boneset bouncing bet  
brome, downy  
buckthorn, alder  
    European  
    bush, common  
buckwheat, Tartary  
    wild  
bugloss, small  
    vipera  
bugseed  
bugseed, villose  
bulrush, American  
    common great  
    Nevadas  
    prairie  
burdock, common  
    great  
    woolly  
bur-ragweed  
bur-reed, giant  
    narrow-leaved  
buttercup, bulbous  
    celery-leaved  
    creeping  
    small-flowered

tall  
white water  
cactus, cushion  
campion, biennial  
    bladder  
camas, death  
    smooth  
    white  
carpetweed  
carrionflower  
carrot, wild  
catchfly, night-flowering  
    sleepy  
    smooth  
catnip  
cattail, common  
    narrow-leaved  
chamomile, corn  
    scentless  
    wild  
cheat  
chicory  
chickweed, common  
    field  
    long-stalked  
    mouse-eared  
    sticky  
cinquefoil, downy  
    rough  
    shrubby  
cinquefoil, silvery  
    slender  
    sulphur  
cleavers  
club-moss, little  
cockle, cow  
    purple  
    white  
cocklebur  
coontail, common  
cornflower  
corydalis, golden  
cow-parsnip  
crabgrass  
cranesbill  
cress, Austrian yellow  
    creeping yellow  
    globe-podded hoary

- heart-podded hoary
- hoary
- lens-podded hoary
- marsh yellow
- winter
- cucumber, wild
- cudweed, fragrant
- low
- daisy, English
  - ox-eye
- dame's-rocket
- dandelion
- dandelion, red-seeded
- darnel, Persian
- devil's-club
- dock, broad-leaved
  - curled
  - field
  - golden
  - long-leaved
  - serrate-valved
  - veined
  - western
- dodder, species
- dogbane, clasping-leaved
  - spreading
- dragonhead, American
  - thyme-flowered
- duckweed, common
  - star
- everlasting, pearly
- feverfew
- fireweed
- flax, false
  - flat-seeded
  - small-seeded
  - large-seeded
- fleabane, annual
  - Canada
  - Philadelphia
  - rough
- flixweed
- flower-of-an-hour
- four-o'clock, wild
- foxtail, bristly
  - giant
  - green
  - meadow

short-awned  
water  
yellow  
fumitory  
galinsoga, hairy  
    small-flowered  
gaura, scarlet  
geranium, cut-leaved  
    meadow  
    small-flowered  
    sticky  
giant-hyssop  
goat's-beard, meadow  
golden-aster, hairy  
golden-bean  
goldenrod, Canada  
goosefoot, late-flowering  
    oak-leaved  
    red  
    saline  
    spear-leaved  
gorse  
goutweed  
grass, barnyard  
    desert salt  
    downy brome  
    goose  
    large crab  
    orchard  
    prickly barnyard  
grass, quack  
    rough hair  
    slough  
    smooth crab  
    stink  
    western wheat  
    witch  
greasewood  
gromwell, corn  
    field  
    western  
ground-cherry, clammy  
    smooth  
ground-ivy  
groundsel, common  
    sticky  
gumweed  
halogeton

harebell  
hawkbit, fall  
hawk's-beard, narrow-leaved  
    smooth  
hawkweed, common  
    field  
    king devil  
    mouse-eared  
    orange  
    tall king devil  
    white  
    yellow devil  
heal-all  
hedge-nettle  
heliotrope, spatulate-leaved  
hellebore, false  
hemlock, poison  
    water  
hemp  
hemp, Indian  
hemp-nettle  
henbane, black  
henbit  
hop, common  
horse-nettle  
horseradish  
horsetail, common  
    field  
    marsh  
    woodland  
    hound's-tongue  
hyssop  
ironplant, spiny  
Jerusalem-oak  
jewelweed, spotted  
jimsonweed  
knapweed, black  
    brown  
    diffuse  
    Russian  
    spotted  
knotweed, erect  
    Japanese  
    prostrate  
    striate  
kochia (summer cypress)  
lady's-thumb  
lamb's-quarters

lamb's-quarters, net-seeded  
lamb's-quarters, small-seeded  
larkspur, low  
    tall  
lettuce, blue  
    Canada  
    prickly  
    tall blue  
    wall  
licorice, wild  
locoweed, early yellow  
    late yellow  
    showy  
    woolly  
loosestrife, fringed  
    purple  
    yellow  
lupine, silvery  
mallow, common  
    curled  
    musk  
    round-leaved  
    scarlet  
    small-flowered  
mare's-tail  
mayweed, scentless  
    stinking  
medic, black  
milk-vetch, ascending purple  
    Drummond's  
    narrow-leaved  
    purple  
    slender  
    timber  
    two-grooved  
milkweed, common  
    green  
    showy  
    swamp  
    whorled  
mint, field  
    spear  
moneywort  
monkey flower, red  
morning-glory, wild  
motherwort  
mugwort  
mullein, common



moth  
mustard, ball  
    black  
    dog  
    garlic  
    gray tansy  
    green tansy  
    hare's-ear  
    hedge  
    Indian  
    Loesel's  
    tall hedge  
    tall wormseed  
mustard,      tumble  
    white  
    wild  
    wormseed  
naiad, bushy  
nettle, burning  
    common  
    stinging  
    tall  
nightshade, American  
    black  
    cupped  
nipplewort  
nutsedge, yellow  
oats, wild  
onion, nodding  
    prairie  
    wild  
Oregon-grape  
parsnip, water  
    wild  
pearlwort, bird's-eye  
pennycress, clasping-leaved  
pennywort peppergrass, clasping-leaved  
    common  
    field  
    poor-man's  
phlox, moss  
pigweed, green  
    Palmer's  
    prostrate  
    redroot  
    Russian  
    smooth  
    tumble

winged  
pineappleweed  
plantain, broad-leaved  
    common  
    hoary  
    narrow-leaved  
    Rugel's  
    whorled  
    woolly  
poison-ivy  
pokeweed  
pondweed, curly-leaved  
    fine-leaved  
    flat-stemmed  
    Fries  
    giant  
    Illinois  
    large-leaved  
    narrow-leaved  
    Richardson  
    sago  
    variable-leaved  
    white-stemmed  
povertyweed  
prickly-pear, brittle  
    plains  
purslane  
pussytoes  
pygmyflower  
quillwort  
rabbitbrush, sticky-leaved  
    stinking  
radish, wild  
ragged robin  
ragweed, common  
    false  
    giant  
    perennial  
ragwort, tansy  
    marsh  
rape, bird  
rattle, yellow  
reed, common  
rocket, yellow  
rose, prairie  
    wild  
rush, Baltic  
    flowering

rushes  
Russian thistle  
sage, pasture  
    prairie  
    reflexed  
    wood  
sagebrush, big  
    silver  
St. John's-wort  
St. John's-wort, spotted  
salsify, common  
samphire, red  
sandbur, long-spined  
sandwort, thyme-leaved  
scabious, field  
scouring-rush  
sea-blite, western  
sedges  
selfheal  
shepherd's-purse  
silverberry  
silverweed  
skeletonweed  
skunkbush  
smartweed, green  
    marshpepper  
    mild  
    pale  
        Pennsylvania  
        swamp  
        water  
snakeroot, white  
sneezeweed, mountain  
snowberry, thin-leaved  
    western  
sorrel, dense flowered garden  
    narrow leaved garden  
    sheep  
sow-thistle, annual  
    perennial  
    smooth perennial  
    spiny annual  
speedwell, bird's-eye  
    common  
    corn  
    creeping  
    field  
    germander

- purslane
- thyme-leaved
- spurge, broad-leaved
  - cypress
  - flowering
  - hairy-fruited
  - hairy-stemmed
  - leafy
  - petty northern
  - ridge-seeded
  - spotted
  - sun
  - thyme-leaved
- spurry, corn
- stickseed, large-flowered
- stinkweed
- stonecrop, mossy
- stork's-bill
- suckleya, poison
- sumac, staghorn
  - poison
- sunflower, prairie
- sweetflag
- tansy
- tapegrass
- tarweed, cluster
- teasel
- thistle, bull
  - Canada
  - Flodman's
  - globe
  - nodding
  - plumeless
  - Scotch
  - wavy-leaved
  - weltd
- thyme, creeping
- tickseed, common
- toadflax, Dalmatian
  - yellow
- tomato, wild tumbleweed
- velvetleaf
- vetch, American
  - common
  - four-seeded
  - hairy
  - narrow-leaved
  - narrow-leaved American

slender  
tufted  
wall-rocket, narrow-leaved  
stinking  
water-hemlock, bulbous  
common  
spotted  
western  
water-horehound, American  
tuberous  
water-marigold  
water-milfoil, green  
northern  
water-parsnip  
waterweed, Canadian  
whitlow-grass, wood  
witchgrass  
wolf-willow  
woodsorrel, common yellow  
European  
wool-grass  
wormwood, biennial  
common  
yarrow  
yarrow, sneezewort