The Noxious Weeds Act

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

http://web2.gov.mb.ca/laws/statutes/ccsm/n110e.php
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-
(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.

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 inspectoral 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
  vipers
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
rushed
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

http://web2.gov.mb.ca/laws/statutes/ccsm/n110e.php
purslane
thyme-leaved
spurge, broad-leaved
cypress
flowering
hairy-fruit
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
teach
thistle, bull
Canada
Flodman's
globe
nodding
plumeless
Scotch
wavy-leaved
welted
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-parnip
waterweed, Canadian
whitlow-grass, wood
witchgrass
wolf-willow
woodsorrel, common yellow
European
wool-grass
wormwood, biennial
common
yarrow
yarrow, sneezewort