



PEACE RIVER REGIONAL DISTRICT

Peace River Regional District Invasive Plant Program

Compliance and Enforcement Manual

Current as of April 2016

diverse. vast. abundant.

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Introduction

The objective of this Compliance & Enforcement Manual is to explain the C&E model used by the Peace River Regional District Invasive Plant Program. This manual has been created to help give you a better understanding of the legislation involved, processes used, and to act as a point of reference for any Compliance and Enforcement information you may need.

Roles & Responsibilities

The Invasive Plant Program is part of the Environmental Services Department of the Peace River Regional District. The program currently consists of 3 main staff members: Kari Bondaroff, Denise Booy, & Mike Pangman.

<u>Role</u>	<u>Current Staff</u>	<u>Responsibilities</u>
Chief Administrative Officer	Chris Cvik	Responsible for all major decisions within the Peace River Regional District.
General Manager of Environmental Services	Jeff Rahn	Assists Chief Administrative Officer with decisions within the Environmental Services Department of the Peace River Regional District. <ul style="list-style-type: none"> Provides direction to Environmental Program Managers.
Manager of Invasive Plant Program	Kari Bondaroff	Responsible for creating business plan, hiring, budgeting, organizing projects, and ensuring staff have the tools they need to complete their jobs. <ul style="list-style-type: none"> Provides direction to Invasive Plant Program Coordinator & Area Controller.
Invasive Plant Program Coordinator	Denise Booy	Responsible for supporting and assisting Program Manager.
Area Controller	Mike Pangman	Responsible for completing herbicide treatments for Program Manager.

Designation & Authority

Invasive Plant Program staff members are designated as Weed Inspectors, under Section 11.1 of the Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012, and appointed as a Weed Control Officers under section 10 of the *Weed Control Act*.

As a Weed Inspector and Weed Control Officer, they are responsible for inspecting potential non-compliances under the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014, and the Provincial *Weed Control Act* and regulations.

Weed Inspector

- Designated under section 11.1 of the Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012, as a bylaw officer (Weed Inspector).
- Authority to issue Bylaw Notices (tickets) comes from section 5.1 of the Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012.
- Authority to enter properties for the purpose of enforcing and/or administering this contravention is found under section 4 of the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014.
- The contravention enforced is found under section 3 of the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014.
 - Section 3 states: *No person who is an Owner or Occupier of Real property shall allow any Invasive Plant or Noxious Weed to Grow on that Real Property.*

Weed Control Officer

- Appointed as a Weed Control Officer under section 10 of the *Weed Control Act*.
- Authority to issue Notices to Control Weeds comes from section 4 of the *Weed Control Act*.
- Authority to enter properties is founds under section 3 of the *Weed Control Act*. Under this section they also have the authority to request all reasonable assistance from the occupier of the land, premises, or property.
- The contravention enforced is found under section 2 (duty to control weeds) of the *Weed Control Act*.
 - Section 2 states: *In accordance with the regulations an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person.*

Legislation

Weed Inspectors and Weed Control Officers are responsible for enforcing two main pieces of legislation, the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014, and the *Weed Control Act* and its regulations. Below is a list of additional legislation involved. [Click on the Act to view the full legislation.](#)

- [Local Government Act](#)
- [Local Government Bylaw Notice Enforcement Act](#)
- [Peace River Regional Bylaw Notice Enforcement Bylaw No. 2042, 2012](#)
- [Bylaw 2120, 2014](#)
- [PRRD Invasive Plant Bylaw No. 2121, 2014](#)
- [Weed Control Act](#)
- [Weed Control Regulation](#)
- [Integrated Pest Management Act](#)

Local Government Act

The *Local Government Act* provides the legal framework and foundation for local governments to represent the interests and needs of their communities. It provides local governments with the powers, duties and functions necessary to serve and respond to their communities, including the power of establishing and enforcing bylaws. This Act provides the power for Regional Districts to create bylaws and designate bylaw contraventions that may be enforced.

Local Government Bylaw Notice Enforcement Act

The *Local Government Bylaw Notice Enforcement Act* provides detailed information for local governments to follow in regard to issuing bylaw notices. Bylaw notices are similar to violation/warning tickets. They can be issued as a warning or with monetary penalty attached. This Act lays out the ground rules for Regional Districts to follow in respect to issuing bylaw notices.

Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012

The Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012, lays out the general process for bylaw notices including penalty amounts, payment timelines, adjudication process basics, and the appointment of screening and bylaw officers. Most importantly in this bylaw is section 11 (Bylaw Enforcement Officers). Section 11 States:

11.1 - The following persons are designated as bylaw enforcement offices for the purposes of this Bylaw and the Act:

11.1.3 - Persons appointed as Bylaw Enforcement Officers, Building Inspectors, Weeds Inspectors, or other person acting in another capacity on behalf of the Regional District for the purposes of enforcement of one or more of the Regional District's bylaws.

11.2 - No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise of performance of his or her powers, duties or functions under this bylaw and Act.

Schedule A of this Act, lists the associated penalty amounts for the bylaws & sections. The penalty amounts for the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014; section 3, Allowing Invasive plants to grow on property are shown below:

Penalty Amount	Early Payment (within 21 days)	Late Payment (After 32 days)	Compliance Agreement available
\$200.00	\$150.00	\$250.00	Yes

Schedule B of this Act, provides a copy of a Compliance Agreement. This allows an officer to enter into an agreement with the notice recipient, allowing for a reduction of penalty once compliance is achieved.

Bylaw 2120, 2014

Bylaw 2120, 2014, is a conversation bylaw that was created to convert the authority for providing an invasive plant control service within the Peace River Regional District, into a bylaw. This was created under sections 801-802 of the *Local Government Act*. This bylaw allowed the Regional District to create the Peace River Regional District Invasive Plants Bylaw No. 2121, 2014.

Peace River Regional District Invasive Plants Bylaw No. 2121, 2014

The Peace River Regional District Invasive Plants Bylaw No. 2121, 2014, is a local government bylaw that allows the Peace River Regional District to enforce invasive plants or noxious weeds growing on private properties. This bylaw only applies to Peace River Regional District owned or private land. This bylaw cannot be used on crown land or federally owned land.

Under this bylaw:

- No person who is an Owner or Occupier of Real property shall allow any Invasive Plant or Noxious Weed to Grow on that Real Property.
- Weed Inspectors may enter any Real property for the purposes of enforcing and administering this bylaw.
- Real Property means lands, premises, buildings, structures and other improvement affixed to the land.
- Every Person found guilty of an Offence shall be liable upon summary conviction to a fine not exceeding \$5000.00, plus the cost of prosecution.
- Each day that a violation continues constitutes a separate offence.
- The actual costs incurred for controlling Invasive Plants, if unpaid shall be added to Property taxes.
- Schedule A provides a list of invasive plants and noxious weeds within the Peace River Regional District.

Weed Control Act

The *Weed Control Act* is a Provincial Act that requires all land occupiers to control the spread of all Provincial and Regional noxious weeds growing on their land and/or premises. The *Act* also specifies provision for transportation, movement, and cleaning of machinery. The *Act* applies to all land, both private and crown.

Under this Act:

- “Inspector” includes a Weed Control Officer appointed under section 10.
- An occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person.

- At any time during daylight hours, an Inspector may enter and inspect any land, premises, except a residence, and property for any purpose relating to the administration or enforcement of this Act or the regulations.
- An Inspector may request an occupier of the land to give all reasonable assistance with an inspection.
- An Inspector may serve a notice directing an occupier to control noxious weeds growing or located on land, premises or property occupied by the occupier.
- A notice must be in the prescribed form and contain the information required under the regulations.
- A notice may be served in person, sent by registered mail, or left with any person who is over the age of 16, and is occupying the residence.
- If an Inspector believes that the occupier is evading service, or is unable to ascertain any occupier of the land, the inspector may post the notice. If posted it expires after 3 days.
- If noxious weeds are not controlled an inspector may, without notice, take the action considered necessary to control noxious weeds at the occupiers cost. (Taxation process).

Weed Control Regulation

The Weed Control Regulation contains:

Schedule A.

- Part I - List weeds that are designated as noxious throughout BC.
- Part II - List regionally noxious weeds.

Schedule B

- Notice to Control Noxious weeds.

The Weed Control Regulation also regulates the transportation of grain, movement of machinery, cleaning of agriculture equipment, intermixed seeds, and use of fertilizers on areas that contain weeds.

Integrated Pest Management Act

The *Integrated Pest Management Act* regulates the use of pesticides (including herbicides) for invasive plant control in BC. The *Act* also explains the requirements of pest management plans and the use of best practices when applying pesticides.

Compliance and Enforcement Regime

The Peace River Regional District Invasive Plant Program strives to ensure their compliance & enforcement model is fair, objective, & transparent. The progressive model consist of 4 steps:

- 1) Outreach and Education
- 2) Warning Notice
- 3) Monetary Penalty
- 4) Weed Notice

Outreach & Education

The Peace River Regional District always tries to gain voluntary compliance before moving onto enforcement action. This is first achieved through the outreach & education and/or verbal warnings. Outreach and education helps the occupier of the land to understand the nature and consequences of the invasive plant infestation and allows treatment options to be discussed.

Outreach and education can include:

- Letters or information sheets with pertinent information.
- Phone calls or face to face visits.
- Providing services offered through the Invasive Plant Program:
 - Plant identification, education, and awareness sessions.
 - Weed identification guides, factsheets, & information.
 - Support in creating invasive plant management plans.
 - Invasive plant disposal bins at regional dumps.
 - Integrated pest management information.
 - Supporting community weed pull events
 - Support Municipalities in creating & enforcing invasive species bylaws.
 - Reporting infestations to appropriate agency.

Warning Ticket

Warning tickets are bylaw notices that do not have penalties attached & are always accompanied by an outreach letter requesting the individual to contact the Invasive Plant Program to discuss a plan for managing the infestation. Two weeks is given for the owner to contact the program, with the date clearly specified in the letter.

Situations in which warning tickets are issued include:

- Failure to follow through with verbal warning or cooperate with Weed Control Officer
- Unknown client / unable to contact owner or occupier of premise
- Multiple premises connected to a complaint (all dealt with in the same manner)

Issuing a warning ticket notifies the occupier that failure to comply may result in further monetary fines or other enforcement action.

Monetary Penalty

Monetary Penalties are bylaw notices that have monetary penalties attached. Although there is a penalty amount attached, the individual always has the ability to enter into a compliance agreement with the Peace River Regional District, allowing for the amount to be eliminated completely or partly upon compliance.

Situations in which monetary penalties are issued include:

- Failure to respond to all outreach attempts and/or verbal warning
- Failure to respond to initial warning letter & warning ticket issued

If the amount is not paid after 32 days, the Peace River Regional District has the ability to start the process for sending the amount owing to collections. Once again these tickets are always accompanied by an outreach letter requesting the individual to contact the program.

The decision to issue a monetary penalty must follow proper procedures and be carefully documented by the Officer. The occupier has the right to dispute the ticket within 14 days of issuance, whereupon a Screening Officer will hear the dispute and can order a compliance agreement or alter the penalty.

Discounts are applied if paid within 21 days of issuances. Surcharges are added if left unpaid after 32 days of issuance. Unpaid ticket are entered into the debt collection process after 32 days.

A penalty can be issued more than once for the same infestation. It is recommended that after 21 days a penalty remains unpaid and no action has been taken, a decision must be made to issue another penalty or issue a Weed Notice under the *Weed Control Act*.

The current penalty amounts are:

Penalty Amount	Early Payment (within 21 days)	Late Payment (After 32 days)
\$200.00	\$150.00	\$250.00

Weed Notice

Weed Notices do not have any direct monetary penalty attached to them; however, they allow the Peace River Regional District to treat the infestation at the land owners or occupiers cost.

Situations in which Weed Notices are issued include:

- Failure to respond to monetary penalty ticket
- Invasive plant is either a EDRR (Early Detection Rapid Response) or Category A (High Priority)
- Invasive plant poses a significant threat to surrounding land and/or environment

Weed Notices, should once again always be accompanied by an outreach letter requesting the individual to contact the program and to invite them to create and submit a management plan to address the infestation.

If the Weed Notice is not followed by the requested date, the Peace River Regional District can control the weeds as per section 7 of the *Weed Control Act*. Upon completion, the Officer will present the occupier with an invoice listing the materials, labour, and administrative charges. Failure to pay the invoice results in the Peace River Regional District Finance Department recovering the costs through a delinquent taxation process.

Weed Categories

The Peace River Regional District Strategic Plan & Profile categorizes invasive plants into 4 categories:

- **REDRR (Regional Early Detection Rapid Response)**
 - These species pose a significant threat and the goal is eradication as soon as possible.
- **Category A** - High priority for Eradication and Containment.
 - These species are highly competitive, have the ability to spread rapidly, and pose a significant threat.
- **Category B** - Medium priority for Eradication and Containment.
 - These species have the ability to spread rapidly, but not as aggressively as Category A.
- **Education and Awareness**
 - These species can spread easily but requirements to contain are site specific and the priority is to educate and raise awareness.

It is important for the Officer to know what category the species falls into under the current Strategic Plan & Profile. A species that falls under Education and Awareness for example, would not justify a bylaw notice.

Compliance and Enforcement Tools

There are various compliance and enforcement tools available to Weed Inspectors / Weed Control Officers. Below is a list of the current tools used:

Initial Outreach

- Door Knockers
- TIPS Factsheets

Letters

- Advisory / Educational Letter
- Warning Letter
- Bylaw Notice Letter
- Notice of Debt Letter

Tickets

- Warning Notice
- Bylaw Notice

Notices / Orders

- Notice to Control Noxious weeds

Initial Outreach

Initial Outreach allows officers to inform and educate an individual on an invasive plant located on their property without issuing any form of formal bylaw notice (ticket).

Door Knockers

Door Knockers are designed to be left on an entrance door of a residence. They can be left to:

- Deliver a “while you were out” message requesting the land occupier to contact the program.
- Request information regarding treatment of a previously noted infestation.
- Indicate an issuance of a weed notices in cases where occupier evades service of Weed Notices. Failure of the land occupier to respond within 3 days can results in the issuance of a formal Weed Notice.

TIPS Factsheets

TIPS is an information series offered by the Invasive Species Council of British Columbia. Each invasive plant sheet covers the legal status, distribution, identification, ecological characteristics, impacts, and management techniques.

Letters

Letters allow Officers to inform individuals that they are in non-compliance without issuing a penalty. They act as a compliance tool and can be used as the first step towards escalating an issue of non-compliance into an enforcement action. All letters are sent via registered mail. The Invasive Plant Program has four types of letters.

Advisory / Educational Letter

An advisory/educational letter allows Officers to provide information to owners or occupiers. They aim to provide advice (education and outreach) and recommend a course of action to help achieve compliance. This maybe done due to the owner requesting information on a specific invasive plant, or due to an infestation being very minor (Education and Awareness List). The Officer is not requesting an owner to take action, simply providing information to them.

Warning Letter

A warning letter allows Officers to provide information to an owner or occupier, while requesting them to take action. The letter identifies the property of concern, the contravention, requests the infestation to be treated, and for the owner to contact the program by a specific date to discuss the infestation. The letter warns that failure to comply with the letter may result in further enforcement action. The warning letter may or may not be attached with a warning notice (ticket).

Bylaw Notice Letter

A bylaw notice letter is very similar to a warning letter; however, it emphasizes the non-compliance and always has a bylaw notice (ticket) attached (violation ticket/monetary penalty).

Notice of Debt Letter

A notice of debt letter is only sent out once the time period to pay the bylaw notice has passed. The letter lays out the time period of events and advises that the full amount of the ticket is now due within 28 days of receipt of the notice of debt. This action must be taken in order to send the amount owing to collections.

Tickets

Tickets are an enforcement tool that allows Officers to quickly and effectively enforce legislation. Tickets within the Peace River Regional District are issued in the form of a Bylaw Notice. They can be issued as a bylaw warning (no penalty attached) or as a bylaw notice (penalty attached). Weed Inspectors can issue bylaw notices for only one charge / offence:

Peace River Regional District Invasive Plants Bylaw No. 2121, 2014

- Section 3 - Allowing Invasive plants to grow on property.

Warning Notice (Ticket)

A warning notice is a ticket issued with no monetary penalty attached. Warning Notices should be used for minor offences and issued with Officer discretion. Warning Notices are non-disputable, as they do not have a penalty attached.

Bylaw Notice (Ticket)

A bylaw notice is a ticket issued with monetary penalties attached. Bylaw notices are disputable, as they have a penalty attached.

The reverse side of the ticket provides methods for payments or for disputing the ticket through an adjudication request.

The tickets can be paid by:

- Phone - 1-800-670-7773
- Mail - Box 810, Dawson Creek, BC. V1G 4H8
- In Person - Dawson Creek and Fort St. John Regional offices:
 - DC - 1981 Alaska Ave.
 - FSJ - 9505 - 100th St.

The tickets can be disputed by mail, in person, or by fax. A \$25.00 fee is added to the total fine if the Adjudicator finds that the contravention did occur.

Notices / Orders

Notice to Control Noxious Weeds

A Notice to Control Weeds is issued under the *Weed Control Act*. It is the last step in the Peace River Regional District enforcement regime and should only be used if the bylaw notice process is unsuccessful or if there are no other options available. The notice informs an individual that they are in non-compliance and that failure to comply will result in the Invasive Plant Program taking action on their behalf and expense to control the infestation.

Procedures Followed

There are various procedures that the Invasive Plant Program follows. Below is a list of current procedures the program uses.

Weed Reports

Weed Reports are invasive plant complaints that are submitted by members of the public. They are submitted by contacting the Peace River Regional District or other jurisdictional agency, through the Report-a-Weed website or Report-a-Weed App. (<http://www.reportaweedbc.ca/>)

Once a weed report has been received by the Peace River Regional District, the Invasive Plant Program aims to respond within 3 business days to the complainant. Individuals who report weeds remain confidential. Depending on what is discovered during the initial inspection, the report may start a compliance or enforcement action.

Initial Inspection

The Invasive Plant Program aims to complete their initial inspection within 5 business days. In order for the officer to enter onto the property they must be designated as a Weed Inspector under Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012 or appointed as a Weed Control Officer under the *Weed Control Act*.

Compliance & Enforcement Related

Other Compliance and Enforcement related procedures the Invasive Plant Program follows include steps for issuing Door Knockers, Bylaw Tickets, and Weed Notices.

Officer Discretion

Weed Inspectors / Weed Control Officers are expected to use officer discretion when dealing with Weed Reports and the public. This ensures complaints are handled in a professional manner, while still ensuring the values of the Peace River Regional District are maintained. It also assists with Officer Safety. Officers are expected to:

- Make every effort to pre-arrange visits to private lands if possible.
- If working alone on an unknown property, check in with reception and let them know where they are before conducting the inspection.
- Document all attempts to contact the land occupier/owner and all outreach and education efforts.
- Know what category invasive plants fall into to help set realistic and appropriate management goals.
- If the landowner is not being cooperative, leave and come back with another Officer for back up.

Organizational Links

PRRD Related:

- PRRD - <http://prrd.bc.ca/>
 - Invasive Plant Program Page
 - PRRD Map Viewer
 - Staff Contacts
- Basecamp - <https://launchpad.37signals.com/signin>
 - Current PRRD Storage Program

BC Gov. Related:

- Pesticides & Pest Management - <http://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management>
 - Information on Integrated Pest Management Practices and regulations
- Pesticide Certification - <http://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management/pesticide-use/pesticide-certification>
 - Information on Pesticide Applicator Certification
- FLNRO Invasive Plant Program - <https://www.for.gov.bc.ca/hra/Plants/index.htm>
 - Main Invasive Plant Program in BC.
- Report-a-Weed - <http://www.reportaweedbc.ca/>
 - Report a weed or download the mobile app.
- IAPP Application - <https://www.for.gov.bc.ca/hra/Plants/application.htm>
 - Invasive Alien Plant Program login and forms.
- BC Parks: <http://www.env.gov.bc.ca/bcparks/>
 - Information on BC Parks.
- Recreation Sites & Trails BC: <http://www.sitesandtrailsbc.ca/default.aspx>
 - Information on Recreation sites & Trails in BC.
- BC Assembly of First Nations - <http://www.bcafn.ca/index.php>
 - Contact Information for First Nations

Other Invasive Species Sites:

- Invasive Species Council of British Columbia (ISC) - <http://bcinvasives.ca/>
 - TIPS Factsheets
- Species At Risk BC - <http://www.speciesatriskbc.ca/>
- Alberta Invasive Species Council: <https://www.abinvasives.ca/home>
- Weed Info.ca - <http://www.weedinfo.ca/>
- Don't Move Firewood - <http://www.dontmovefirewood.org/>
- Play Clean & Go - <http://playcleango.org/>

Other:

- Peace Forage Seeding Tool: <http://www.peaceforagetool.ca/>