

CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

By-law No. 2003 - 38

Being a By-law to designate abandoned orchards in the Town of The Blue Mountains a local weed.

WHEREAS Section 10 of the Weed Control Act, R.S.O. 1990 c. W.5, as amended, empowers the Councils of the local municipalities that have appointed a municipal weed inspector to pass by-laws designating any plant that is not a noxious weed as a local weed within the whole or part of the municipality;

AND WHEREAS a plant designated as a local weed may be subject to controls including to an order for destruction under the authority of the Weed Control Act R.S.O. 1990 c. W.5;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains has appointed a municipal weed inspector;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary to control abandoned orchards to prevent the spread of disease and/or insects amongst other fruit bearing trees;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary and expedient to pass such a by-law;

NOW THEREFORE BE IT RESOLVED THAT:

1.0 INTRODUCTION

1.1 Title and Scope

1.1.1 This is a By-law to designate abandoned orchards to be a noxious weed. This By-law will be known as the "Abandoned Orchards By-law" for the Corporation of the Town of The Blue Mountains.

1.2 Validity and Severability

1.2.1 Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-law as a whole.

1.3 Interpretation

1.3.1 Words used in the singular shall have corresponding meanings when used in the plural.

1.3.2 "May" shall be construed as permissive.

1.3.3 "Shall" shall be construed as imperative.

1.4 Force and Effect

1.4.1 This By-law shall come into force and take effect on the day that it receives the approval of the Minister of Agriculture, Food and Rural Affairs.

2.0 DEFINITIONS

For the purpose of this By-law, the following words shall have the meaning ascribed herein:

2.1 "Abandoned Orchard" means fruit trees, vines or bushes representing a planting of greater than 10 trees, vines or bushes, at the original spacing, that is located on a property, any part of which is within 1000 metres distance of a commercial orchard or vineyard and, in the opinion of the Inspector, appears to be neglected and has populations of insects and/or diseases which represent a threat by movement to such neighbouring commercial orchards.

2.2 "Council" means the Council of the Corporation of the Town of The Blue Mountains.

2.3 "Fruit Trees" include apple trees, pear trees, nectarine trees, cherry trees, peach trees, or plum trees in the Rosaceae family and grape vines in the Vitaceae family of plants.

2.4 "Inspector" means an individual appointed as a Weed Inspector by a By-law for the Town or the County of Grey.

2.5 "Property" means a parcel of land to which title is capable of being legally conveyed, subject to the provisions of the Planning Act, as amended, and includes any of its part, which are subject to a right-of-way or easement.

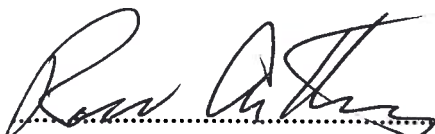
2.6 "Town" means the Town of The Blue Mountains.


3.0 DESIGNATION

3.1 For the purpose of Section 10(1) of the Weed Control Act, R.S.O. 1990, C. W-5, the fruit trees contained in an abandoned orchard are hereby designated as local weeds in the whole of the Town of The Blue Mountains.

Read a first and second time this twelfth day of May, 2003

Read a third time and passed this twelfth day of May, 2003


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Ross Arthur, Mayor


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Stephen Keast, Clerk