

M.D. OF PINCHER CREEK NO. 9

CORPORATE POLICY

C-AES-002

TITLE: LANDOWNERS ASSUMING RESPONSIBILITY FOR WEED CONTROL ON MUNICIPAL RIGHT-OF-WAYS ADJACENT TO THEIR PROPERTY

Approved by Council: Date: March 11, 2014

Revised by Council: Date: June 25, 2019

Policy Statement

The M.D. of Pincher Creek No. 9 has established a policy to direct landowners to assume responsibility for weed control on Municipal right-of-ways adjacent to their property.

Background:

The Municipal District of Pincher Creek is responsible for the effective management, on municipal lands, of designated Prohibited Noxious and Noxious weed species under the Alberta Weed Control Act, and other weeds elevated to such status by Municipal District bylaws, and as such, carry out an annual integrated weed management program (including but not limited to, appropriate herbicide treatments for these weeds) on municipal roadside right-of-ways (ROW).

The Municipal District recognizes certain landowners are opposed to herbicide treatments on municipal ROW adjacent to their private property. In an effort to respond to these concerns, the Municipal District may provide opportunity for these landowners to enter into an annually reviewed, conditional agreement (as described below) whereby the landowner assumes responsibility to control weeds on behalf of the Municipal District in designated and appropriately signed municipal ROW adjacent to their private property.

The Municipal District maintains the right to refuse to enter into conditional agreements with any adjacent landowner to manage weeds on municipal ROW, and may cancel an existing agreement under this policy at any time to ensure appropriate weed control actions (including herbicide treatment as required) are implemented on these areas, as required by provincial law under the Alberta Weed Control Act, or related municipal bylaw.

Municipal District of Pincher Creek's Responsibilities under This Policy & Related Agreements:

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- Make available signage designating that the landowner adjacent to the municipal ROW is responsible for weed control in the municipal ROW.
- Annually review and record the agreements under this policy as a method of recording all municipal ROW's that will have weeds being controlled by the adjacent landowner.
- Periodically inspect the municipal ROW under this policy and related agreements for any designated Prohibited Noxious and/or Noxious weed species under the Alberta Weed Control Act or related municipal bylaws, to ensure these weeds are being controlled to the satisfaction of the municipality.
- If weed control in the municipal ROW is unsatisfactory at the time of inspection, municipal staff will attempt to make contact with the adjacent landowner responsible for weed control in the municipal ROW.
- If adequate weed control is not carried out within an agreed upon amount of time (between Ag Fieldman and landowner or occupant), municipal staff or designated contractors will carry out control of these weeds using any means deemed necessary by the Municipal District of Pincher Creek, including herbicide treatment.
- If a municipal ROW under agreement as per this policy is inadvertently or intentionally treated with herbicide by municipal staff or designated contractors, the adjacent landowner be notified as soon as practically possible, but the Municipal District of Pincher Creek will not offer compensation for any impacts to a landowner organic certification resulting from herbicide application in the municipal ROW.
- Annually review and, as required, renew or cancel agreements as necessary under the policy.

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Landowner Responsibilities under This Policy & Related Agreements:

- Provide the Municipal District of Pincher Creek with a written, legal description of their property adjacent to the municipal ROW for which they wish to assume weed control responsibilities under this policy.
- Sign the agreement describing the areas for which they have agreed to carry out weed control.
- Securely and prominently erect/maintain signage provided by the municipality, as described above, to the fences bordering the municipal ROW and the adjacent land.
- Signs provided to designate areas covered under this policy and related agreements are the property of the Municipal District of Pincher Creek, and are not to be altered in any way.
- Signs provided will be mounted by the landowner in a manner that displays them facing the adjacent municipal ROW, to ensure visibility from all access points to the municipal ROW.
- Control designated Prohibited Noxious and/or Noxious weed species under the Alberta Weed Control Act, or related municipal bylaws, in the municipal ROW adjacent to their property to the satisfaction of the Municipal District of Pincher Creek.
- Understand this policy & related agreements do not grant permission to use the municipal ROW as any portion of "setback" to comply with organic certification standards.
- Understand the Municipal District of Pincher Creek will not offer compensation for any impacts to a landowner's organic certification resulting from herbicide application in the municipal ROW.
- Understand this policy and related agreements are subject to review annually or as required, which may result in renewal or cancellation of agreements at the Municipal District of Pincher Creek's discretion.

AGREEMENT BETWEEN
THE MUNICIPAL DISTRICT OF PINCHER CREEK #9
and
ADJACENT LANDOWNER NAMED BELOW

First Name

Last Name

Mailing Address

Home phone/Cell phone

Email address

The above parties agree that the adjacent landowner named above and signed below will install & maintain signage as provided by the municipality, and will adequately control all Prohibited Noxious and Noxious weeds under the Alberta Weed Control Act, and related municipal bylaws, to the satisfaction of the Municipal District of Pincher Creek, in the municipal right-of-ways (ROW) immediately adjacent to the legal land description(s) described below:

The above to be carried out as per specific responsibilities described under Municipal District of Pincher Creek Policy #603 - Landowners Assuming Responsibility for Weed Control in Municipal Right-Of-Ways Adjacent to Their Property. This agreement becomes null and void at the end of the calendar year of signing, renewal or date of notification of cancellation by either party, whichever comes first.

Date agreement signed

I have read and fully understand – signature of landowner

Agricultural Fieldman

Director of Operations

Date of last review (initialled by Ag Fieldman or designate)