

**District of Squamish**  
**BYLAW NO. 2786, 2020**

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A Bylaw to Prohibit the Accumulation of Invasive Species on Real Property in the District of Squamish and Provide for the Recovery of the Cost of Abatement of such Invasive Species.

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**WHEREAS**, the Council of the District of Squamish has the authority under Section 8(3) of the *Community Charter* to enact bylaws that regulate, prohibit, and impose requirements in relation to the protection of the natural environment, including for the control and eradication of certain invasive species.

**NOW THEREFORE**, the Council of the District of Squamish, in open meeting assembled, **ENACTS AS FOLLOWS**:

**1. CITATION**

1.1 This bylaw may be cited as the “*District of Squamish Invasive Species Management Bylaw No. 2786, 2020*”.

**2. DEFINITIONS**

2.1 In this bylaw:

“**Bylaw Enforcement Officer**” means a person appointed by the District to enforce its bylaws;

“**Council**” means Council for the District;

“**Director**” means the person holding the position of Director of Engineering for the District, or a person appointed to act in the place of the Director;

“**District**” means the District of Squamish, a municipality under the *Community Charter*,

“**Invasive Species**” means any species listed in Section 1 of the Schedule to the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* under the *Community Charter*, S.B.C. 2003, c. 26 as an “alien invasive species”;

“**Qualified Environmental Professional**” means a person in good standing with a legislated self-regulating association in British Columbia who is acting within the individual’s

area of expertise and includes a professional Biologist, Agrologist, Arborist, Forester, Geoscientist, Engineer, or Technologist.

**“Real Property”** means lands, premises, buildings, structures and other improvements affixed to the land;

**“Environmental Staff”** means a person holding the position of Environmental Coordinator or Environmental Technician for the District.

**“Sea to Sky Invasive Species Council”** means an organization registered as a society under the *Societies Act* of British Columbia under number S-0055391.

- 2.2 Unless otherwise provided, words and phrases used in this bylaw have the same meaning as in the *Community Charter* or *Interpretation Act*, as the context and circumstances require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation or bylaw refers to that enactment as it may be amended or replaced from time to time.

### 3. PROHIBITION

- 3.1 A person must not sow, plant, cultivate, release or allow to accumulate or spread an Invasive Species on any Real Property within the District.
- 3.2 Every Owner or Occupier of Real Property must ensure that no Invasive Species is sown, planted, cultivated, or is allowed to grow, accumulate, spread, or be released on the Real Property.
- 3.3 No person or business shall sell or otherwise distribute Invasive Species within the District.
- 3.4 No person or business shall treat Invasive Species, except in adherence with methods endorsed, established or published by the Sea to Sky Invasive Species Council or the Invasive Species Council of BC, or as advised by a Qualified Environmental Professional and accepted by the District's Environmental Staff, or as accepted by the District's Environmental Staff.
- 3.5 No person or business shall dispose of Invasive Species, except in adherence with the District's Invasive Plant Disposal Protocol (approved by the Director), in accordance with methods endorsed, established or published by the Sea to Sky Invasive Species Council or the Invasive Species Council of BC or as advised by a Qualified Environmental Professional and accepted by the District's Environmental Staff, or as accepted by the District's Environmental Staff.

#### **4. AUTHORITY TO ENTER**

- 4.1 Environmental Staff or a Bylaw Enforcement Officer or both may enter any Real Property to ascertain whether the requirements of this Bylaw are being met, and in so doing may be accompanied by a Qualified Environmental Professional or a staff member of the Sea to Sky Invasive Species Council.

#### **5. NOTICE TO OWNER / OCCUPIER**

- 5.1 If the District's Environmental Staff or the Director determines that there are any plants or animals listed as an Invasive Species present on any Real Property, whether for breeding, sale, a domestic purpose or as a pet, that
- (a) present a risk to human safety;
  - (b) are or will be at a stage of growth where reproduction or a significant release or spread may be expected; or
  - (c) that are, or are likely to become, a nuisance on other property in the vicinity,
- the Director may, by written notice, require the person, business, Owner or Occupier of such Real Property to take steps to eliminate or control the plant or animal, in such a manner as set out in the written notice, within a period of time set out in the notice or, if no time period is stated, within 30 days of the date it is deemed to have been received.
- 5.2 A person who is delivered a notice under this Section 5 must promptly and fully comply with the requirements of the notice.
- 5.3 Despite Subsection 5.2, a person who is delivered of a notice under Section 5 may, within 5 business days of receiving the notice, apply for reconsideration by the General Manager of Corporate Services for the District in writing as to why compliance with the notice is not feasible, is unnecessary, or contains a material error. The General Manager of Corporates Services may, on receiving as submission under this section, take into account information from the Director and any other person or body with information that the General Manager of Corporates Services considers relevant in the circumstances.
- 5.4 The person seeking reconsideration must fully comply with a decision of the General Manager.
- 5.5 A notice under this section may be delivered in person or by registered mail to the last known address of the business or Owner, or, if neither of the foregoing is practical, by posting in a prominent place on the Real Property. Notice is deemed to be received:
- (a) if delivered in person to the Owner or an Occupant over the age of 18, on the day that the notice is delivered;

- (b) if sent by registered mail, on the day after the notice is delivered; or
- (c) if posted on the Real Property, on the day after the posting.

## **6. DISTRICT TO EFFECT COMPLIANCE**

- 6.1 If the specified timeframe as set out in Section 5 expires and the requirements of the notice are not fully met, the District may, by its officers, employees, or agents, enter upon such Real Property to fulfill the requirements at the expense of the Owner or Occupier of the Real Property and may recover the costs incurred from that person as a debt.
- 6.2 If the costs incurred by the District under Subsection 6.1 remain unpaid on the 31st day of December of the year in which the costs were incurred by the District, the unpaid amount may be added to and form part of the taxes applicable in respect of such Real Property as taxes in arrears.

## **7. ADMINISTRATION and ENFORCEMENT**

- 7.1 This Bylaw may be administered by the Director and may be enforced by the Director or a Bylaw Enforcement Officer.
- 7.2 No person shall obstruct or interfere with:
  - (a) any officer, employee or agent of the District in the performance of his or her duties under this bylaw; or
  - (b) any person employed or directed by the District to carry out work under Section 6 of this bylaw.

## **8. OFFENCE**

- 8.1 A person who:
  - (a) contravenes, violates or fails to comply with any provision of this bylaw;
  - (b) fails or neglects to do anything required to be done under this bylaw, or a notice under Section 5, or
  - (c) allows, suffers or permits any act or thing to be done or omitted to be done in contravention of this bylaw or a notice under Section 5,commits an offence and where the offence is a continuing one, each day that the offence is continued amounts to a separate offence.

8.2 A person found to have contravened or committed an offence under this bylaw is liable to pay:

(a) a fine of up to \$10,000 if proceedings are brought under the *Offence Act* (B.C.);

(b) a fine of up to \$1,000 if issued a ticket under the *District of Squamish Municipal Ticket Information Bylaw No. 1832, 2004*; or

(c) a penalty established in the *District of Squamish Notice Enforcement Bylaw No. 2418, 2015*.

8.3 A fine or penalty under this section is additional to any debt for costs incurred by the District under Section 6, and proceedings brought under this section do not limit any other remedies at law that are available to the District.

## 9. SEVERABILITY

9.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

**READ A FIRST, SECOND and THIRD** time this      day of      , 2020.

**ADOPTED** this      day of      , 2020.

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Karen Elliott, Mayor

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Robin Arthurs, Corporate Officer