

BYLAW NO. 2018-05

**THE RURAL MUNICIPALITY OF KELLROSS NO. 247
KELLROSS, SASKATCHEWAN**

A BYLAW TO PREVENT AND CONTROL CLUBROOT

THE COUNCIL OF THE RURAL MUNICIPALITY OF KELLROSS NO. 247, in the Province of Saskatchewan, ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be referenced as the “Clubroot Bylaw”

**PART 1
PURPOSE AND DEFINITION**

Purpose and Scope

2. The purpose of this Bylaw is to:
 - a) Establish the requirements for clubroot reporting and notification
 - b) Establish the requirements for clubroot management
3. *The Pest Control Act* authorizes municipalities and officers to act in relation to clubroot.
 - a) Section 4 of *The Pest Control Act* states that ‘every person shall take measures to destroy, control and prevent the spread of all pests on any land or other premises owned, occupied or controlled by him’

Definitions

4. In this Bylaw:
 - a) “Officer” means an officer waiting the meaning of *The Pest Control Act*;
 - b) “Owner” and occupant are as defined in *The Municipalities Act*;
 - c) “Municipality” means the Rural Municipality of Kellross No. 247

**PART II
CLUBROOT REPORTING AND NOTIFICATION**

5. Every owner(s) and/or occupant(s) of any land in the Municipality shall notify the Municipality in which the land is located of the presence of clubroot, within 30 business days of becoming aware of the same.
6. Notification of the presence of clubroot shall be in writing (email or postal mail) and submitted to the office of the Rural Municipality of Kellross No. 247.
7. Where the officer believes that a person has contravened any provision of this Bylaw, a Bylaw Violation Notice may be served either personally or by mailing or leaving same at the last known address.
8. The Bylaw Violation Notice shall be in Schedule ‘1’, attached to and forming part of this Bylaw.
9. The Bylaw Violation Notice shall be deemed to have been served:
 - a) on the expiration of twenty-four hours after it is posted, if the notice is mailed;
 - b) on the day of actual delivery, if the notice is served personally; or
 - c) on the business day following the transmission, if given by facsimile.
10. In lieu of prosecution, the person who has contravened the provisions of this Bylaw shall pay a fine in the amount of \$ 5,000 which shall be indicated on the Bylaw Violation Notice.

**PART III
CLUBROOT MANAGEMENT**

11. Every owner(s) and/or Occupant(s) of any land where clubroot has been identified through notification within the Municipality as per Part II or by any other means shall take measures to manage and prevent the spread of clubroot.
12. As required by the officer, the owner(s), and/or occupant(s) of any clubroot infested land shall develop a Clubroot Management Agreement with the assistance of an agrologist currently practicing with the Saskatchewan Institute of Agrologists in accordance with Policy 2018-04.
13. The owner(s) and/or occupant(s) of any clubroot infested land within the Municipality shall provide the officer with the Clubroot Management Agreement within 30 business days. The Officer will ensure that the Clubroot Management Agreement meets the minimum requirements of *The Saskatchewan Clubroot Management Plan* and will execute the agreement with the owner(s) and/or occupant(s).
14. When a formal agreement between the owner(s) and/or occupant(s) and the officer cannot be reached, the officer shall write and order as per Section 19 of *The Pest Control Act*.
15. Bylaw No. 2012-02 Clubroot Bylaw is hereby Repealed.

Reeve

(Seal)

Administrator

First Reading: _____

Second Reading: _____

Read a Third Time and adopted

This _____ day of _____, 20 ____.

Administrator