

PREVENTION AND CONTROL OF CLUBROOT DISEASE OF CRUCIFERS
BYLAW

Disclaimer:

This draft bylaw has been prepared by staff in the Crops and Irrigation Branch of the Ministry of Agriculture, not legal experts. It is intended for guidance/illustrative purposes only and may be reworded to suit local conditions and requirements. It is always advisable to obtain the advice of a solicitor in drafting bylaws.

RURAL MUNICIPALITY of ABC No. 000

BYLAW NO. X-2020

A BYLAW TO PREVENT AND CONTROL CLUBROOT

The Council of the Rural Municipality of ABC No. 000 in the Province of Saskatchewan enacts as follows:

Short title

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

PART I
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 within 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 ABC No. 000
 - d) Clubroot confirmation means that clubroot disease symptoms were observed in a susceptible crop.

PART II
CLUBROOT REPORTING AND NOTIFICATION

5. Every owner(s) 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 ABC No. 000.
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 24 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 may pay a fine in the amount of \$_____ which shall be indicated on the Bylaw Violation Notice.

PART III CLUBROOT MANAGEMENT

11. Every owner(s) and 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 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 No. XXXX.
13. The owner(s) and 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 occupant(s).
14. When a formal agreement between the owner(s) and occupant(s) and the officer cannot be reached, the officer shall write an order as per Section 19 of *The Pest Control Act*.

[SEAL]

Mayor / Reeve

Clerk / Administrator

DRAFT

Schedule 1 to Bylaw No. _____

BYLAW VIOLATION NOTICE

NAME OF MUNICIPALITY
BYLAW VIOLATION NOTICE

Name:
Address:

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. _____

Section #:

Offence:

Voluntary Payment:

DETAILS OF ALLEGED BREACH OF VIOLATION

Date and time of violation:

Location of violation:

PENALTY

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.
Payment may be made in person at the municipal office or by mail [*Municipality's name and mailing address*].
If the voluntary payment indicated above is not received by [*specified date*], a summons requiring your appearance in provincial court will be issued.

Issued this [*date*] by [*name of Officer*]

Signature of Officer