

The Pest Control Act

being

Chapter P-7 of *The Revised Statutes of Saskatchewan 1978*, as amended by 1979, c.51; 1979-80, c.M-32.01; 1980-81, c.83; 1983, c.77 and c.78; 1989-90, c.54; 1992, c.32; 2002, c.C-11.1; and 2005, c.M-36.1.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-7

An Act respecting the Control and Destruction of Certain Pests

SHORT TITLE

Short title

1 This Act may be cited as *The Pest Control Act*.

INTERPRETATION

Interpretation

2 In this Act:

- (a) “**department**” means the department over which the minister presides;
- (b) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) **Repealed.** 2005, c.M-36.1, s.450.
- (d) “**officer**” means a person appointed under section 13 by the council of a municipality or by the minister or a person employed in connection with the administration and management of the department and appointed by the minister for the purpose of enforcing this Act;
- (e) “**pest**” means any animal, insect or disease declared under section 3 to be a pest.

1978, c.P-7, s.2; 1983, c.78, s.3; 1983, c.77, s.56;
2005, c.M-36.1, s.450.

ORDER DECLARING CERTAIN ANIMALS, ETC., TO BE PESTS

Power of minister

3 The minister may by regulation declare any animal, insect or disease that he deems likely to be destructive of or dangerous to any crop, grain, live stock or other property to be a pest.

1978, c.P-7, s.3; 1989-90, c.54, s.4.

DESTRUCTION AND CONTROL OF PESTS, ETC.

Destruction, etc., of pests

4 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.

1978, c.P-7, s.4.

Destruction of crop, etc., to prevent spread of pest

5 Every person shall take measures to destroy any crop, vegetation, vegetable or other matter on any land or other premises owned, occupied or controlled by him that may contribute to the spread of any pest.

1978, c.P-7, s.5.

Destruction of infested seeds, roots, etc.

6 Every person shall take measures to destroy any seeds, roots, tubers or other vegetative things that may be used for propagation and that are infested with any pest.

1978, c.P-7, s.6.

Destruction of pests on unoccupied Crown land

7 Where, in the opinion of the minister, any unoccupied Crown land in a municipality is infested with any pests he may order the destruction of the pests and the expenses incurred in the destruction shall be paid out of moneys appropriated by the Legislature for the purposes of this Act.

1978, c.P-7, s.7.

Agreements between municipalities

8(1) Any municipality may enter into an agreement or agreements with any other municipality or municipalities for joint action in controlling or destroying pests, including the appointment of a joint committee to control, supervise and manage the program of control or destruction undertaken pursuant to the agreement, and including the purchase of equipment and hiring of operators thereof.

(2) Where an agreement is made under subsection (1) the council may appoint one or more persons to represent the municipality on the joint committee and may by bylaw authorize the expenditure of moneys required for the purpose of implementing the agreement and meeting the expenses thereby incurred.

1978, c.P-7, s.8.

Power of Lieutenant Governor in Council respecting control of pests

9 The Lieutenant Governor in Council may, upon the report of the minister advising of the existence of a pest, or of the existence of any crop, vegetation, vegetable or other matter that may contribute to the spread of any pest, in any area defined in the report:

- (a) prohibit the removal from the area or movement therein of any crop, vegetation, vegetable or other matter;
- (b) prohibit the use or order the disposition or destruction of any crop, vegetation, vegetable or other matter that may contribute to the spread of any pest or order the destruction of any pest;
- (c) order any measures to be taken that will contribute to the control or destruction of a pest.

1978, c.P-7, s.9.

General tax to cover cost in certain cases

10 Where, in the opinion of the council of a municipality, any pest with regard to which this Act is enforced is of such a nature that the cost of combating the pest ought to be charged as a general tax upon all lands in the municipality rather than to the owner or occupier of the land especially affected by the pest, the council may provide for raising the amount of the said cost by such general tax.

1978, c.P-7, s.10; 1979-80, c.M-32.01, s.39;
1980-81, c.83, s.36.

Power of minister to expend moneys for preventing establishment of pests

11 For the purpose of preventing or delaying the establishment of a pest within the province, the minister may expend such moneys as he deems necessary or advisable for conducting surveys or obtaining the material, equipment and labour required in connection therewith.

1978, c.P-7, s.11.

Power of municipalities to pass bylaws respecting destruction of pests

12(1) Notwithstanding any other provision of this Act, whenever a pest appears in a municipality or whenever the council of a municipality is of opinion that a pest is likely to appear in the municipality, the council may pass a bylaw providing for the purchase of materials required for the control or destruction of the pest within the municipality and for the distribution thereof upon such terms and conditions as may be deemed advisable.

(2) The council may, by the same or another bylaw:

- (a) provide for or require the employment of any other means of controlling or destroying the pest within the municipality;
- (b) require every person owning, occupying or controlling land or premises in the municipality to control or destroy any pests on the land and premises as well as within the area lying between the centre line of any road allowance, street or alley adjoining the land and the nearest boundary of the land.

(3) Upon the passing of any such bylaw the council shall forthwith give notice of the passing of the bylaw to the residents of the municipality in such manner as the council considers proper which, without limiting the generality of the foregoing, may be by:

- (a) causing a copy of the bylaw to be posted in such number of conspicuous places in the municipality as the council may prescribe; or
- (b) causing a copy of the bylaw to be published in one or more newspapers having general circulation in the municipality.

(4) Every person owning, occupying or controlling land or premises within the municipality upon which there exists the pest specified in the bylaw shall, within a period of three days after the giving of notice of the passing of the bylaw, pursuant to subsection (3), take adequate means of controlling or destroying the pest by the methods specified in the bylaw.

(5) If a person fails to comply with subsection (4) any officer appointed under this Act may issue an order pursuant to section 19, and in the event of failure to comply with the order within the time therein specified the officer may take the steps necessary to carry out the work required by the order to be done and subsections (2) to (6) of section 21 shall apply *mutatis mutandis*.

1978, c.P-7, s.12; 1979, c.51, s.2.

Regulations prevail over bylaws

12.1(1) In this section, “**direct conflict**”, with respect to a regulation and a provision of a bylaw:

(a) means that:

(i) compliance with one involves the non-compliance with or breach or defiance of the other; and

(ii) the two are unable to operate concurrently; and

(b) does not include mere duplication.

(2) A regulation made pursuant to section 32 or 32.1 and a provision of a bylaw passed pursuant to section 12 shall operate concurrently if there is no direct conflict between the regulation and the provision of the bylaw.

(3) Every person who is required to comply with a regulation made pursuant to section 32 or 32.1 and a provision of a bylaw passed pursuant to section 12 shall, in the absence of a direct conflict between the regulation and the provision of the bylaw, comply with both the regulation and the bylaw.

(4) **Repealed.** 2005, c.M-36.1, s.450.

(5) If there is a direct conflict between a regulation made pursuant to section 32 or 32.1 and a provision of a bylaw passed pursuant to section 12, the regulation shall prevail over the provision of the bylaw.

(6) Every person who is required to comply with a regulation made pursuant to section 32 or 32.1 and a provision of a bylaw passed pursuant to section 12 shall, in the case of a direct conflict between the regulation and the provision of the bylaw, comply with the regulation, notwithstanding subsections 12(4) and (5).

(7) **Repealed.** 2005, c.M-36.1, s.450.

(8) No person is liable to prosecution or other penalty for non-compliance with a provision of a bylaw where that provision is in direct conflict with a regulation complied with by that person pursuant to subsection (6).

1992, c.32, s.3; 2005, c.M-36.1, s.450.

Filing of bylaws required

12.2(1) Within 30 days after the enactment of a bylaw made by a municipality pursuant to section 12, the municipality shall file a copy of the bylaw with the minister.

(2) The minister may, within 30 days of receipt of a bylaw pursuant to subsection (1), disallow the bylaw or any provision of the bylaw.

(3) A bylaw or a provision of a bylaw that is disallowed by the minister pursuant to subsection (2) is void.

1992, c.32, s.3; 2005, c.M-36.1, s.450.

OFFICERS

Appointment, term of office and remuneration

13(1) The council of a municipality may appoint any officers required to enforce this Act within the municipality. If no appointment has been made, the council shall make an appointment at its next meeting following the receipt of a petition signed by at least twenty-five ratepayers of the municipality requesting that such appointment be made.

(2) If the council of a municipality has not appointed an officer, the minister may, after giving notice requiring such appointment to the council through its clerk or secretary treasurer and on failure of the council for fifteen days to comply with the notice, appoint one or more officers to enforce this Act within the municipality and may determine the duration of the appointment or appointments and the remuneration of the officer or officers to be paid out of the funds of the municipality.

(3) If the council fails to pay such remuneration, the Minister of Finance, on the recommendation of the minister, may do so, and sums so paid shall be deducted from any sums payable at any time thereafter to the municipality.

(4) Officers appointed under subsection (1) shall be paid such remuneration as the council may decide and shall hold office until the first meeting of the council in the year following the year in which the appointment is made unless the appointment is terminated at an earlier date by notice in writing.

1978, c.P-7, s.13.

Notification to minister of appointment

14 The clerk or secretary treasurer of the municipality shall notify the minister forthwith of any appointment made by the municipality, giving the post office address of the appointee, the location of his residence and the territory assigned to him.

1978, c.P-7, s.14.

Jurisdiction of rural officers

15(1) If a municipality other than a rural municipality has not appointed an officer, an officer designated by the rural municipality surrounding that municipality may exercise in that municipality all the powers conferred on officers by this Act.

2005, c.M-36.1, s.450.

Notification of appointment

15.1 If the notification of the appointment of an officer in a municipality other than a rural municipality is not received by the minister within 14 days after the appointment, the municipality is deemed not to have appointed an officer

2005, c.M-36.1, s.450.

Liability of municipality

16 Every municipality shall be responsible for the acts and negligence of its officers in the performance of their duties, whether appointed by the council or by the minister.

1978, c.P-7, s.16.

POWERS AND DUTIES OF OFFICERS**Entry on land, etc.**

17(1) An officer may enter upon any land and into any premises, other than a dwelling-house, for the purpose of performing his duties and exercising the powers conferred on officers by this Act, and he shall be afforded a reasonable opportunity for a thorough inspection.

(2) Without restricting the generality of subsection (1), an officer may enter upon any land and into any premises, other than a dwelling-house, where he believes there exist any pests and take specimens of any pests that he finds and of any vegetable matter infested or suspected of being infested with any pests.

1978, c.P-7, s.17.

Enforcement of Act

18 It shall be the duty of an officer to enforce this Act and to investigate and deal with complaints made to the council of the municipality or to him respecting pests.

1978, c.P-7, s.18.

Order for destruction of pests, etc.

19(1) Subject to subsections (3) and (4), an officer may issue an order to any person:

- (a) requiring him to destroy, control and prevent the spread of pests on any land or other premises owned, occupied or controlled by him;
- (b) requiring him to destroy any crop, vegetation, vegetable or other matter on any land or other premises owned, occupied or controlled by him that may contribute to the spread of any pest;
- (c) requiring him to destroy any seeds, roots, tubers or other vegetative things that may be used for propagation and are infested with a pest.

- (2) Every order issued under subsection (1) shall:
- (a) describe the land or premises with respect to which the order is issued;
 - (b) describe the pest or the crop, vegetation, vegetable or other matter, or the seeds, roots, tubers or other vegetative things, with respect to which the order is issued;
 - (c) describe the methods that may be followed and the materials, if any, that may be used in complying with the order; and
 - (d) specify the time within which the order shall be complied with.
- (3) No order requiring the destruction of a crop in a rural municipality shall be issued unless the consent of the reeve and the councillor for the division in which the crop is situated, or of the council, has first been obtained.
- (4) Where an officer is of the opinion that an order ought to be issued under subsection (1) to a person residing in the municipality in which the work, if ordered, would be required to be done he shall, instead of immediately issuing an order, confer with that person regarding the methods of destruction or control to be applied with a view to the most satisfactory treatment from the standpoint of that person as well as the community, and the officer and that person may enter into a written agreement setting forth fully any arrangements made. If an agreement cannot be reached, or if the officer after two visits on different days fails to find that person at his usual place of residence, the officer may, subject to subsection (3), issue an order under subsection (1) and the order shall, notwithstanding section 20, be deemed properly served if left with some person of the full age of twenty-one years at the home of the person to whom the order is issued or if sent by registered mail to his last known address, and five days from the date of service or mailing shall be allowed in which to commence the work.
- (5) An order or agreement may require or provide for the destruction or control of pests in the year following the year in which the order or agreement is issued or entered into.

1978, c.P-7, s 19.

Service of order

- 20(1)** If the person to whom an order is issued resides in the municipality in which the work is to be done the order shall be served personally by the officer and five days from the date of service shall be allowed in which to commence the work.
- (2) If such person resides outside the municipality in which the work is to be done but within the province the order shall be served personally by the officer or sent by registered mail to that person's last known address by the clerk or secretary treasurer of the municipality and five days from the date of service or mailing shall be allowed in which to commence the work.

(3) If such person resides outside Saskatchewan the order shall be sent by registered mail to his last known address by the clerk or secretary treasurer of the municipality and ten days from the date of mailing shall be allowed in which to commence the work.

1978, c.P-7, s.20.

Carrying out of work and recovery of expenses where person ordered makes default

21(1) Where a person to whom an order has been issued or with whom an agreement has been entered into:

- (a) fails to commence the work ordered to be done, within the time allowed; or
- (b) fails to complete the work ordered to be done, within the time specified in the order for compliance with the order; or
- (c) fails to carry out the work provided for by the agreement to the satisfaction of the officer;

the officer may take the steps necessary to carry out the work required by the order to be done or provided for by the agreement.

(2) The officer shall, within thirty days after incurring any expenses in carrying out any work under subsection (1), forward to the clerk or secretary treasurer of the municipality in which the work has been done a certified statement of the expenses together with a description of the land or premises in respect of which the expenses have been incurred.

(3) Such expenses shall be paid by the municipality and may be recovered from the owner of the land or premises described in the statement in the same manner as rates and taxes.

(4) The clerk or secretary treasurer of the municipality shall forthwith send by mail to such owner a notice setting forth the amount of the expenses and a description of the land or premises and stating that the amount is chargeable against the land or premises.

(5) If such amount is not paid on or before the thirty-first day of December in the year in which the expenses were incurred it shall forthwith be added to and form part of the taxes upon the parcel of land or the premises on which the work was done.

(6) If such amount is more than \$100 the owner, and any mortgagee, of the land or premises shall, upon application, be entitled to receive an itemized statement of the work done and a statement, signed by the reeve, overseer or mayor, to the effect that he has personally inspected the land or premises after completion of the work and has found that the work was done satisfactorily and that the amount charged for the work is fair and just.

1978, c.P-7, s.21; 1983, c.78, s.4.

Certificate by clerk or secretary treasurer is evidence of expenditure

22 A certificate purporting to be signed by the clerk or secretary treasurer of the municipality to the effect that the amount specified therein has been expended under section 21 in respect of the land or premises described in the certificate shall be *prima facie* evidence that the amount has been so expended.

1978, c.P-7, s.22.

23 to 29 Repealed. 1979-80, c.M-32.01, s.39.

MISCELLANEOUS**Purchase and distribution of insecticides, etc., by department**

30(1) The department may purchase sufficient quantities of insecticides, fungicides, poisons and other ingredients necessary for the preparation of bait, spray or dust and may maintain reserves of such supplies at such point or points as may be determined.

(2) The materials so purchased and held in reserve shall be available to all municipalities according to the respective distribution policies established by the minister.

(3) No person shall obtain insecticides, fungicides, poisons or other ingredients from the department otherwise than through the municipality in which the land or premises on which they are to be used are situated, or through any other agent that the minister may prescribe, and on any terms or conditions that the minister may prescribe.

1978, c.P-7, s.30; 1979-80, c.M-32.01, s.39;
1983, c.78, s.5.

Right of action in certain cases barred

31 Except in case of negligence, no action for damages lies against the Minister of Agriculture or any person authorized or approved by him or by a municipality in respect of the setting out, distribution or use of any insecticide, fungicide or poison, or in respect of anything done by him, in accordance with this Act or the regulations or an order or agreement made under this Act or the regulations.

1978, c.P-7, s.31; 1979-80, c.M-32.01, s.39.

Regulations

32(1) For the purposes of carrying out the provisions of this Act according to their true intent and supplying any deficiency therein, the Lieutenant Governor in Council may make regulations:

- (a) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (b) prescribing forms for the purposes of this Act or the regulations;
- (c) respecting the prevention of the appearance, occurrence or spread of any pest;

- (d) respecting the destruction or control of any pest;
 - (e) with respect to any activity regulated pursuant to this Act or the regulations:
 - (i) requiring a licence, permit, approval or authorization for engaging in the activity;
 - (ii) governing the issuance of licences, permits, approvals and authorizations;
 - (iii) prescribing the terms and conditions attached to licences, permits, approvals and authorizations or providing for the prescribing of terms and conditions by the minister or an officer;
 - (iv) governing the amendment, suspension, cancellation and renewal of licences, permits, approvals and authorizations;
 - (f) requiring and respecting the keeping of books and records by any person with respect to pest control measures or factors that relate to or may affect the control of a pest;
 - (g) for the purposes of monitoring or controlling any pest, requiring the registration of any person with a person or body prescribed in the regulations;
 - (h) prohibiting the participation in or carrying on of prescribed activities by any person who is not registered as required by any regulation made pursuant to clause (g);
 - (i) prescribing and governing fees to be paid with respect to any matter regulated or any service provided pursuant to this Act or the regulations;
 - (j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) Any regulation that may be made pursuant to subsection (1) may be made with respect to any category of person or portions of Saskatchewan.

1992, c.32, s.4.

Exemption regulations

32.1 The Lieutenant Governor in Council may make regulations:

- (a) exempting from the application of all or any portion of this Act or the regulations with respect to any pest:
 - (i) any person or category of persons;
 - (ii) all or any portion of Saskatchewan; or
 - (iii) any category of portions of Saskatchewan;
- (b) prescribing conditions with respect to any exemption pursuant to clause (a).

1992, c.32, s.4.

Offences and penalties

33(1) Every person who:

- (a) obstructs or hinders an officer in the performance of his duties; or
- (b) fails to comply with any of the provisions of this Act or the regulations; or
- (c) violates or fails to comply with, or fails to carry out the directions contained in, an order issued under this Act; or
- (d) fails to carry out the provisions of an agreement made under subsection (4) of section 19;

is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$500.

(2) Where a person is found guilty of an offence under this Act or the regulations, any court in which proceedings in respect of the offence are taken may, in addition to any fine that it may impose on the person, order him to comply with the provisions of this Act or the regulations for the contravention of which he has been convicted.

(3) Every fine imposed under subsection (1) for an offence within a municipality is payable to the municipality whose council takes the necessary steps to institute proceedings in respect of the offence.

