

TOWN OF WOLSELEY

BYLAW NO. 03-2022

A BYLAW OF THE TOWN OF WOLSELEY IN THE PROVINCE OF SASKATCHEWAN  
TO CONTROL AND PREVENT THE SPREAD OF DUTCH ELM DISEASE

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The Council of the Town of Wolseley in the Province of Saskatchewan enacts as follows:

1. **SHORT TITLE**

- (a) This Bylaw may be cited as **The Dutch Elm Disease (DED) Bylaw**.

2. **DEFINITIONS**

Except where otherwise defined herein, the words used in this bylaw are deemed to have the same meaning as those words as defined in *The Forest Resources Management Act* and *The Dutch Elm Disease Regulations, 2005*.

- (a) **“Act”** means *The Forest Resources Management Act*;
- (b) **“Dutch elm disease (DED)”** means the plant disease caused by the existence in an elm tree of the pathogenic fungus *Ophiostoma ulmi*, also known as *Ceratocystis ulmi* or *Ophiostoma novo-ulmi* which grows within and inhibits the function of the vascular tissues in infected elm trees. Infected elms can succumb to the disease in just a few weeks;
- (c) **“Contractor”** means a qualified company hired by the municipality to complete a comprehensive Dutch elm disease survey within the municipal boundaries; and, collects branch samples according to the elm branch sampling protocol used by the Saskatchewan Ministry of Environment, Forest Service Branch, to submit to the Saskatchewan Ministry of Agriculture’s Crop Protection Laboratory in Regina, Saskatchewan for testing;
- (d) **“Elm bark beetle”** means:
- (i) the Native elm bark beetle *Hylurgopinus rufipes*;
  - (ii) the European elm bark beetle *Scolytus multistriatus*; or
  - (iii) the Banded elm bark beetle *Scolytus shevyrewi*;
- (e) **“Elm tree”** means any tree or part of a tree, living or dead, of the *Ulmus* genus and its cultivars, including the American, Siberian and Japanese elm trees, and includes any elm tree in the form of fuel wood, nursery stock, lumber, woodchips, logs, branches or bark;
- (f) **“Elm tree disposal site”** means:
- (i) a waste disposal ground; or
  - (ii) any other site that the department and one or more municipalities have determined to be suitable for the disposal of elm trees;
- (g) **“Hazard tree”** means a dead, dying or unstable tree at risk of falling, breaking, or uprooting;
- (h) **“Infected elm tree”** means an elm tree that:
- (i) has tested positive for Dutch elm disease at:
    - (A) a laboratory designated pursuant to section 4 of the Act;
    - (B) any other laboratory approved by the minister; or
  - (ii) in the opinion of the minister or of an officer or inspector, is infected, may be infected or is likely to be infected with Dutch elm disease;
- (i) **“Inspector”** means a provincial inspector or a municipal inspector;
- (j) **“Licensed pesticide applicator”** means a qualified contractor hired by the municipality licensed to apply a pesticide for the management and control of Elm bark beetles;
- (k) **“Municipal inspector”** means a municipal inspector designated by a municipality pursuant to section 8.2 of the Act;
- (l) **“Municipality”** means the Town of Wolseley;

- (m) **“Prune”**, with respect to an elm tree, means to cut away branch material that is living or dead to enhance the elm tree’s growth, vigour or form, but does not include root pruning;
- (n) **“Pruning ban period”** means the period commencing on April 1 of any year and ending on August 31 of the same year;
- (o) **“Regulations”** means *The Dutch Elm Disease Regulations, 2005*;
- (p) **“Remove”** except in section 17 of the Act, means to remove the trunk and all other parts of a tree that are above the stump;
- (q) **“Root prune”** means to cut the roots of a tree to minimize root grafts between trees;
- (r) **“Stump”** means all parts of a tree, including roots, that are exposed above ground level after the tree has otherwise been removed.

### 3. **AUTHORITY**

#### **Administrative Authority**

- (a) Every order under the Dutch Elm Disease Bylaw shall:
  - (i) be delivered to the property owner or mailed to the property owner’s address;
  - (ii) be in writing and specify the reason, corrective action to be taken, and time period to correct the conditions;
  - (iii) specify that if the order is not corrected in the manner or time period as specified, corrective action shall be taken by the municipality at the property owner’s expense; and
  - (iv) notify the property owner of their right to appeal the order and the manner in which to appeal.
- (b) The Government of Saskatchewan may elect to designate the municipality to enforce applicable provincial legislation, including but not limited to *The Dutch Elm Disease Regulations, 2005*.

#### **Appeal Authority**

- (c) If a property owner chooses to appeal an order:
  - (i) within ten (10) calendar days of the order, the property owner may appeal the order in writing to the Chief Administrative Officer of the municipality;
  - (ii) if the response is unsatisfactory to the applicant, any subsequent appeals may be made in writing to the Council of the municipality.

#### **Enforcement**

- (d) The Administration and Council of the municipality shall enforce the requirements of the Town as related to the Dutch Elm Disease Bylaw.

### 4. **DED SURVEILLANCE AND INSPECTION**

- (a) The municipality, or its contactor, may conduct an annual comprehensive Dutch elm disease survey within the municipal boundaries, in systematic order of all private and public properties having elms.

### 5. **BASAL SPRAYING**

- (a) Elm bark beetle basal spraying using insecticides has been known to be effective for beetle population management. This work must be completed by a licensed pesticide applicator. The bottom 1 to 1.5 meters of the elm tree including the exposed base and flanged roots are sprayed with an insecticide in the late summer or early fall. Elm bark beetles that burrow through this area to overwinter get the insecticide on their bodies and then die soon after.

- (b) The municipality may hire a licensed pesticide applicator to conduct annual basal spraying of public elms to protect and preserve the elms. Basal spraying may also be done to privately-owned elms, free of charge, following the receipt of a signed *DED Control Program Application Form* from the property owner. Property owners are encouraged to apply for basal spraying if they are unsure whether their property has an elm tree, or if they suspect any elm of having DED.

## 6. INFECTED TREES, REMOVAL AND DISPOSAL PROCESS

- (a) An elm tree located on private property that is infected with or is in close proximity to an elm infected with DED which may affect the health of nearby elms, as declared by the municipality, or its contractor, may order the property owner to:
  - (i) basal spray the nearby elm(s) at the municipality's expense; or
  - (ii) remove the infected elm(s) immediately at the property owner's expense.
- (b) An elm tree located on public property that is infected with or is in close proximity to an elm infected with DED which may affect the health of nearby elms, the municipality shall:
  - (i) basal spray the nearby elm(s);
  - (ii) remove the infected elm(s) immediately; and
  - (iii) make all reasonable efforts to preserve and protect elms.
- (c) Where the municipality, or its contractor, is of the opinion that an elm tree is an infected tree, they may take a sample according to the elm branch sampling protocol used by the Saskatchewan Ministry of Environment, Forest Service Branch.
- (d) The municipality, or its contractor, will place a clear mark on the tree(s) displaying DED symptoms, or from which a branch sample is collected.
- (e) Trees confirmed to have DED (a positive test result) shall be removed immediately, and **within fifteen (15) calendar days**. The wood shall be promptly disposed of at the municipality's elm tree disposal site.
- (f) Every person who removes an elm tree shall also remove the stump or treat the stump in a manner satisfactory to the minister, or to an officer or inspector, pursuant to subsection 8(2) of the regulations. All elm wood shall be promptly disposed of at the municipality's elm tree disposal site.
- (g) Should the landowner refuse to allow removal of the infected tree(s), the municipality, or its contracted tree removal company, shall remove the tree(s) and invoice the landowner for the work completed. Unpaid fees shall be transferred to property taxes.
- (h) The Saskatchewan Ministry of Environment will be notified of any positive results.

## 7. DED PREVENTION

- (a) Every property owner of an elm tree shall keep the elm tree pruned and free of wood that is dead or dying. Pruning tools shall be sterilized between trees to prevent the transfer of the disease from infected to healthy trees.
- (b) No person shall prune an elm tree that is an infected tree unless pruning is authorized in writing by an inspector.
- (c) No person shall prune an elm tree during the Provincial pruning ban period, which is the period commencing on **April 1 of any year and ending on August 31 of the same year**, unless:
  - (i) the tree is damaged;
  - (ii) authorization is received in writing;
  - (iii) municipal staff feel trimming is necessary to ensure human safety or to avoid damage to property.
- (d) Every property owner shall water elm trees regularly, especially during period of dry weather. Improving elm tree health and vigour will make it less susceptible to elm bark beetles.

- (e) Every property owner is encouraged to apply for free basal spraying if they are unsure whether their property has an elm tree, or if they suspect any elm of having DED.

8. REPEAL

Bylaw No. 03-2019 is hereby repealed.

9. COMING INTO FORCE

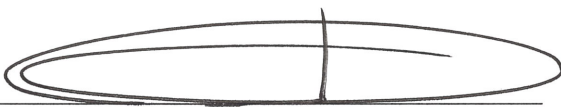
This Bylaw shall come into force on the day of its final reading.

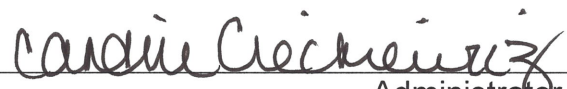
READ A FIRST TIME this 4<sup>TH</sup> day of MAY, 2022.

READ A SECOND TIME this 18<sup>TH</sup> day of MAY, 2022.

READ A THIRD TIME and adopted this 18<sup>TH</sup> day of MAY, 2022.



  
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Mayor

  
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Administrator