The Plant Health Act

being

Chapter 16 of the *Statutes of Saskatchewan, 2023*
(effective August 30, 2024).

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 16

An Act respecting Plant Health and the Surveillance, Control and Destruction of Pests

PART 1
Preliminary Matters

Short title

1 This Act may be cited as *The Plant Health Act*.

Definitions

2 In this Act:

"authorized person" means:

(a) a surveyor, agrologist, worker, ministry employee or other person or class of persons authorized by the minister pursuant to section 3 to conduct surveillance respecting pests and nuisance pests or pest control respecting pests; or

(b) any other prescribed person;

"business day" means a day other than a Saturday, Sunday or holiday;

"control" means, subject to the regulations, any measures taken to control, destroy or prevent the spread of pests;

"council" means the council of a municipality;

"director" means an employee of the ministry who is designated by the minister pursuant to section 4;

"emergency" means a present or imminent situation or condition involving a pest or nuisance pest or suspected pest or nuisance pest that requires or may require prompt action to control or prevent the spread of the pest or nuisance pest or suspected pest or nuisance pest;

"emergency declaration" means an order of the minister made pursuant to subsection 3(6);

"minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

"ministry" means the ministry over which the minister presides;

"municipality" means:

(a) a city as defined in *The Cities Act*;

(b) a municipality as defined in *The Municipalities Act*; or

(c) a municipality as defined in *The Northern Municipalities Act, 2010*;

"nuisance pest" means any insect, animal or disease that is determined to be a nuisance pest by the director;

"occupant" means an occupant as defined in *The Municipalities Act*;

"owner" means a person who has any right, title, estate or interest in or to land and who is assessed for taxation purposes pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010* with respect to that land;

"pest" means any insect, animal or disease that is declared by the minister pursuant to section 3 to be a pest;

"pest control officer" means:

(a) a person appointed pursuant to section 14 by the municipality or by the minister for the purpose of enforcing this Act; or

(b) any other prescribed person;

"prescribed" means prescribed in the regulations;

"surveillance" means observing an area for the purposes of detecting, or inspecting for, pests or nuisance pests;

"voter" means a voter as defined in *The Local Government Election Act, 2015*.

2023, c 16, s.2.

PART 2
Powers of Minister and Duties of Director

Powers of minister

3(1) If the minister considers that any animal, insect or disease is likely to be destructive of or dangerous to any crop, grain or other property in all or part of Saskatchewan, the minister may, by order, declare the animal, insect or disease to be a pest.

(2) The minister may, by order, repeal any declaration made pursuant to subsection (1).

(3) The minister shall cause every order declaring or repealing a declaration of a pest:

(a) to be published in the Gazette as soon as possible after the date on which the order is made; and

(b) to be made public in any other manner that the minister considers appropriate, including posting it on the ministry's website.

(4) The minister may:

(a) appoint a pest control officer in accordance with section 14; and

(b) authorize a surveyor, agrologist, worker, ministry employee or other person or class of persons to be authorized persons.

(5) In accordance with the regulations, the minister may require that a pest control officer or authorized person do any of the following in order to engage in any activity pursuant to this Act:

(a) obtain a licence, permit, approval or authorization pursuant to this Act, the regulations or any other Act or regulations;

(b) complete any education or training that the minister may require.

(6) If the minister is satisfied that a pest or nuisance pest emergency exists or may exist in any part of Saskatchewan, the minister may, by order, make an emergency declaration relating to any part of Saskatchewan.

(7) In an emergency declaration mentioned in subsection (6), the minister shall identify:

(a) the nature of the emergency;

(b) the type of pest or nuisance pest to which the declaration applies;

(c) the part of Saskatchewan in which the emergency exists; and

(d) any other prescribed matter.

(8) Immediately after the making of an emergency declaration pursuant to subsection (6), if the minister considers it necessary to do so, the minister shall cause the details of the declaration to be made known to the owner or occupant of the land that is the subject of the emergency declaration by any means of communication that the minister considers the most efficient.

(9) An emergency declaration made pursuant to subsection (6) expires on the date set out in the order.

2023, c 16, s.3.

Director

4(1) The minister may designate a director for the purposes of this Act.

(2) The director designated pursuant to subsection (1) shall:

(a) assist in the administration of this Act;

(b) conduct any investigations that the director considers necessary for the proper administration of this Act;

(c) provide information to the public on matters relating to the control of a pest; and

(d) perform any other duties that the minister may direct.

2023, c 16, s.4.

PART 3
Destruction and Control of Pests

Owners and occupants

5(1) Every owner and occupant of land shall:

(a) take measures to control, destroy and prevent the spread of a pest on any land or other premises owned or occupied by that person;

(b) take measures to destroy any crop, vegetation, vegetable or other matter on any land or other premises owned or occupied by that person that may contribute to the spread of any pest;

(c) take measures to destroy any seeds, roots, tubers or other vegetative materials that may be used for propagation and that are infested with any pest.

(2) Every owner of land shall:

(a) notify any occupants, within 5 business days after its detection, of the presence of any pest on that land;

(b) notify the director, municipality or pest control officer for the municipality in which the land is located, within 5 business days after its detection, of the presence of any pest on that land;

(c) notify all persons who have access to that land for the purposes of conducting any work on the land or any other prescribed person who has access to that land, of the presence of a pest on that land; and

(d) comply with any order of a pest control officer or with the terms of an agreement entered into pursuant to section 21 respecting the owner's land.

(3) Every occupant of land shall:

(a) notify the owner, within 5 business days after its detection, of the presence of a pest on that land;

(b) notify the director, municipality or pest control officer for the municipality in which the land is located, within 5 business days after its detection, of the presence of any pest on that land;

(c) notify all persons who have access to that land for the purposes of conducting any work on the land or any other prescribed person who has access to that land, of the presence of a pest on that land; and

(d) comply with any order of a pest control officer or with the terms of an agreement entered into pursuant to section 21 respecting the land on which the person is an occupant.

2023, c 16, s.5.

Control or destruction of pests on Crown land

6 If, in the opinion of the minister, any Crown land or property is infested with any pest, the minister may, in accordance with the regulations, order the control or destruction of the pest and the expenses incurred in the control or destruction are to be paid out of moneys appropriated by the Legislature for the purposes of this Act.

2023, c 16, s.6.

Agreements between municipalities

7(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 equipment operators.

(2) If an agreement is made pursuant to subsection (1), each council that is a party to the agreement 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 incurred as a result of an agreement.

2023, c 16, s.7.

Powers of Lieutenant Governor in Council respecting control of pests

8 The Lieutenant Governor in Council may, on 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 within that area of any crop, vegetation, vegetable or other matter;

(b) prohibit the use or order the disposal 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.

2023, c 16, s.8.

General tax to cover cost in certain cases

9 If, in the opinion of a council, any pest with respect to which this Act is enforced is of such a nature that the cost of combatting the pest ought to be charged as a general tax on all lands in the municipality rather than to the owner or occupant of the land especially affected by the pest, the council may provide for raising the amount of that cost by a general tax.

2023, c 16, s.9.

Power of minister to expend moneys for preventing establishment of pests

10 For the purpose of controlling, preventing or delaying the establishment of a pest or nuisance pest within Saskatchewan, the minister may expend any moneys that the minister considers necessary or advisable for conducting surveys or obtaining the material, equipment and labour required in connection with conducting surveys.

2023, c 16, s.10.

Power of municipalities to pass bylaws respecting control or destruction of pests

11(1) Notwithstanding any other provision of this Act, whenever a pest appears in a municipality or whenever a council is of the 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 of those materials on any terms and conditions that the council considers 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; and

(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) On the passing of a bylaw pursuant to subsection (1) or (2), the council shall, as soon as is practicable, give notice of the passing of the bylaw to the residents of the municipality in any manner that the council considers appropriate, which, without limiting the generality of the foregoing, may be by:

(a) causing a copy of the bylaw to be posted in any conspicuous places in the municipality as the council may determine;

(b) causing a copy of the bylaw to be published in one or more newspapers having general circulation in the municipality; or

(c) posting the bylaw on the municipality's website.

(4) Every person owning, occupying or controlling land or premises within the municipality on which there exists the pest specified in the bylaw shall, within 3 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 pest control officer may issue an order pursuant to section 24, and in the event of failure to comply with the order within the time specified in the order the pest control officer may take the steps necessary to carry out the work required by the order to be done, and subsections 26(2) to (6) apply with any necessary modification.

(6) The power to pass a bylaw pursuant to this Act includes a power to amend or repeal the bylaw.

(7) The amendment or repeal of a bylaw must be made in the same way as the original bylaw and is subject to the same conditions and notice requirements that apply to the passing of the original bylaw, unless this Act provides otherwise.

2023, c 16, s.11.

Regulations prevail over bylaws

12(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 36 or 37 and a provision of a bylaw passed pursuant to section 11 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 36 or 37 and a provision of a bylaw passed pursuant to section 11 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) If there is a direct conflict between a regulation made pursuant to section 36 or 37 and a provision of a bylaw passed pursuant to section 11, the regulation prevails over the provision of the bylaw.

(5) Notwithstanding subsections 11(4) and (5), every person who is required to comply with a regulation made pursuant to section 36 or 37 and a provision of a bylaw passed pursuant to section 11 shall, in the case of a direct conflict between the regulation and the provision of the bylaw, comply with the regulation.

(6) No person is liable to prosecution or other penalty for non-compliance with a provision of a bylaw if that provision is in direct conflict with a regulation complied with by that person pursuant to subsection (5).

2023, c 16, s.12.

Filing of bylaws required

13(1) Within 30 days after a municipality passes, amends or repeals a bylaw pursuant to section 11, the municipality shall file a copy of the bylaw with the director.

(2) On the recommendation of the director, the minister may, within 30 days after receipt of a bylaw by the director 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.

2023, c 16, s.13.

PART 4
Pest Control Officers

Appointment, term and remuneration of a pest control officer

14(1) Subject to the regulations, a municipality may appoint any person whom the municipality considers to be qualified as a pest control officer to enforce this Act and the regulations within the municipality.

(2) A pest control officer appointed by a municipality is to be paid any remuneration that the municipality may set.

(3) If a municipality receives a petition signed by at least 10 persons who are voters in the municipality requesting that a pest control officer be appointed, the municipality shall appoint a pest control officer at the next council meeting following receipt of the petition.

(4) The clerk or administrator of a municipality that receives a petition pursuant to subsection (2) shall provide a copy of the petition to the director immediately after it is received.

(5) The minister may act pursuant to subsection (8) with respect to a municipality if:

(a) a municipality has received a petition in accordance with subsection (3) and has not appointed a pest control officer as required by that subsection;

(b) the municipality has not appointed a pest control officer;

(c) the minister has given written notice to the municipality requiring the municipality to appoint a pest control officer; and

(d) the municipality has failed to comply with the written notice mentioned in clause (c) within 10 business days after receiving the written notice.

(6) In addition to the circumstance mentioned in subsection (5), the minister may act pursuant to subsection (8) with respect to a municipality at any time and in any circumstances if the minister considers that it is in the public interest to do so and if:

(a) the municipality has not appointed a pest control officer;

(b) the minister has given written notice to the municipality requiring the municipality to appoint a pest control officer; and

(c) the municipality has failed to comply with the written notice mentioned in clause (b) within 10 business days after receiving the written notice.

(7) In addition to the circumstances mentioned in subsections (5) and (6), the minister may act pursuant to subsection (8) with respect to a municipality at any time and in any circumstances if the minister considers that it is in the public interest to do so and if the municipality has not appointed a pest control officer.

(8) In the circumstances mentioned in subsections (5) to (7), the minister may:

(a) appoint one or more persons as pest control officers for the municipality; and

(b) determine the duration of each appointment and the remuneration to be paid to the pest control officers by the municipality.

(9) A pest control officer appointed by a municipality or the minister holds office until December 31 in the year in which the appointment is made, unless the appointment is terminated at an earlier date by notice in writing.

(10) The municipality shall notify the director in writing immediately if an appointment of a pest control officer is terminated.

2023, c 16, s.14.

If municipality neglects or refuses to pay remuneration

15(1) If a municipality neglects or refuses to pay to a pest control officer the remuneration determined pursuant to subsection 14(2) or clause 14(8)(b), the Minister of Finance, on recommendation of the minister, may pay that remuneration to the pest control officer.

(2) If the Minister of Finance pays remuneration to a pest control officer pursuant to subsection (1), any sums so paid shall be deducted from any sums payable at any time after that date to the municipality that neglected or refused to pay a pest control officer.

2023, c 16, s.15.

Notification of appointment

16(1) The clerk or administrator of a municipality shall notify the director immediately of an appointment of a pest control officer made by the municipality, giving the following information with respect to the pest control officer:

(a) mailing address;

(b) residential address;

(c) the territory in the municipality assigned to the pest control officer;

(d) any other contact information.

(2) If the notification of the appointment of an officer in a municipality pursuant to subsection (1) is not received by the director within 14 days after the appointment, that municipality is deemed not to have appointed an officer.

2023, c 16, s.16.

Jurisdiction of officers

17(1) If an urban municipality has not appointed a pest control officer, the pest control officer appointed by the rural municipality that borders the urban municipality may exercise in that urban municipality all the powers conferred by this Act on pest control officers.

(2) If an urban municipality is bordered by more than 1 rural municipality, the pest control officer from the rural municipality that may exercise the power mentioned in subsection (1) is the pest control officer from the rural municipality that:

(a) has appointed a pest control officer; and

(b) has the largest common boundary with the urban municipality that has not appointed a pest control officer.

2023, c 16, s.17.

Liability of municipality

18 Every municipality is responsible for the acts and negligence of its pest control officers in the performance of their duties, whether those officers are appointed by the municipality or by the minister.

2023, c 16, s.18.

Entry on land, etc.

19(1) In accordance with the regulations, a pest control officer may enter on any land and into any premises, other than a dwelling house, for the purpose of performing the pest control officer's duties and exercising the powers conferred on pest control officers by this Act.

(2) With the permission of the owner or occupant and in accordance with the regulations, an authorized person may enter on any land and into any premises, other than a dwelling house, for the purpose of performing the authorized person's duties and exercising the powers conferred on authorized persons pursuant to this Act.

(3) Without restricting the generality of subsection (1), a pest control officer may enter on any land and into any premises, other than a dwelling house, to take specimens of any pests, soil samples and any vegetable matter infested or suspected of being infested with any pests.

(4) Without restricting the generality of subsection (2), with the permission of the owner or occupant, an authorized person may enter on any land and into any premises, other than a dwelling house, to conduct surveillance respecting pests or nuisance pests and to take specimens of any pests, nuisance pests, soil samples and any vegetable matter infested or suspected of being infested with any pests or nuisance pests.

(5) Notwithstanding subsections (2) and (4), if an emergency exists and the minister has made an emergency declaration pursuant to subsection 3(6), an authorized person may, without the permission of the owner or occupant, enter on any land and into any premises, other than a dwelling house, for the purpose of performing the authorized person's duties and exercising the powers conferred on authorized persons pursuant to this Act during the period covered by the emergency declaration.

(6) A pest control officer or authorized person entering on land or into any premises pursuant to this section shall take any reasonable precautions necessary to avoid causing unnecessary damage to the land or premises.

(7) No person shall obstruct, hinder or interfere with a pest control officer or an authorized person acting pursuant to this section.

2023, c 16, s.19.

Duty of pest control officers

20 A pest control officer shall, in accordance with this Act and the regulations, investigate and take any measures that the pest control officer considers necessary and appropriate respecting:

(a) all infestations of pests whether reported to the pest control officer, director or municipality or discovered by a pest control officer or by an authorized person while conducting pest surveillance within the municipality for which the pest control officer is appointed; and

(b) all complaints with respect to pests made to the pest control officer or to the municipality for which the pest control officer is appointed.

2023, c 16, s.20.

Agreements with owner or occupant

21(1) If a pest control officer determines a pest is present in all or any part of any land and the owner or occupant of the land resides in the municipality in which the land is located, the pest control officer:

(a) shall consult with the owner or occupant with respect to measures to destroy, control and prevent the spread of any pest brought to the owner's or occupant's attention by the pest control officer; and

(b) may enter into an agreement with the owner or occupant to destroy, control and prevent the spread of any pest using any measures that:

(i) are satisfactory to the owner or occupant; and

(ii) the pest control officer considers necessary and appropriate.

(2) An agreement entered into pursuant to this section:

(a) may be in the prescribed form;

(b) must contain any prescribed information;

(c) may cover the year in which the agreement is made and the following year; and

(d) must set out a period within which the agreement must be complied with.

(3) A pest control officer may immediately issue an order pursuant to section 24, without obtaining an agreement with an owner or occupant pursuant to this section, if a pest control officer:

(a) is unable to contact an owner or occupant after making reasonable attempts to do so;

(b) is unable to reach an agreement with an owner or occupant pursuant to this section; or

(c) is of the opinion that immediate action is required to prevent the spread of a pest.

2023, c 16, s.21.

PART 5
Notification and Report

Notification of pest and collection of information

22(1) If the presence of a pest is confirmed by a pest control officer or an authorized person in a municipality, the pest control officer or authorized person shall notify the director and the municipality the presence of that pest, in accordance with the regulations.

(2) Any person reporting the presence of a pest to a pest control officer shall provide the pest control officer with any additional information that the pest control officer may require, in accordance with the regulations.

(3) Any information gathered by a pest control officer or an authorized person in the course of that officer's or person's duties pursuant to this Act is subject to any prescribed processes, procedures, rules and limitations respecting the gathering and use of that information.

2023, c 16, s.22.

Report to director

23 By December 31 of each year, every municipality shall prepare and submit to the director a report containing the following information:

(a) copies of all agreements entered into by a pest control officer in that municipality pursuant to section 21;

(b) copies of all orders issued by a pest control officer in that municipality pursuant to section 24;

(c) details respecting all enforcement actions taken by that municipality pursuant to this Act;

(d) information respecting all fines issued to persons within that municipality respecting contraventions of this Act or the regulations;

(e) details respecting all reports and notifications of pests or nuisance pests;

(f) summaries of the decisions of all appeals heard pursuant to section 33.

2023, c 16, s.23.

PART 6
Order for Control or Destruction

Order for control or destruction of pests, etc.

24(1) Subject to subsection (3), a pest control officer may issue an order to any person:

(a) requiring that person to control and prevent the spread of pests on any land or other premises owned, occupied or controlled by that person;

(b) requiring that person to destroy any crop, vegetation, vegetable or other matter on any land or other premises owned, occupied or controlled by that person that may contribute to the spread of any pest;

(c) requiring that person to destroy any seeds, roots, tubers or other vegetative materials that may be used for propagation and are infested with a pest.

(2) Every order issued pursuant to subsection (1) must:

(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 materials, 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 must be complied with.

(3) No order requiring the destruction of a crop in a municipality shall be issued unless the consent of the council of the municipality in which the crop is situated has first been obtained.

(4) An order may require or provide for the destruction or control of pests in the year following the year in which the order is issued, or for a longer period as may be set out in the order.

2023, c 16, s.24.

Service of order

25(1) If a person to whom an order is issued resides in the municipality in which the work is to be done:

(a) the order must be served personally by the pest control officer; and

(b) the work must commence within 5 business days after the date of service.

(2) If a person to whom an order is issued resides outside the municipality in which the work is to be done but within the province:

(a) the order must be served personally by the pest control officer or sent by registered mail to the person's last known address by the clerk or administrator of the municipality; and

(b) the work must commence within 5 business days after the date of service.

(3) If a person to whom an order is issued resides outside Saskatchewan:

(a) the order must be sent by registered mail to that person's last known address by the clerk or administrator of the municipality; and

(b) the work must commence within 10 business days after the date of service.

(4) An order sent by ordinary or registered mail is deemed to have been served on the fifth business day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the order or received it at a later date.

(5) If a pest control officer is unable to effect service by the methods set out in subsections (1) to (3) after making reasonable efforts to do so:

(a) the pest control officer may serve an order by publishing it in a newspaper of general circulation in the area in which the person was last known to reside; and

(b) the work must commence within 5 business days from the date of publication.

(6) If an order made pursuant to this section is directed to the public at large or to a number of persons that, in the opinion of the pest control officer, is so large that it would be impractical to effect service in the manner otherwise required by this section:

(a) the pest control officer may effect service of the order by all or any of the following means:

(i) publishing the order in a newspaper having general circulation in Saskatchewan or in any area of Saskatchewan that is directly affected by the order;

(ii) posting copies of the order in public places in the manner and to the extent considered necessary by the pest control officer;

(iii) publishing the order on the Government of Saskatchewan's website and any affected municipality's website; and

(b) the work must commence within 5 business days after the date of service.

2023, c 16, s.25.

PART 7
General Provisions

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

26(1) If a person to whom an order has been issued pursuant to section 24 or with whom an agreement has been entered into pursuant to section 21 does any of the following, the pest control officer may take the steps necessary to carry out the work required by the order to be done or provided for by the agreement:

(a) fails to commence the work ordered or agreed to be done, within the time allowed by the order or agreement;

(b) fails to complete the work ordered or agreed to be done, within the time specified in the order for compliance with the order or specified in the agreement;

(c) fails to carry out the work ordered or agreed to be done to the satisfaction of the pest control officer.

(2) The pest control officer shall, within 30 days after incurring any expenses in carrying out any work pursuant to subsection (1), forward to the clerk or administrator 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 with respect to which the expenses have been incurred.

(3) The expenses mentioned in subsection (2) must be paid by the municipality and may be recovered from the owner or occupant of the land or premises described in the certified statement in the same manner as rates and taxes.

(4) Every amount mentioned in subsection (3) is to be immediately added to and forms part of the taxes on the parcel of land on which the work was done.

(5) The clerk or administrator of the municipality shall immediately send by mail to the owner or occupant of the land or premises a notice indicating 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.

(6) If the amount of the expenses is not paid on or before the 31st day of December in the year in which the expenses were incurred, it shall immediately be added to and form part of the taxes on the parcel of land or the premises on which the work was done.

(7) If the amount of the expenses is more than $1,000, the owner or occupant, and any mortgagee, of the land or premises shall, on application, be entitled to receive an itemized statement of the work done and a statement, signed by a person authorized by the municipality to the effect that the person authorized by the municipality:

(a) has personally inspected the land or premises after completion of the work;

(b) has found that the work was done satisfactorily; and

(c) has found that the amount charged for the work is fair and just.

2023, c 16, s.26.

Certificate by clerk or administrator is evidence of expenditure

27 A certificate purporting to be signed by the clerk or administrator of the municipality to the effect that the amount specified has been expended pursuant to section 26 with respect to the land or premises described in the certificate is proof, in the absence of evidence to the contrary, that the amount has been so expended.

2023, c 16, s.27.

Right of action in certain cases barred

28 No action or proceeding lies or shall be commenced against the minister or any person authorized by the minister or by a municipality to act pursuant to this Act if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order or agreement made pursuant to this Act or any duty imposed by this Act or the regulations.

2023, c 16, s.28.

Prohibition re removal of material, etc.

29(1) A pest control officer may prohibit, by order, the movement of any material or equipment that may contain a pest, or to which a pest may be adhering, except under any conditions that the pest control officer may permit and specify in that order.

(2) Notwithstanding subsection (1), but subject to any order issued pursuant to section 8 or 24, the movement of any material or equipment that may contain a pest, or to which a pest may be adhering, is allowed between parcels of land infested with the same pest.

(3) A municipality may, by bylaw, require the owner or occupant in charge of any material or equipment mentioned in subsection (1):

(a) to notify the pest control officer or clerk or administrator of the municipality before any material or equipment is moved; and

(b) to provide the pest control officer with a reasonable opportunity for inspection before moving any material or equipment.

2023, c 16, s.29.

Tarping requirement

30(1) For the purposes of this section and in section 36, **"machine"**:

(a) includes:

(i) a vehicle as defined in *The Traffic Safety Act*;

(ii) a conveyance, an aircraft, a boat or other watercraft; and

(iii) any accessory attached to a vehicle, conveyance, aircraft, boat or other watercraft mentioned in subclause (i) or (ii); and

(b) does not include any emergency vehicle, as defined in *The Vehicle Equipment Regulations, 1987*.

(2) A person moving any material that may be infested with a pest must ensure that the material is enclosed in a manner that will prevent the spread of pests during its movement, in accordance with the regulations.

(3) If any machine is used to transport any material mentioned in subsection (1), that machine must be enclosed or disinfected in a manner that will prevent the spread of pests, in accordance with the regulations.

2023, c 16, s.30.

Information

31 For the purposes of administering this Act, the minister may disclose to a municipality, pest control officer, authorized person or any other employee of the ministry, and a municipality, pest control officer, authorized person or any other employee of the ministry may disclose to the minister, any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to a pest control officer, municipality or the ministry.

2023, c 16, s.31.

Offences and penalties

32(1) No person shall:

(a) obstruct or hinder a pest control officer or authorized person in the performance that officer's or person's duties;

(b) fail to comply with an order of a pest control officer;

(c) fail to carry out the terms of an agreement made pursuant to section 21 to which the person is a party and for which that person is responsible;

(d) transport or move material or equipment that contains a pest or to which a pest may be adhering if prohibited pursuant to section 29; or

(e) fail to comply with any provision of this Act or the regulations.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $50,000.

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

(4) Every fine imposed pursuant to subsection (1) for an offence within a municipality is payable to the municipality whose council takes the necessary steps to institute proceedings respecting the offence.

2023, c 16, s.32.

Appeals re orders

33(1) In accordance with this section, the following persons may appeal an order issued by a pest control officer to the municipality in which the order was issued:

(a) the owner or occupant of land affected by the order;

(b) any other person who is aggrieved by the order.

(2) Within 5 business days after being served with an order of a pest control officer, a person mentioned in subsection (1) may appeal that order by serving a written notice of appeal on the clerk or administrator of the municipality in which the order was issued.

(3) A notice of appeal must:

(a) set out the name and address of the appellant;

(b) be accompanied by a copy of the order with respect to which the appeal is being taken;

(c) set out the legal description of the land or other premises affected; and

(d) set out the grounds for appeal.

(4) A notice of appeal must be accompanied by a deposit in the prescribed amount.

(5) The deposit made pursuant to subsection (4) must be refunded if the appellant's appeal is successful.

(6) A council may establish an independent committee, composed of those persons the council considers appropriate, to hear and determine appeals pursuant to this section.

(7) If a council appoints an independent committee pursuant to subsection (6), any decision of the independent committee is deemed to be a decision of the council.

(8) In hearing and determining an appeal pursuant to this section, a council or independent committee, as the case may be, is not bound by the rules of evidence and may hear and determine all questions of law or fact.

(9) Within 30 days after receiving a notice of appeal, the appeal shall be heard and determined by:

(a) the council at the next council meeting; or

(b) if the council has appointed an independent committee pursuant to subsection (6), the independent committee.

(10) Within 10 business days after the conclusion of the hearing, the council or independent committee, as the case may be, shall render its decision in writing, setting out the reasons for its decision.

(11) The clerk or administrator of the municipality shall serve a copy of the council's or independent committee's written decision pursuant to subsection (10) on the appellant.

(12) An appeal of an order pursuant to this section does not stay the order unless the council or independent committee, as the case may be, decides otherwise.

2023, c 16, s.33.

Appeal to the Saskatchewan Municipal Board

34(1) A person who is aggrieved by a decision of a council or independent committee pursuant to section 33 may, within 15 business days after being served with the decision, appeal the decision to the Saskatchewan Municipal Board.

(2) An appellant shall:

(a) file a notice of appeal with the Saskatchewan Municipal Board, in the form specified by the Saskatchewan Municipal Board; and

(b) serve a copy of the notice of appeal on the municipality whose council or independent committee heard the appeal pursuant to section 33.

(3) On request of the secretary of the Saskatchewan Municipal Board, the clerk or administrator of the municipality whose council or independent committee made the decision being appealed shall, with respect to an appeal, send to the Saskatchewan Municipal Board:

(a) the notice of appeal to the municipality;

(b) materials filed with the council or independent committee, as the case may be, before the hearing;

(c) any exhibits entered at the council or independent committee hearing, as the case may be;

(d) the minutes of the council or independent committee, as the case may be;

(e) the written decision of the council or the independent committee, as the case may be; and

(f) the transcript, if any, of the proceedings before the council or independent committee, as the case may be.

(4) Subject to subsections (6) and (7) and to subsection 35(3), on receipt of an appeal pursuant to this section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or revoke the decision being appealed or substitute its own decision for the decision being appealed.

(5) The Saskatchewan Municipal Board shall serve a copy of its decision on the municipality, the appellant, the director and any other person that the Saskatchewan Municipal Board considers may be interested in the decision.

(6) Subject to subsection (7), if an appellant does not comply with this section in filing an appeal, the appeal is deemed to be dismissed.

(7) If, in the opinion of the Saskatchewan Municipal Board, the appellant's failure to perfect an appeal in accordance with this section is due to a procedural defect that does not affect the substance of the appeal, the Saskatchewan Municipal Board may allow the appeal to proceed on any terms and conditions that it considers just.

(8) An appeal taken pursuant to this section does not operate as a stay of the decision being appealed from unless the Saskatchewan Municipal Board, on an application of the appellant, decides otherwise.

2023, c 16, s.34.

Fees on appeal

35(1) If filing a notice of appeal pursuant to section 34, the appellant shall pay any fee that may be set by the Municipal Board pursuant to *The Municipal Board Act*.

(2) For the purposes of subsection (1), the fees must be paid within the period mentioned in subsection 34(1).

(3) If an appellant fails to pay the fee as required pursuant to subsection (1), the appeal is deemed to be dismissed.

(4) If the appellant is successful on an appeal, the Saskatchewan Municipal Board shall refund to the appellant the fee paid pursuant to this section.

2023, c 16, s.35.

Regulations

36(1) The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(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) respecting persons who may be prescribed as pest control officers;

(f) respecting persons who may be prescribed as authorized persons;

(g) for the purposes of subsection 3(7), prescribing any other matter to be identified in an emergency declaration;

(h) for the purposes of clauses 5(2)(c) and 5(3)(c), prescribing any other person who must be notified of the presence of a pest;

(i) for the purposes of section 6, respecting a minister's order relating to Crown land;

(j) 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 setting of terms and conditions by the minister; and

(iv) governing the amendment, suspension, cancellation and renewal of licences, permits, approvals and authorizations;

(k) respecting pest surveillance, including processes and procedures for conducting pest or nuisance pest surveillance or pest control;

(l) 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;

(m) for the purposes of surveillance or of controlling any pest:

(i) requiring the registration of any person with a prescribed person or body; and

(ii) prescribing a person or body with which a person must be registered;

(n) 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 (m);

(o) prescribing and governing fees to be paid with respect to any matter or any service provided pursuant to this Act or the regulations;

(p) for the purposes of subsection 14(1), respecting the appointment of a pest control officer by a municipality;

(q) for the purposes of section 19, respecting the entry on land by a pest control officer or an authorized person;

(r) for the purposes of an agreement entered into pursuant to section 21, prescribing the following:

(i) the form and content of the agreement;

(ii) any information that must be contained in the agreement;

(s) for the purposes of section 22:

(i) prescribing the method of notification of the director and municipality respecting the presence of a pest;

(ii) prescribing the method of providing information to a pest control officer; and

(iii) prescribing processes, procedures, rules and limitations respecting the gathering and use of information collected by pest control officers or authorized persons in the course of their duties;

(t) respecting tarping and enclosure requirements with respect to the movement of materials or equipment that may contain or be infested with a pest or to which a pest may be adhering, including tarping and enclosure requirements for any machines required to move those materials;

(u) for the purposes of subsection 33(4), prescribing the amount of a deposit;

(v) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(w) 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 any portion of Saskatchewan.

2023, c 16, s.36.

Exemption regulations

37 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 or nuisance 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).

2023, c 16, s.37.

PART 8
Repeal and Coming into Force

RSS 1978, c P-7 repealed

38 *The Pest Control Act* is repealed.

2023, c 16, s.38.

Coming into force

39 This Act comes into force by order of the Lieutenant Governor in Council.

2023, c 16, s.39.

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