

The Corporation of the Town of Pelham

By-law No. 4433(2022)

Being a by-law authorizing the implementation of a 2022 spray program respecting the LDD moth, and to Repeal and Replace By-Law 4334(2021)

WHEREAS the Council of the Town of Pelham ("Council") deems it necessary to take steps to limit the impact of LDD moth infestation on trees within the Town's Municipal Boundary, so as to help preserve its tree assets and to reduce the consequences to the well-being of the public due to the loss of trees;

AND WHEREAS section 128 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended ("the Act"), permits a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or come become, or cause a public nuisances;

AND WHEREAS section 10(1) of the Act authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 10(2) of the Act authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Council has considered the research and surveying conducted by staff and an external consultant on the levels and effects of the LDD moth infestation in certain areas within the Town;

AND WHEREAS Council is of the opinion that the level of LDD moth infestations in certain areas within the Town constitutes a matter of public nuisance or could become a public nuisance;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

1. The LDD moth infestations in areas identified by the Director of Public Works as severe in nature and deemed a matter of public nuisance in the Town of Pelham
2. The Director of Public Works is authorized to implement an aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) In and around the proposed spray areas identified in the Public Works Report "2022 LDD Moth Management Program, Report #2022-0057" where the Director is satisfied that the established criteria outlined in Policy S802-03 for the aerial spray program are met.

3. The Director of Public Works is authorized to implement a LDD moth control aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) in and around Public Street Trees within the road allowances and trees on private lands within the Town found within the areas identified in the Public Works Report "2022 LDD Moth Management Program, Report #2022-0057" where surveys have been carried out by the Director confirming that the treatment threshold has been exceeded and the Director is satisfied that the established criteria outlined in Policy S802-03 for the aerial spray program are met.

4. Repeal

That By-law 4334(2021) be and is hereby Repealed.

5. Effective Date

This By-law shall come into force and effect on the date of its enactment.

Read, Enacted, Signed and Sealed this
07th Day of March, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk