

**Authority:** Item 3, Public Works Committee  
Report 08-006 (PW08028(a))  
CM: April 9, 2008

**Bill No. 070**

**CITY OF HAMILTON**

**BY-LAW NO. 08-070**

**RESPECTING GYPSY MOTH INFESTATION**

**WHEREAS** the Council of the City of Hamilton ("Council") deems it necessary to take steps to limit the impact of gypsy moth infestation on trees in the City, which are already affected by drought, so as to help preserve its tree assets and to reduce the consequences to the well-being of the municipality, the environment and the health and 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 Municipal Act"), permits a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**AND WHEREAS** section 10(1) of the Municipal 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 Municipal 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 extensive research and surveying conducted by staff and an external consultant on the levels and effects of the gypsy moth infestations in certain areas within the City;

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

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The gypsy moth infestations in areas identified by the General Manager, Public Works Department as exceeding the recommended treatment threshold of 2500 egg masses per hectare are deemed a matter of public nuisance in the City of Hamilton.

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2. The General Manager, Public Works Department 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 Report PW08028a as Appendices A-1 through A-6 and A-8 through A-10 to this By-law where the General Manager is satisfied that the established criteria for the aerial spray program are met.
3. The General Manager, Public Works Department is authorized to implement an 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 found within the areas identified in Report PW08028a as Appendices A-11 and A-12 to this By-law where testing has been carried out by the General Manager confirming that the treatment threshold has been exceeded and the General Manager is satisfied that the established criteria for the aerial spray program are met.
4. It shall be the duty of the Hamilton Police Service to assist the General Manager, Public Works Department with the implementation of the aerial spray program, including the redirecting of traffic off highways in and around areas subject to the aerial spray program.
5. This By-law shall come into force and effect on the date of its enactment.

**PASSED** and **ENACTED** this 9<sup>th</sup> day of April, 2008.



Brad Clark  
Acting Mayor



Kevin C. Christenson  
City Clerk