

DISTRICT OF SEHEL T

Pesticide Bylaw No. 441, 2007

A bylaw to regulate the cosmetic use of herbicides and pesticides

WHEREAS environmental protection has emerged as a value in Canadian society;

AND WHEREAS avoiding unnecessary exposure to pesticides conforms to the precautionary principle as it applies to the use of pesticides;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled hereby enacts as follows:

Title

1. This Bylaw may be cited for all purposes as the "District of Sechelt Pesticide Bylaw No. 441, 2007"

Definitions

2. In this Bylaw:

"Agricultural Lands" means lands used for the purposes of agriculture as defined by the *Agricultural Land Reserve Commission Act* of British Columbia.

"Biological Control" means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control pests;

"Cosmetic Use" means the use of pesticides for non-essential use, that is where the application is purely for an aesthetic pursuit;

"Enclosed" means closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, which openings are equipped with doors which are kept closed except when actually in use for ingress or egress;

"Health Hazard" means a pest that has or is likely to have an adverse effect on the health of any person;

"Infestation" means the presence of pests in numbers or under conditions that involve an immediate or potential risk of substantial loss or damage;

"Licensed Applicator" means a person who holds a valid license, permit or certificate issued by the British Columbia Ministry of Environment, Lands and Parks;

"Permitted Pesticide" means a herbicide and pesticide listed in Schedule "A" of this bylaw;

"Pest" means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism;

“Pesticide” means a microorganism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest, and includes but is not limited to;

- (a) a plant growth regulator, plant defoliator or plant desiccant;
- (b) a control product as defined in the *Pest Control Products Act* (Canada); and
- (c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia);

“Private Lands” means any lands owned in fee-simple by any party other than Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of the Province of British Columbia, a local government entity or an agent of the foregoing;

“Public Lands” means lands owned by Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of the Province of British Columbia, the District of Sechelt, any other local government entity or an agent of the foregoing;

“Treated Property” means the parcel upon a portion of which a pesticide has been or will be applied;

“District” means the District of Sechelt;

“Utility Operator” means a public or private utility such as electricity, gas, oil, cellular and may include Federal or Provincial agencies such as transportation authorities.

Application

3. This Bylaw shall apply to both Public and Private Lands.

General Prohibition

4. Unless permitted or exempted in accordance with this bylaw, no person shall apply or cause or permit the application of a pesticide within the boundaries of the District of Sechelt.

Exemptions

5. This Bylaw shall not apply in respect to:
 - (1) Public Lands unless such Utility Operator voluntarily consents to and agrees to the application of the bylaw;
 - (2) the use or application of Pesticides listed in Schedule A;
 - (3) disinfecting swimming pools, whirlpools, spas or wading pools;
 - (4) purifying water intended for use by humans or animals;
 - (5) within an enclosed building;
 - (6) the use of a biological control to exterminate or repel pests, including rats and mice;
 - (7) controlling ants and termites
 - (8) controlling or destroying insects which have infested property, (The infestation must be positively confirmed, in writing, by a qualified individual.);
 - (9) controlling or destroying a health hazard;

- (10) an insecticide bait which is enclosed by the manufacturer in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans and pets;
- (11) an insect repellent for personal use; and
- (12) Agricultural Lands as defined above and any lands subject to the *Right to Farm Act*.

Permit

6. (1) Upon application to the District of Sechelt in the prescribed form (Schedule B) and the payment of any fee by a property owner or a tenant, the District may issue a permit for the application of a Pesticide.
 - (2) The permit application fee is hereby set at \$50.00.
 - (3) Licensed Applicators are exempted from the requirement to obtain a permit.

Utility Corridors

7. Notwithstanding Section 5(1), a Utility Operator may use a Pesticide on a utility corridor or highway right-of-way providing the following conditions are met:
 - (1) the use of a Pesticide shall be done by a Licensed Applicator;
 - (2) the Pesticide shall be stored in a fireproof storage area with containment, ventilation, steel shelving, and appropriate signage and the owner shall maintain an up-to-date inventory that shall be available to the District upon request;
 - (3) the applicator must have, and comply with, material safety data sheets available for each Pesticide they apply and they must provide the sheet to any abutter of the property on which the Pesticide is being applied;
 - (4) there shall be no application of a Pesticide within two (2) metres of a property line;
 - (5) there shall be no application of a Pesticide within five (5) metres of a bus stop, schoolyard, licensed day care facility, senior's facility, hospital, medical clinic, playground or park;
 - (6) there shall be no application of a Pesticide within twenty (20) metres of an open watercourse, weir or wetland or within fifteen (15) metres from a surface well or within of three (3) metres from an artesian well;
 - (7) there shall be no application of a Pesticide when the wind velocity exceeds eight (8) km/hr. or during any rainfall event;
 - (8) each year in the month of January, the owner of Treated Properties which have utilized Pesticide application under the terms and conditions of this section shall submit to the District a written report outlining all Pesticides used and applied during the year and the meteorological conditions under which they were applied in accordance with this section.

Application of a Pesticide

8. (1) Any person who applies a Pesticide that is not otherwise exempted under Section 5 of this bylaw shall:
- (a) prior to commencing the application of a Pesticide obtain a permit in accordance with Section 6 of this bylaw;
 - (b) post signs clearly visible from any road or public pathway abutting the Treated Property which shall:
 - (i) measure at least 12 centimetres by 17 centimetres, be made of a material that is weather resistant and be placed on a support that is weather resistant;
 - (ii) indicate clearly that a Pesticide shall be or has been applied on the Treated Property, shall indicate clearly the commercial name of the Pesticide which shall be or has been applied; and,
 - (iii) be placed on the Treated Property, as follows:
 - on the frontage of a Treated Property which is not located on a corner, one (1) sign shall be placed within three (3) metres of each of the property lines separating the Treated Property from the adjacent property; and thereafter one (1) sign every sixteen (16) metres;
 - on each frontage of a Treated Property located on a corner, one (1) sign within three (3) metres of the property line separating the property where the Application has been made from the property adjacent to it, and thereafter one (1) sign every sixteen (16) metres;
 - (iv) shall be erected on the Treated Property for a period of not less than forty-eight (48) hours preceding the day the Application of the Pesticide is to commence and shall remain in place for a period of at least forty-eight (48) hours following the completion of the application of the Pesticide;
 - (c) not apply a Pesticide within two (2) metres of any property line unless consent of the adjoining property owner(s) has been obtained in writing;
 - (d) not apply a Pesticide within five (5) metres of a bus stop, schoolyard, licensed day care facility, senior's facility, hospital, medical clinic, playground or park;
 - (e) not apply a Pesticide within a distance of fifteen (15) metres from a surface well or of three (3) metres from an artesian well;
 - (f) not apply a Pesticide within twenty (20) metres of any of the following:
 - (i) a river, lake, stream, pond or open water;
 - (ii) an enclosed depression with definable banks capable of containing water;
 - (iii) any channel having definable beds and banks capable of conducting confined runoff from adjacent lands;
 - (iv) wetlands;

- (g) apply the Pesticide in accordance with the written instructions of the manufacturer and/or the label on the container but where those written instructions contradict any provision of this bylaw the greater distance, lesser wind speed, greater time after/before rainfall, or the lesser air temperature shall apply;
- (h) not apply a Pesticide by means of spaying or fogging on trees or shrubs when the wind velocity exceeds eight (8) km/hr.;
- (i) not apply a Pesticide when it is raining or the forecast of rain within the period indicated on the packaging material as necessary to ensure the efficient application, unless otherwise indicated on the product's label;
- (j) not apply a Pesticide when the temperature exceeds 27 degrees Celsius unless otherwise indicated on the product's label; and
- (k) not apply an insecticide on trees during their blooming period.

Offence

- 9. (1) Any person who applies or causes or permits the application of a pesticide within the boundaries of the District of Sechelt that is not otherwise exempted and without a permit is guilty of an offence under this bylaw;
- (2) Any person who violates the terms of a permit issued in accordance with section 6 of this bylaw is guilty of an offence under this bylaw;
- (3) Each day that violation of this bylaw is caused to continue constitutes a separate offence.

Penalty

- 10. (1) Any person guilty of an offence under this bylaw is punishable in accordance with the *Offence Act*.
- (2) Any person guilty of an offence under this bylaw shall be liable on conviction to a fine in accordance with the *Offence Act*.
- (3) Any person guilty of an offence under this bylaw will be subject to ticketing under the provisions of the *Municipal Ticketing Information (MTI) Bylaw (No. 199)* of the District of Sechelt
- (4) Each violation of the bylaw or each day the person permits the violation to continue will be deemed a separate offence under the *Municipal Ticketing Information (MTI) Bylaw*.

Severance

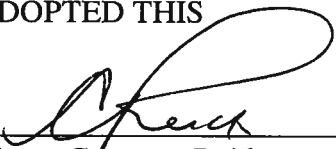
11. If any section, subsection, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME THIS 19th DAY OF September, 2007

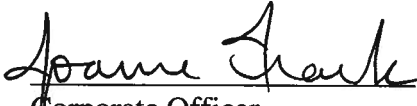
READ A SECOND TIME THIS 6th DAY OF February, 2008

READ A THIRD TIME THIS 6th DAY OF February, 2008

ADOPTED THIS 20th DAY OF February, 2008



Mayor Cameron Reid



Corporate Officer

*I hereby certify that this is a
true copy of Pesticide Bylaw No. 441, 2007*

*Jo-Anne Frank
Corporate Officer*

SCHEDULE "A"
Exempted Pesticides

The following substances are exempted from the provisions of this Bylaw:

- (1) a product that uses pheromones to lure Pests, sticky media to trap Pests or quick-kill traps for vertebrate species considered Pests such as mice and rats; and;
- (2) a product that is, or contains, any of the following active ingredients:
 - (a) a soap (insecticidal/herbicidal);
 - (b) a mineral oil, also called dormant or horticultural oil;
 - (c) Silicon dioxide, also called diatomaceous earth;
 - (d) Bt (*Bacillus thuringiensis*), nematodes and other biological control organisms;
 - (e) Borax, also called boric acid or boracic acid;
 - (f) Ferric phosphate;
 - (g) Acetic acid
 - (h) Pyrethrum or pyrethrins
 - (i) Fatty acids
 - (j) Animal repellents
 - (k) Sulphur (ex: Copper Sulfate(as contained in Bordeaux mixture) or Lime Sulphur)
 - (l) Fertilizers which do not contain chemical or synthetic pesticides within the meaning of the federal Pest Control Products Act or;
 - (m) Any other substances approved through the Canadian General Standards Board for Organic Agriculture will be deemed permitted pesticides

SCHEDULE "B"

APPLICATION FORM

PESTICIDE PERMIT APPLICATION FORM

PROPERTY INFORMATION:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: _____
LOT BLOCK DL PLAN PID

OWNER INFORMATION:

NAME OF OWNER: _____

MAILING ADDRESS: _____

DAYTIME TELEPHONE: _____ EVENING TELEPHONE: _____

COMMERCIAL APPLICATOR INFORMATION: (REQUIRED IF APPLICATOR IS NOT THE PROPERTY OWNER)

NAME OF COMMERCIAL APPLICATOR: _____

MAILING ADDRESS: _____

DAYTIME TELEPHONE: _____ EVENING TELEPHONE: _____

**POTENTIAL RISKS ASSOCIATED WITH PESTICIDE USE
AND ALTERNATIVE REMEDIES**

(1) Are you aware that there may be health risks associated with general pesticide use?

YES NO

(2) Have you taken measures to research alternative methods of pesticide extermination?

YES NO

(If no, please check online sources or visit the library for more information on alternative remedies to pesticide use).

DESCRIPTION OF INFESTATION:

(1) Is this application for an insect infestation?

YES

NO

(2) Briefly describe infestation: _____

(3) Is the plant or insect a danger to human beings?

YES

NO

If yes please specify nature of the danger. _____

(4) What is the name of the company or individual who did the infestation assessment? _____

(5) What is the name of the pesticide manufacturer? _____

(6) What is the commercial brand name of the pesticide? _____

(7) What is the PCP registration number? _____

(8) Please provide information from label instructions that indicates target pests, inert and active ingredients, ratio of application, formulation etc. (If possible, attach a copy of the pesticides label). _____

(9) Describe how the pesticide is used/applied: _____

(10) Is this property within 50 metres of a public property, including but not limited to, schools and Parks?

YES

NO

(11) Have there been previous requests for pesticide use on this property?

YES

NO

(12) What is the proposed date and time of day for this pesticide application?

I HEREBY MAKE APPLICATION TO APPLY PESTICIDE TO THE ABOVE NOTED PROPERTY AND SWEAR THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

PROPERTY OWNER'S SIGNATURE

DATE

The personal information collected on this form is done so pursuant to the Community Charter and/or the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The personal information collected herein will be used only for the purposes of processing this application or request and for no other purposes unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or agent duly authorized under another Act. Further information may be obtained by speaking with the District's Director of Corporate Services at 604-885-1986 or Second Floor, 5797 Crowrie Street, Sechelt.

FOR OFFICE USE ONLY

Received By: _____
Application Number: _____ Date: _____



Consent Form

(to accompany Application for a Permit to Apply a Pesticide)

Neighbouring Property Owner

I/We _____, owner of _____
(Print Name(s)) (Print Legal and/or Civic Address)

do hereby provide my/our consent for the application of a pesticide in conjunction with the provisions of District of Sechelt Bylaw No. 441, 2007, on

(Legal and/or Civic property address on which pesticide use is being applied for).

Signature(s) Date Telephone #

Signature(s) Date Telephone #

Signature(s) Date Telephone #

Signature(s) Date Telephone #