

**PESTICIDE USE CONTROL  
BYLAW 2502, 2011**

A Bylaw to Regulate the Use of Pesticides Within the City of Pitt Meadows

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**WHEREAS**, Municipalities have jurisdiction to pass bylaws prohibiting and regulating the application of pesticides pursuant to Sections 8(3)(j) and 9 of the COMMUNITY CHARTER and BC Reg. 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation); and

**NOW THEREFORE**, the Council of the City of Pitt Meadows, in open meeting assembled ENACTS AS FOLLOWS:

**PART I – INTERPRETATION**

**Citation**

1. This Bylaw may be cited as the “City of Pitt Meadows Pesticide Use Bylaw No. 2502, 2011;

2. **Definitions**

In this Bylaw unless the context otherwise requires:

**BIOLOGICAL CONTROL AGENT** means a natural agent such as insect, nematode, fungus, virus, fish or animal used to control pests;

**COSMETIC USE** means the use of pesticides where the application is principally or solely for an aesthetic pursuit, such as for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf;

**HARD LANDSCAPES** means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, landscape aggregate, treated wood or brick pavers.

**PERMITTED PESTICIDE** means a pesticide listed in Schedule “A” of Integrated Pest Management Regulation B.C. Reg. 604/2004, as amended from time to time;

**PEST** means an injurious, noxious or troublesome living organism, but does not include a virus, bacteria, fungus, or internal parasite that exists on or in humans or animals;

**PESTICIDE** means a mico-organism 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 plan growth regulator, plant defoliator or plant desiccant;
- b) a pest 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);

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**PRIVATE LAND** means a parcel or part of a parcel in the City of Pitt Meadows if the parcel or part is used for residential purposes, and for greater clarity includes all common property in a strata development with a residential component;

**PUBLIC LAND** means all lands owned by the City of Pitt Meadows.

**PART 2: REGULATIONS**

- 2.1 Except as otherwise permitted or exempted in this bylaw no person shall apply or cause or permit to be applied a pesticide on private land or public for cosmetic use for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf within the boundaries of the City of Pitt Meadows.

**PART 3: EXCEPTIONS**

- 3.1 Section 2.1 of this bylaw shall not apply to the use or application:
- a) of a permitted pesticide listed in Schedule "A";
  - b) of a pesticide in response to a danger to human or animal health;
  - c) of a pesticide to disinfect a public or private swimming pool; wading pool; whirlpool or ornamental water fountain;
  - d) of a biological control agent to destroy pests;
  - e) of a pesticide to a building or the inside of a building;
  - f) of a pesticide on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality;
  - g) lands used in agriculture solely for the purpose of crop production;
  - h) golf courses, only where the principals of integrated pest management have been applied by a certified integrated pest management practitioner with a valid pesticide applicators certificate, and a pesticide application is a last resort to avoid the loss of use of the facility.

**Part 4: APPLICATION OF A PESTICIDE**

- 4.1
- a) no person shall apply a pesticide within two (2) metres of any property line unless the written permission of the adjoining property owner has been obtained.
  - b) no person shall apply a pesticide within five (5) metres of a bus stop, school ground or park.
  - c) no person shall apply a pesticide within a distance of fifteen (15) metres from a surface well or three (3) metres of an artesian well.

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- d) no person shall apply a pesticide within a distance of thirty (30) metres from any of the following:
  - i) a river, lake, stream, 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) a wetland
- e) no person shall apply a pesticide by means of spraying or fogging on trees and shrubs when the wind velocity exceeds 8 km per hour
- f) no person shall apply a pesticide when it is raining or is forecast to rain within the period indicated on the product information package to ensure the efficient application of the pesticide.
- g) no person shall apply a pesticide when the temperature exceeds 27 degrees Celsius unless otherwise indicated on the product label.
- h) no person shall apply a pesticide on trees during the blooming period.

**PART 5 – ENFORCEMENT**

- 5.1 This bylaw is designated under the provisions of Section 264 of the Community Charter as a bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this bylaw;
- 5.2 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required by a provision of the bylaw, commits an offence punishable on summary conviction.
- 5.3 **Offence and Penalty**
  - 5.3.1 A person guilty of a separate offence each day that a violation occurs or continues to exist;
  - 5.3.2 A person who commits an offence is liable on summary conviction to a minimum fine of \$200 and a maximum fine not exceeding \$2,000

**5.4 Effective Date**

This Bylaw shall come into force and effect as of the March 1<sup>st</sup>, 2012.

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**5.5 Severability**

If a section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remaining portions of this bylaw.

READ a FIRST and SECOND time the 5<sup>th</sup> day of July, 2011.

READ a THIRD time the 19<sup>th</sup> day of July, 2011.

ADOPTED the 6<sup>th</sup> day of September, 2011

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**Schedule "A"**

**PERMITTED PESTICIDES**

The following Substances are Permitted Pesticides as listed in Schedule 2 of the Integrated Pest Management Regulations B.C. Reg. 604/2004, as amended from time to time.

1. acetic acid (DOMESTIC);
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram;
3. anti-fouling paints (DOMESTIC and COMMERCIAL);
4. antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL);
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL);
6. bacillus thuringiensis kurstaki (Btk) (DOMESTIC);
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL);
8. boron compounds (DOMESTIC);
9. boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL);
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED);
11. cleansers (DOMESTIC and COMMERCIAL);
12. corn gluten meal (DOMESTIC and COMMERCIAL);
13. d-phenothryn (DOMESTIC);
14. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC);
15. deodorizers (DOMESTIC and COMMERCIAL);
16. fatty acids (DOMESTIC);
17. ferric phosphate (DOMESTIC and COMMERCIAL);
18. ferrous sulphate (DOMESTIC and COMMERCIAL);

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19. hard surface disinfectants (DOMESTIC and COMMERCIAL);
20. insect bait stations (DOMESTIC);
21. insect pheromones (DOMESTIC and COMMERCIAL);
22. insect repellents (DOMESTIC);
23. laundry additives (DOMESTIC and COMMERCIAL);
24. material preservatives (DOMESTIC and COMMERCIAL);
25. methoprene (DOMESTIC);
26. mineral oils for insect and mite control (DOMESTIC);
27. n-octyl bicycloheptene dicarboximide (DOMESTIC);
28. naphthalene for fabric protection (DOMESTIC);
29. paradichlorobenzene for fabric protection (DOMESTIC);
30. pesticides in aerosol containers (DOMESTIC);
31. pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL);
32. piperonyl butoxide (DOMESTIC);
33. plant growth regulators (DOMESTIC);
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)'
35. pyrethrins (DOMESTIC);
36. resmethrin (DOMESTIC);
37. rotenone (DOMESTIC);
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL);

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39. silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL);
40. slimicides (COMMERCIAL);
41. soaps (DOMESTIC and COMMERCIAL);
42. sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC);
43. surfactants (DOMESTIC and COMMERCIAL);
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL);
45. tetramethrin (DOMESTIC);
46. wood preservatives (DOMESTIC)