



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# **Pesticide Control Bylaw**

## **Bylaw No. 430**

**Adopted March 7, 2011**

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**VILLAGE OF LIONS BAY**

**BYLAW NO. 430**

**A Bylaw to Regulate the Use of Pesticides in the Village of Lions Bay**

**WHEREAS** The Council of the Village of Lions Bay has the authority, pursuant to fundamental powers for municipalities as established in the *Community Charter*, to enact bylaws which provide for the protection of the “health, safety and well-being” of residents;

**AND WHEREAS** Council desires to respond to concerns about the risks to human health, ecological integrity and biodiversity associated with the use of pesticides;

**AND WHEREAS** the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment, and avoiding unnecessary exposure to pesticides conforms to the precautionary principle;

**THEREFORE BE IT RESOLVED THAT** the Council of the Village of Lions Bay in open meeting assembled, enact as follows:

This By-Law may be cited as “The Village of Lions Bay Pesticide Control Bylaw No. 430, 2010.”

**DEFINITIONS**

1. In this Bylaw, unless the context otherwise requires:

*enforcement officer* means:

1. every person designated by Council by name of office or otherwise as an enforcement officer for the purposes of administering and enforcing this Bylaw;
2. a peace officer, including every officer of the Royal Canadian Mounted Police; and
3. designated members of Lions Bay Fire Rescue and employees of Lions Bay Public Works.

*cosmetic purposes* means the use of pesticides for non essential use, or where the application is for an aesthetic pursuit.

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*permitted pesticide* means a pesticide listed in Schedule 2 of the BC *Integrated Pest Management Regulation*, included for reference as Schedule A of this Bylaw;

*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 micro-organism, substance or material, including but not limited to chemical poisons, 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, and
- b. a control product as defined in the Pest Control Products Act (Canada),
- c. a substance that is classified as a pesticide by the Integrated Pest Management Act (British Columbia);

*private land* means a parcel of land that is used partially or entirely for residential purposes and includes any parcel where a residential use is permitted pursuant to Village of Lions Bay zoning regulations; and

*public land* means all property held entirely or in part by the Village of Lions Bay.

## **SEVERANCE**

2. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

## **PROHIBITION OF USES**

3. Unless permitted or exempted in accordance with this bylaw, no person shall apply or cause or permit the application or use of a *pesticide* on private lands or public lands for *cosmetic purposes* within the boundaries of the Village of Lions Bay.
4. Unless permitted or exempted in accordance with this bylaw, no person shall apply or use a *pesticide* other than a *permitted pesticide* on private lands or public lands within the boundaries of the Village of Lions Bay.

## **ENFORCEMENT**

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5. *Enforcement officers* are designated to enforce this bylaw by means of a municipal ticket information under the *Community Charter* or a bylaw notice under the *Local Government Bylaw Notice Enforcement Act*.

### **OFFENCE AND PENALTY**

6. Any person who contravenes this bylaw is guilty of an offence and, upon conviction, is liable to a minimum penalty of \$250 and a maximum fine of \$500.
7. Each day a person applies or causes or permits the application of a pesticide, within the boundaries of the Village of Lions Bay, other than a permitted pesticide, shall constitute a separate offence.

### **PUBLIC AWARENESS**

8. Effective January 1<sup>st</sup>, 2010, the Council of the Village of Lions Bay will promote education and awareness about the uses and effects of pesticides and suitable alternatives in Lions Bay.

### **EXEMPTIONS**

9. Notwithstanding Section 3, it is permitted to use a pesticide in the following cases:
- (i) in a private swimming pool,
  - (ii) to purify water intended for the use of human beings or animals,
  - (iii) inside of a building, and
  - (iv) to control, destroy, reduce or repel, directly or indirectly, creatures such as rodents, carpenter ants or termites, plant or other organism which is harmful to human health, including a plant to which human beings are allergic.

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<b>READ A FIRST TIME</b>	<b>November 15<sup>th</sup>, 2010</b>
<b>READ A SECOND TIME</b>	<b>February 21<sup>st</sup>, 2011</b>
<b>READ A THIRD TIME</b>	<b>February 21<sup>st</sup>, 2011</b>
<b>ADOPTED</b>	<b>March 7, 2011</b>

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**Mayor**

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**Village Manager**

**Certified a true copy of  
Bylaw No. 430, 2011 as adopted.**

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**Village Manager**

## SCHEDULE A

### Permitted Pesticides

As per Schedule 2 of British Columbia's Integrated Pest Management Regulation, the following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw. (The designations "domestic", "commercial" refer to product class designations specified in the provincial legislation.)

- 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)
- 19 hard surface disinfectants (DOMESTIC and COMMERCIAL)
- 20 insect bait stations (DOMESTIC)
- 21 insect pheromones (DOMESTIC and COMMERCIAL)
- 22 insect repellents (DOMESTIC)

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- 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)
  - 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)