



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Pesticide Control Bylaw Bylaw No. 430

Adopted March 7, 2011

Office Consolidation

This document is an office consolidation of Pesticide Control Bylaw No. 430, 2011 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Pesticide Control Bylaw No. 430, 2011, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
613	10, Schedule A and B, citation	Adds reference to ministerial order M305; schedule B, amends Schedule A and citation	March 1, 2022

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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:

CITATION

This Bylaw may be cited as “Pesticide Control Bylaw No. 430, 2011.”

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.

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

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 1st, 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.
10. The prohibitions and exemptions in this Bylaw are to be read in conjunction with and subject to Ministerial Order M305, attached as Schedule B to, and forming a part of, this Bylaw.

[Amended by Bylaw No. 613]

READ A FIRST TIME	November 15th, 2010
READ A SECOND TIME	February 21st, 2011
READ A THIRD TIME	February 21st, 2011
ADOPTED	March 7, 2011

Mayor

Village Manager

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

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

Schedule 2

[en. B.C. Reg. 234/2015, s. 42.]

Excluded Pesticides

- 1 acetic acid (DOMESTIC)
- 2 animal repellents (DOMESTIC and COMMERCIAL) except thiram
- 3 anti-fouling paints (DOMESTIC and COMMERCIAL)
- 4 antiseptics used on private, industrial land owned by the company or person responsible for applying the preservatives (COMMERCIAL)
- 5 asphalt solids used as pruning paints (DOMESTIC and COMMERCIAL)
- 6 bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
- 7 boron compounds (DOMESTIC)
- 8 boron compounds formulated with up to 5% copper for insect control and wood preservation (DOMESTIC and COMMERCIAL)
- 9 capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
- 10 cleansers (DOMESTIC and COMMERCIAL)
- 11 corn cellulose (DOMESTIC and COMMERCIAL)
- 12 corn gluten (DOMESTIC and COMMERCIAL)
- 13 deodorizers (DOMESTIC and COMMERCIAL)
- 14 d-phenothrin (DOMESTIC)
- 15 d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
- 16 fatty acids (DOMESTIC and COMMERCIAL)

- 17 ferric phosphate (DOMESTIC and COMMERCIAL)
- 18 ferrous sulphate (DOMESTIC and COMMERCIAL)
- 19 formic acid (DOMESTIC and COMMERCIAL)
- 20 hard surface disinfectants (DOMESTIC and COMMERCIAL)
- 21 insect repellents (DOMESTIC)
- 22 insect semiochemicals, including pheromones, kairomones, attractants and repellents (DOMESTIC and COMMERCIAL)
- 23 insecticides sold and used in tamper-resistant bait stations (DOMESTIC)
- 24 kaolin (DOMESTIC and COMMERCIAL)
- 25 laundry additives (DOMESTIC and COMMERCIAL)
- 26 material preservatives (DOMESTIC and COMMERCIAL)
- 27 methoprene (DOMESTIC)
- 28 mineral oils for insect and mite control (DOMESTIC)
- 29 naphthalene for fabric protection (DOMESTIC)
- 30 n-octyl bicycloheptene dicarboximide (DOMESTIC)
- 31 octenol (DOMESTIC and COMMERCIAL)
- 32 oxalic acid (DOMESTIC and COMMERCIAL)
- 33 paradichlorobenzene for fabric protection (DOMESTIC)
- 34 pesticides in aerosol containers (DOMESTIC)
- 35 pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
- 36 piperonyl butoxide (DOMESTIC)
- 37 plant growth regulators (DOMESTIC)
- 38 polybutene bird repellents (DOMESTIC and COMMERCIAL)
- 39 pyrethrins (DOMESTIC)
- 40 resmethrin (DOMESTIC)
- 41 silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
- 42 silicon dioxide, also referred to as diatomaceous earth (DOMESTIC and COMMERCIAL)
- 43 slimicides (COMMERCIAL)

- 44 soaps (DOMESTIC and COMMERCIAL)
- 45 sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
- 46 surfactants (DOMESTIC and COMMERCIAL)
- 47 swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
- 48 tetramethrin (DOMESTIC)
- 49 thymol (DOMESTIC and COMMERCIAL)
- 50 wood preservatives (DOMESTIC)
- 51 zinc strips (DOMESTIC)

SCHEDULE B

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY

Integrated Pest Management Act

Ministerial Order No. M305

Whereas pesticides which contain one or more of the active ingredients brodifacoum, bromadiolone, or difethialone are used in many areas of B.C.

And whereas the use of these pesticides, and the manner in which they are used, handled, released, transported, stored, disposed of or sold has had, or could result in, an unreasonable adverse effect on wildlife in B.C.,

And whereas those unreasonable effects have been documented to show an increased exposure to non-target wildlife increasing the risk of primary and secondary poisoning in raptors and other birds of prey, including owls,

And whereas section 8 of the *Integrated Pest Management Act* (the Act) provides that, if I am satisfied that such an unreasonable adverse effect has resulted, or is likely to result from the use of the pesticides or the manner in which they are used, handled, released, transported, stored, disposed of or sold, I may make orders to restrict or prohibit the use, handling, release, transport, storage, disposal of or sale of the pesticides on the terms and conditions I consider appropriate;

Now Therefore:

I, George Heyman, Minister of Environment and Climate Change Strategy, order that

July 21, 2021

Date



Minister of Environment and Climate
Change Strategy

Authority under which Order is made:

Act and section: *Integrated Pest Management Act*, [SBC 2003] Chapter 58, section 8

Other: _____

1. In this Order,
“Agricultural Operation” means an agricultural operation defined in the Code of Practice for Agricultural Environmental Management,

“Certified” means certified under the Act,

“Essential Service” means an essential service set out in Schedule A of this Order,

“Licensed” means licensed under the Act,

“Second-Generation Anticoagulant Rodenticides” means pesticide products registered under the Pest Control Products Act (Canada) that contain the active ingredients: brodifacoum, bromadiolone, or difethialone, (hereinafter “SGARs”).
2. This Order applies to all persons and businesses, including all Licensed pesticide vendors, who sell SGARs to persons in B.C.
3. This Order applies even though the use, manner of application, storage, sale, transport, or disposal of the SGARs is authorized under the Act and despite the terms and conditions of any licence, certificate, or permit.
4. Subject to section 5, SGARS are prohibited for sale and use in B.C.
5. The following exemptions from section 4 apply:
 - a) SGARs may be sold by a Licensed vendor to
 - (i) a business or person considered an Essential Service if the business or person holds a pesticide applicators Certificate;
 - (ii) a business or person who owns or operates an Agricultural Operation;
 - (iii) a Licensed pest control company; or
 - (iv) an agent of the business or person in 5 (a)(i) to (iii), including an employee who is not directly involved in the use of the products and who is not a holder of a pesticide applicators Certificate but who purchases and distributes supplies for the business or person, and is acting on behalf of the business or person.
 - b) SGARs may be used by
 - (i) a business or person considered an Essential Service if
 - a. the business or person holds a pesticide applicators certificate in the appropriate category; or
 - b. the business or person hires a Licensed pest control company to apply the SGARs.
 - (ii) a business or person who owns or operates an Agricultural Operation.
 - (iii) a service Licensee who is hired by an Essential Service or Agricultural Operation to use SGARs.

- c) a business or person in 5(b) must not provide SGARs to a person who is not authorized by this order to use SGARs regardless of whether the person holds a pesticide applicator Certificate.

6. A Licensed vendor referred to in 5(a) must:

- a) ensure a Certified dispenser confirms the purchaser:
 - (i) is an Essential Service or is employed by an Essential Service, and is purchasing the SGARs for an “Essential Service”, a Licensed pesticide service company or a person who owns or operates an Agricultural Operation;
 - (ii) except where the person owns or operates an Agricultural Operation, holds a valid pesticide applicators Certificate showing the purchaser’s name and Certificate number and;
 - (iii) if acting as an “agent” of the Essential Service, company or Agricultural Operation in (i), provides written verification from the purchaser’s employer that the purchaser and Certificate holder (if not the same person and except where the person owns or operates an Agricultural Operation) are current employees of the organization and the purchase is authorized by the Essential Service, company or Agricultural Operation.
- b) store and display SGARs in a manner that prevents access to the SGARs without the assistance of a Certified dispenser.
- c) where SGARs are displayed for sale, post signage that is produced by the ministry that highlights the risks to wildlife,
- d) ensure a Certified dispenser advises authorized purchasers of SGARs of the following information:
 - (i) the risks to wildlife when using SGARs;
 - (ii) that the use of SGARs is subject to the new requirements surrounding Integrated Pest Management, record keeping and disposal as set out in this order.
- e) record the following information for each sale:
 - (i) the purchaser’s name, the contact information of the employer (if the purchaser is an employee), the SGAR product trade name, the SGAR product Pest Control Products number and weight of the container in which the SGARs were sold and number of containers sold and the category of purchaser (Licensee, Essential Service, Agricultural Operator);
 - (ii) from a Licensee, the Licence number, Certificate holder’s name (if different than the purchaser), Certificate number;
 - (iii) from an Essential Service, Certificate holder’s name (if different than the purchaser), Certificate number.

7. A Certified dispenser must perform the duties as described in section 6 (a) and (d).

8. A user of SGARs described in 5(b)

- a) may use SGARs only after doing all the following in accordance with Integrated Pest Management principles:
 - (i) identify and implement, or identify and advise the owner or manager of the treatment area of, reasonable measures to prevent rodents;
 - (ii) identify the rodent species to be managed;
 - (iii) monitor to determine the population of rodents and their location;
 - (iv) determine an injury threshold for each rodent and apply them to the determination of when to use SGARs;
 - (v) select treatment methods based on
 - a. consideration of practical alternatives to the use of SGARs, and
 - b. protection of human health and the environment.
- b) must evaluate the effectiveness after each use of SGARs, in accordance with Integrated Pest Management principles.
- c) must dispose of unused SGARs and poisoned rodents properly.
- d) must record the following information when SGARs are applied:
 - (i) the applicators name;
 - (ii) the rodent species targeted;
 - (iii) Integrated Pest Management measures taken to prevent rodents and manage their population without the use of SGARs;
 - (iv) for each SGAR applied,
 - a. the product trade name and Pest Control Product registration number, and
 - b. the application method and amount applied.
 - c. the date, time and location of application;

9. Records required under this order must be retained for 3 years and must be made available for inspection upon request of an Inspector.

10. This Order except for section 9 expires 18 months from the date of its signing.

SCHEDULE A

Businesses and persons that provide:

1. Health and Health Services
 - a. Hospitals, emergency care services, primary care facilities.
2. Public Safety
 - a. The Department of National Defence (DND) facilities, the Canadian Armed Forces (CAF) facilities, and operations and services that support the Canadian Coast Guard and Coast Guard Auxiliary;
 - b. Emergency management facilities at local, regional, provincial, and federal levels.
3. Critical Infrastructure
 - a. Drilling and production, refineries, processing, treatment and completion facilities, storage, distribution network infrastructure and support operations critical in maintaining electricity, drinking water, waste water, oil and natural and propane gas, fuel, petroleum, crude oil and other fuel sources such as heating oil.
 - b. Gas stations, diesel, propane and heating fuel providers and providers of charging stations for electric vehicles.
4. Food and Agriculture Service Providers
 - a. Food processing, manufacturing, storage, transportation and distribution of foods, feed products and beverages;
 - b. Restaurants and other facilities that prepare and serve food;
 - c. Retail: Grocery stores, convenience stores, farmers' markets and other establishments engaged in the retail sale or provision of food;
 - i. Includes food banks

5. Transportation
 - a. Services and facilities that facilitate the interprovincial and intra-provincial transportation of essential supplies, personnel, and services, including port/waterfront operations, road, air and rail operations.

6. Sanitation
 - a. Waste (garbage and organics) and recycling collection, processing, and disposal.

7. Communications / Information Technology
 - a. Information technology, radio, cable providers, and telecommunications services, including phone, internet, wireless communications, data centres; satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment.

8. Coroners and those Performing Mortuary and Related Services
 - a. Coroners and facilities performing mortuary services, including funeral homes, crematoriums, and cemeteries, as well as facilities supporting the appropriate handling, identification, storage, transportation, and certification of human remains.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY

[Integrated Pest Management Act]

Ministerial Order No. M340

I, George Heyman, Minister of Environment and Climate Change Strategy, order that

Effective as of September 2, 2021, Ministerial Order M305 - 2021, under the *Integrated Pest Management Act* is amended by striking out section 2 and substituting the following:

“2. This Order applies to all persons and businesses, including all Licensed pesticide vendors who sell SGARs to persons in B.C.”

September 2, 2021

Date



Minister of Environment and Climate
Change Strategy

Authority under which Order is made:

(This part is for administrative purposes only and is not part of the Order.)

Act and section:

Integrated Pest Management Act, [SBC 2003] Chapter 58, section 8

Other: MO305 - 2021