

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

BYLAW NO. 6413-2006

A Bylaw to regulate the use of cosmetic pesticides

WHEREAS it is deemed expedient to provide for regulating the use of pesticides for cosmetic purposes within the District of Maple Ridge;

NOW THEREFORE the Municipal Council of the Corporation of the District of Maple Ridge in open meeting assembled, ENACTS AS FOLLOWS:

Title

1. This Bylaw shall be cited for all purposes as “Pesticide Use Control Bylaw No. 6413 – 2006”.

Definitions

2. “Biological Control” means the use of natural agents such as insects, nematodes, fungi, Viruses, fish or animals as alternatives to herbicides to control weeds.

“Cosmetic Purposes” means the use of pesticides for non essential use, or where the application is for an aesthetic pursuit.

“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” attached hereto

“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 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, and
- (b) a control product as defined in the pest control products Act (Canada)

“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 the right of Canada, Her Majesty the Queen in right of the Province of British Columbia, The District of Maple Ridge, any other government entity or an agent of the foregoing.

Regulation

3. No person shall use or apply pesticides, except those contained in Schedule A, or grant the permission or authority, express or implied to use or apply pesticides for cosmetic reason as defined by this bylaw on, in, under or upon any lands in the District of Maple Ridge unless a permit required by this bylaw has been issued.

Exceptions

4. This bylaw shall not apply in respect of:
 - (a) Public lands owned by Her Majesty the Queen in right of Canada or in the right of the Province of British Columbia unless such governmental authorities voluntarily consent and agree to the application of this bylaw;
 - (b) The use or application of permitted pesticides; Schedule “A”
 - (c) The application of pesticides where there is a danger to human or animal health;
 - (d) The use of a biological control to destroy insects or noxious animals including rats and mice;
 - (e) The use of pesticides:
 - (i) in a public or private swimming pool;
 - (ii) to purify water intended for the use of human beings or animals;
 - (iii) onto or inside buildings;
 - (iv) to control or destroy plants that constitute a danger for human beings who are allergic thereto; and
 - (v) to prevent the deterioration of hard landscapes
 - (f) Lands used in agriculture solely for the purpose of crop production
 - (g) Golf courses, only where the principals of Integrated pest management have been applied by a certified IPM practitioner with a valid pesticide applicators certificate, and a pesticide application is a last resort to avoid the loss of use of the facility.

Permit

5.
 - (a) Upon application to the District on the prescribed form (Schedule B) and the payment of a fee by a property owner, the District may issue a permit for the application of a pesticide other than that contained in schedule “A” under the conditions specified in Section 6 “Application of a Pesticide”
 - (b) The application fee is hereby set at \$60.00
 - (c) Permit holders must post pesticide information signs clearly visible from any road or public pathway abutting the treated property and shall be made of weather resistant material, and indicate the commercial name of the product which shall or has been used, date and time of application.
 - (d) Permit holders must post pesticide information signs for a period not less than 24 hours preceding the application and 24 hours following the application.

- (e) Permit holders must apply the pesticide in accordance with the written instructions of the manufacturer and / or the label on the container.

Application of a Pesticide

- 6.
 - (a) No person shall apply a pesticide within 2 meters of any property line unless the written permission of the adjoining property owner has been obtained.
 - (b) No person shall apply a pesticide within 5 meters of a bus stop, school ground or park.
 - (c) No person shall apply a pesticide within a distance of 15 meters from a surface well or 3 meters from an artesian well.
 - (d) No person shall apply a pesticide within a distance of 30 meters 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 8Km 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 an insecticide on trees during the blooming period.

Implementation

- 7. Subject to Section 4, this bylaw shall apply to:
 - (a) Public lands as at the date of adoption; and
 - (b) Private lands as of March 1, 2007.

Severability

- 8. If any section or lesser portion of this Bylaw is held invalid, it shall be severed and the validity of the remaining provisions of this shall not be affected.

Offence and penalty

- 9. Any person who commits an offence under this Bylaw in addition to being subject to any remedies or penalties specifically provided for in this Bylaw is also subject to prosecution and upon summary conviction be subject to a fine not exceeding the maximum penalty specified in the Offence Act from time to time for each and every offence. Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offense.

READ a first time the 25th day of July, 2006.

READ a second time the 28th day of November, 2006.

READ a third time the 28th day of November, 2006

RECONSIDERED AND ADOPTED the 12th day of December, 2006

Mayor

Clerk

Schedule “A”

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.
2. A product that is, or contains any of the following ingredients

- Horticultural Soap
- Horticultural oils (Dormant oil)
- Diatomaceous earth (crushed seashells)
- Bt (Bacillus thuringiensis)
- Nematodes (biological control for fungus, bacteria and plant)
- Borax (control of Ants / Fleas)
- Ferric Sulphate (Slug control)
- Acetic Acid (Horticultural Vinegar used for weed control)
- Pyrethrum (Insecticide)
- Fatty Acids (Annual weed control)
- Sulphur or Lime Sulphur (Fungus and mite control on trees)
- Rodenticides
- Biological control organisms

2. What measures have you taken to research alternative methods of pesticide extermination? (If none, please check online sources or visit the library for more information on alternative remedies to pesticide use)

DESCRIPTION OF INFESTATION: (Please refer to bylaw 996, 2005 for further information)

1. Is this application for an insect or plant infestation?

Insect

Plant

2. Briefly describe infestation:

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

Yes

No

If yes, please specify nature of the danger

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4. What is the name of the integrated pest management practitioner / company or individual who did the infestation assessment?

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5. What is the name of the pesticide manufacture?
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