

# THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## BYLAW NO. 8041

**A bylaw to regulate the use of pesticides for cosmetic purposes within the City of North Vancouver pursuant to the *Community Charter, SBC 2003, c26***

**WHEREAS** the Council of the City of North Vancouver deems it expedient to provide for regulating the use of pesticides for **cosmetic purposes** within the City of North Vancouver;

**NOW THEREFORE**, the Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

### **Title**

1. This bylaw may be cited as “**Cosmetic Pesticide Use Control Bylaw, 2009, No. 8041**”.

### **Severability**

2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Definitions**

3. In this bylaw:

**accredited company** means a landscape company certified by the “Plant Health BC: Pest Management Accreditation Program.”

**biological control** means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control *pests*.

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

**Integrated Pest Management** is defined in the BC Integrated Pest Management Act and Integrated Pest Management Regulations as amended from time to time.

**Integrated Pest Management Program** means the City of North Vancouver “Integrated Pest Management Policy” or equivalent program based upon the principles of *Integrated Pest Management*.

**permitted pesticide** means a pesticide listed in Annex 1 to the Pesticide Control Act Regulation, B.C. Reg. 319/81 as amended, or Schedule 2 to the Integrated Pest Management Regulation, B.C. Reg. 604/2004 as amended.

**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,

- (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*, S.B.C. 2003, c.58.

**private land** means a parcel or part of a parcel if the parcel or part is used for residential purposes.

**public land** means lands vested in the City of North Vancouver.

#### **Prohibition**

- 4. (a) Except for permitted pesticides, no person may apply or otherwise use pesticides, on outdoor trees, shrubs, flowers, other ornamental plants and turf on Private Lands or Public Lands.
- (b) Section 4(a) does not apply to the application of pesticides to a building or inside a building.
- (c) Despite Section 4(a), a permit may be issued to authorize use and application of pesticides where there is a danger to human or animal health or damage to buildings and structures.
- (d) Despite Section 4 (a) a permit may be issued to authorize use and application of pesticides to *public land* where there is in place an *Integrated Pest Management Program* governing the applicant.

#### **Offence and Penalty**

- 5. (a) 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 to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- (b) Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding \$10,000.00.
- (c) This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
- (d) Bylaw Enforcement Officers are designated to enforce this bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.
- (e) Pursuant to Section 264 (1) (c) of the *Community Charter*, the words or expressions set forth below in Column 1 of this bylaw designate the offence committed under the bylaw section numbers appearing in Column 2 opposite the respective words or expressions.

- (f) Pursuant to Section 265 1 (a) of the *Community Charter*, the fine amount set forth in Column 3 of this Bylaw is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

| <u>Designated Expression</u> | <u>Section</u> | <u>Fine Amount</u> |
|------------------------------|----------------|--------------------|
| Unlawful use of pesticide    | 4(a)           | \$175.00           |

**Application for a permit**

6. (a) Any owner or occupier of Public Lands or Private Lands may apply to the City of North Vancouver for a permit to apply pesticides, pursuant to Section 4 of this Bylaw.
- (b) Any application must be in the form prescribed and attached to Schedule A of this Bylaw and must provide the requested information in support of the application.

**Effective Date**

7. The Bylaw shall come into effect on January 1, 2010.

READ a first time by the Council  
on the 2<sup>nd</sup> day of November, 2009.

READ a second time by the  
Council on the 2<sup>nd</sup> day of  
November, 2009.

READ a third time and passed by  
the Council on the 2<sup>nd</sup> day of  
November, 2009.

RECONSIDERED and finally  
adopted By the Council, signed by  
the Mayor and City Clerk and  
sealed with the Corporate Seal on  
the 16<sup>th</sup> day of November, 2009.

“Darrell R. Mussatto”

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MAYOR

“Sandra E. Dowey”

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CITY CLERK

SCHEDULE A to Bylaw 8041  
"Cosmetic Pesticide Use Control Bylaw"

PERMIT APPLICATION  
And  
INFORMATION TO ACCOMPANY AN APPLICATION

Please Print

|  |  |
|--|--|
| Name of property owner or land manager   |  |
| Signature of owner or land manager   |  |
| Address for the pesticide application  |  |
| Contact person and phone number  |  |
| Name, phone number of the company providing the diagnosis/assessment and supporting documentation        |  |
| <p>REASONS FOR THE PERMIT APPLICATION<br/>(Continue on reverse and include supporting documentation)</p> |  |
| Date Issued: _____   |  |
| Expiry Date: 6 MONTHS after the date of issue.   |  |

## Information to Accompany a Permit Application

The reasons for the permit request must be stated on the application and include the following information:

- The target pest(s)
- The reason for controlling the pest(s). e.g.
  - Is the pest a danger to humans or animals?
  - Is the pest damaging buildings or structures?
- The trade name and common name of the pesticide(s) requested
- The turf or garden practices, pesticide alternatives and the Integrated Pest Management techniques that have been tried to reduce or eliminate the need for this pesticide
- Alternative pesticides that are available to the requested pesticide(s)
- The reasons why the alternatives and practices have failed to control this pest and why the requested pesticide is needed.
- The number of applications requested
- The location and size of the area to be treated.
- The period of time when the application will be made
- If applicable, the name of the company that will apply the pesticide(s) and the supporting documentation and diagnosis.

The process is intended to be rigorous and the applicant must demonstrate that the use of the requested pesticide is necessary and that attempts have been made to avoid the need for pesticides in the first place.

The use of pesticides (other than the *permitted pesticides*) to control weeds in a lawn or pests in a garden or on trees and shrubs for *cosmetic* purposes will not qualify for a permit.

A compelling case must be demonstrated for danger to human health, or damage to buildings or structures and, in particular, an application based on danger to humans or animals must be accompanied by a doctor's or veterinarian's (as the case may be) letter, stating that health may be detrimentally affected unless the permit is issued; and

An application based on damage to buildings or structures must be accompanied by a letter from a landscape architect, arborist, an accredited company or pest control service company stating that there is clear evidence of damage to buildings and structures making necessary the use of the pesticide applied for in the permit application.