

Bylaw No. 1864, 2009
A Bylaw to Regulate the Cosmetic Use of Pesticides within the
City of White Rock

THE CORPORATION OF THE CITY OF WHITE ROCK

BYLAW NO. 1864, 2009

A Bylaw to Regulate the Cosmetic Use of Pesticides within the City of White Rock

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

WHEREAS the City's Environmental Strategic Plan recommends the elimination of cosmetic pesticide use on private land; and

WHEREAS the City is concerned about the non-essential use of pesticides and the risks they may pose to the health and well-being of the environment and the residents; and

NOW, THEREFORE, the Council of the City of White Rock, in open meeting assembled enacts as follows:

PART 1 – TITLE

1. This Bylaw may be cited as City of White Rock Cosmetic Pesticide Use Bylaw, No. 1864, 2009.

PART 2 – DEFINITIONS

2. In this Bylaw:

“*biological control agent*” means a natural agent such as an 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;

“*permitted pesticide*” means a pesticide listed in Schedule 2 of the *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 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 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);

“*private land*” means a parcel or part of a parcel in the City of White Rock 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 Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of the Province of British Columbia, The Corporation of The City of White Rock or any other local government entity or an agent of the foregoing.

PART 3 – REGULATION

3. Except as otherwise permitted or exempted under this Bylaw, no person shall apply or cause or permit to be applied a *pesticide* on *private land* or *public land* for *cosmetic use* for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf within the boundaries of the City of White Rock.

PART 4 – EXCEPTIONS

4. Section 3 of this Bylaw shall **not** apply to the use or application:
 - a) of a *permitted pesticide*;
 - 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;

PART 5 – ENFORCEMENT

5. 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.
6. Bylaw Enforcement Officers are designated to enforce this Bylaw pursuant to section 264(1)(b) of the *Community Charter*.

PART 6 – OFFENCE AND PENALTY

7. 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 this Bylaw, commits an offence punishable on summary conviction.

8. A person is guilty of a separate offence each day that a violation occurs or continues to exist.
9. A person who commits an offence is liable on summary conviction to a minimum fine of \$100 and a maximum fine not exceeding \$2,000.

PART 7 – SEVERABILITY

10. 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.

PART 8 – EFFECTIVE DATE


11. This Bylaw shall come into effect upon final adoption.

RECEIVED FIRST READING on the 11th day of May, 2009
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CONSULTATION WITH Medical Health Officer completed on the 14th day of July, 2009 pursuant to Section 2(2) of the *Public Health Bylaws Regulation*, B.C. Reg. 42/2004.

RECEIVED THIRD READING on the 21st day of September, 2009
RECONSIDERED AND FINALLY ADOPTED on the 5th day of October, 2009

A **COPY** of the Bylaw deposited with the Ministry of Health Services on the 6th day of October, 2009 pursuant to Section 2(2) of the *Public Health Bylaws Regulation*, B.C. Reg. 42/2004.



MAYOR



CITY CLERK