

CITY OF KIMBERLEY

PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 2381

WHEREAS pursuant to the *Community Charter* and the *Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation*, the Council of the City of Kimberley may pass bylaws regulating the application of pesticides;

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

1. Title

This bylaw may be cited for all purposes as the "Pesticide Bylaw No. 2381, 2009".

2. Definitions

(1) In this Bylaw,

- (a) "Bylaw Enforcement Officer" means those persons designated by the City as Bylaw Enforcement Officers from time to time;
- (b) "City" means the City of Kimberley;
- (c) "Council" means the Council of the City of Kimberley;
- (d) "Permitted Pesticide" means a Pesticide as listed in Schedule 2 of the Integrated Pest Management Regulation (BC Reg. 604/2004);
- (e) "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;
- (f) "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:
 - (i) a plant growth regulator, plant defoliator or plant desiccant;

- (ii) a control product as defined in the Pest Control Products Act (Canada); and
 - (iii) a substance that is classified as a Pesticide by the Integrated Pest Management Act (British Columbia).
- (g) "Private Land" means a parcel or a part of a parcel in the City of Kimberley 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;
- (h) "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 City of Kimberley or any other local government entity or an agent of the foregoing.

3. Regulation

No person shall use or apply a Pesticide or grant the permission or authority, express or implied, to use or apply a pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on, in, under or upon any Private Land or Public Land.

4. Exception

- (1) Section 3 does not apply to the use or application of a Pesticide:
- (a) that is a Permitted Pesticide,
 - (b) to manage pests that transmit human diseases,
 - (c) to manage pests that impact forestry,
 - (d) to buildings or inside buildings,
 - (e) on land used for golf courses, forestry, transportation, public utilities or pipelines,
 - (f) to noxious weeds as defined in the Weed Control Act and Regulations thereto, or

- (g) to swimming pools, wading pools, whirlpools, spas or ornamental water fountains.

5. Implementation

- (1) This Bylaw shall apply to
 - (a) Public Lands as at the date of adoption; and
 - (b) Private Lands as at the date of adoption.

6. Offences

- (1) Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence, and upon conviction, shall be liable to a maximum fine of up to \$500.00.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

7. Severability

If any section, subsection, clause, phrase or word of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, the invalid section, subsection, clause, phrase or word shall be severed, and the severance shall not affect the validity of the remainder.

Read a first time on the 14th day of December, 2009.

Read a second and third time on the 25th day of January, 2010.

Adopted on the 8th day of February, 2010.

J. D. Gilmore
MAYOR

G. A. Hutton
CHIEF CORPORATE
ADMINISTRATION OFFICER

APPENDIX
BC Regulation 604/2004
Integrated Pest Management Regulation
(as at February 8, 2005)

Schedule 2 — Excluded Pesticides

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. ferros 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) BC Integrated Pest Management Regulation *Schedule 2*
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)