

CITY OF PORT MOODY

BYLAW NO. 2575

PESTICIDE USE CONTROL BYLAW

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**A BYLAW TO REGULATE THE COSMETIC USE OF PESTICIDES AS A MEANS OF IMPROVING OR MAINTAINING THE APPEARANCE OF LAWNS, GARDENS, HARD LANDSCAPES AND VEGETATED LANDS PURSUANT TO SECTION 725 OF THE LOCAL GOVERNMENT ACT.**

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The Council of the City of Port Moody in open meeting assembled, enacts as follows:

1. **Title**

This Bylaw may be cited for all purposes as "Pesticide Use Control Bylaw, No. 2575, 2003."

2. **Definitions**

"Biological Control" means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control weeds.

"Hard Landscapes" means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood or brick pavers.

"Permitted Pesticide" means a pesticide listed in Schedule "A."

"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* (British Columbia).

“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 right of Canada, Her Majesty the Queen in right of the Province of British Columbia, The City of Port Moody, any other local government entity or an agent of the foregoing.

### 3. Regulation

No person shall use or apply pesticides or grant the permission or authority, express or implied, to use or apply pesticides on, in, under or upon any lands in the City of Port Moody.

### 4. Exceptions

(1) 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 to and agree to the application of the Bylaw;
- (b) the use or application of permitted pesticides;
- (c) the application of pesticide 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 in a public or private swimming pool;
- (f) to purify water intended for the use of human beings or animals;
- (g) inside of a building;
- (h) to control or destroy plants which constitute a danger for human beings who are allergic thereto; and
- (i) to prevent the deterioration of hard landscapes.

**5. Implementation**

- (1) Subject to section 4(1), this Bylaw shall apply to
  - (a) public lands as at the date of adoption; and
  - (b) private lands as at January 1, 2006.

**6. Severability**

If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

**7. Penalty**

- (1) Any person who violates or authorizes or permits the violation of this Bylaw shall commit an offence and shall be liable to the penalties as may be imposed under the Offence Act, R.S.B.C. 1996 c 338 or the City of Port Moody Municipal Ticket Information Bylaw, as the case may be.

**7. Penalty continued**

- (2) Every day that this Bylaw is violated shall constitute a separate offence for which the penalties referred to in subsection 7(1) may be imposed.

**READ A FIRST TIME the 25<sup>TH</sup> day of November, 2003**

**READ A SECOND TIME the 25<sup>th</sup> day of November, 2003**

**READ A THIRD TIME the 25<sup>th</sup> day of November, 2003**

**ADOPTED the 2<sup>ND</sup> day of December, 2003**

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**MAYOR**

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**CITY CLERK**

SCHEDULE "A"

**[Permitted Pesticides]**

The following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

- (1) Insecticidal soaps
- (2) Herbicidal soaps
- (3) Bt (*Bacillus thuringiensis*)
- (4) Nematodes
- (5) Other biological control organisms
- (6) Animal repellents
- (7) Rodenticides
- (8) Injected tree treatments
- (9) Sticky media
- (10) Borax
- (11) Dormant Oils
- (12) Horticultural Oils
- (13) Bordeaux mixture and other sulphur compounds
- (14) Lime Sulphur
- (15) Ferric phosphate
- (16) Pruning paint
- (17) Pheromone traps
- (18) Pyrethrum (or pyrethrin)
- (19) Diatomaceous earth