

**CITY OF REVELSTOKE  
BYLAW NO. 1988**

**A Bylaw to regulate the non - essential use of Pesticides as a means of improving or maintaining the appearance of lawns, gardens, hard landscapes and vegetated lands within the City of Revelstoke**

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**WHEREAS** the Council of the City of Revelstoke is concerned about the non-essential use of pesticides and the risks that they may pose to the health and well being of the environment and residents.

**AND WHEREAS** the Council is authorized to establish 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 the *Community Charter* and the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*.

**NOW THEREFORE** the Municipal Council of the City of Revelstoke in an open meeting assembled enacts as follows:

**1. TITLE:**

This Bylaw may be cited for all purposes as “Pesticide Use Bylaw No. 1988”.

**2. DEFINITIONS:**

In this Bylaw,

- (a) "Bylaw Enforcement Officer" means the person hired or appointed by Council by resolution from time-to-time as a Bylaw Enforcement Officer and includes the appointment provided under Section 70 of the Police Act, R.S.B.C. 1996, Chapter 367.
- (b) "City" means the City of Revelstoke.
- (c) "Council" means the Council of the City of Revelstoke.
- (d) "Permitted Pesticide" means a Pesticide as listed in Schedule 2 of the Integrated Pest Management Regulation (BC Reg. 604/2004).
- (e) "Person" means any individual, company, corporation, owner, partnership, firm, association, society or party.
- (f) "Pesticide" means a micro-organism or material that is represented, sold, used, or intended to be used to prevent, destroy, repel, mitigate a pest, and includes but is not limited to:
  - (i) a plant growth regulator, plant defoliator or plant desiccant,
  - (ii) a controlled 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 if the parcel or part is used for residential purposes in the City of Revelstoke but does not include the residential area of farms.
- (h) "Public Lands" means land that is vested in the City of Revelstoke or Right of Ways controlled by the City of Revelstoke.

**2. REGULATION:**

No person shall use or apply a Pesticide or grant the permission or authority, express or implied, to use or apply 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, except as permitted in this Bylaw.

**3. EXEMPTIONS:**

This Bylaw shall not apply in respect of:

- (a) The use or application of permitted pesticide as listed in Schedule “A”;
- (b) Golf courses on city owned land managed by a certified Integrated Pest Management (IPM) practitioner with a valid pesticide applications certificate. A report must be submitted annually to the City of Revelstoke Council detailing the use of pesticides not listed in Schedule A. The report must detail the quantity, area of application and reason why the pesticide was used;
- (c) The application of pesticides to control noxious weeds throughout the City after alternatives have been utilized without success (see provincial regulation BC Weed Control Act for defined noxious weed);
- (d) The application of pesticides to control or destroy a health hazard;
- (e) The use of pesticides in a public or private swimming pool;
- (f) Purification of water intended for the use of human beings or animals;
- (g) Use inside a building; or
- (h) The application of pesticides to control ants, termites, and wasps.

**4. ENFORCEMENT:**

- (1) 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.
- (2) Bylaw Enforcement Officers are designated to enforce this Bylaw pursuant to Section 264(1)(b) of the Community Charter

**5. SEVERABILITY:**

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

**6. OFFENCE:**

Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw shall be guilty of an offence and shall be liable upon summary conviction therefore to a penalty not exceeding \$100.00 for each offence and in the case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the Offence Act.

**7. EFFECTIVE DATE:**

This bylaw comes in full force and effect and is binding on all persons as and from the date of adoption.

READ A FIRST TIME THIS 12th DAY OF APRIL, 2011

READ A SECOND TIME 12th DAY OF APRIL, 2011

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF JUNE 2011

ADOPTED THIS 4th DAY OF OCTOBER, 2011

\_\_\_\_\_  
Director of Corporate Administration

\_\_\_\_\_  
Mayor

*Certified a true copy this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

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## Schedule "A"

The following substances are Permitted Pesticides and shall be excluded from the provisions of this Bylaw (Source: Integrated Pest Management Regulation, B.C. Reg. No. 604/2004, Schedule 2 – Excluded Pesticides, as at December 18, 2008):

- 1 acetic acid (DOMESTIC)
- 2 animal repellents (DOMESTIC and COMMERCIAL) except thiram
- 3 anti-fouling paints (DOMESTIC and COMMERCIAL)
- 4 antistain 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 ferrous 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)
- 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)

