

**The District of Tofino**  
**Bylaw No. 1102, 2009**  
**A Bylaw to Regulate the Nonessential and Cosmetic Use of Pesticides**  
**within the District of Tofino**

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**WHEREAS** The Council of the District of Tofino has the authority pursuant to Section 8(3)(j) and 9 of the Community Charter and BC Reg. 144/2004,

**AND WHEREAS** regulating the non-essential and cosmetic use of pesticides will help to promote and protect the public health of Municipal residents and visitors,

**AND WHEREAS** the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment,

**AND WHEREAS** pesticides cannot be necessarily confined to a single location but move through the environment in the air, land and water and may have an impact on non-target organisms and plants

**AND WHEREAS** alternatives to the application of pesticides exist;

**NOW THEREFORE** the District of Tofino deems it expedient to provide for regulating the use of pesticides for non-essential purposes within the District of Tofino

**Title**

1. This bylaw may be cited for all purposes as Pesticide Use Reduction Bylaw No.1102, 2009.

**Definitions**

2. In this bylaw:

**“Bylaw Enforcement Officer”** means any individual duly appointed or contracted by Council to enforce this bylaw.

**“Cosmetic Purposes”** means for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf.

**“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:

- (i) a plant growth regulator, plant defoliator or plant desiccant, and
- (ii) a control product as defined in the Pest Control Products Act (Canada),
- (iii) a substance that is classified as a pesticide by the Integrated Pest Management Act (British Columbia);

**“Private Lands”** means a parcel or part of a parcel if the parcel or part is used for residential purposes.

**“Public land”** means all property held entirely or in part by the District of Tofino

**“Sensitive Ecosystem”** means Private or Public Lands with one or more of the following characteristics:

- (i) areas or landscaped features identified in a municipal plan, map or zoning bylaw as environmentally sensitive, environmentally significant, environmental protection area, development permit area for protection of the environment, or other similar purpose that is compatible with the conservation of ecological features and functions of the site; or
- (ii) local government parks or other protected areas designated or managed for the conservation of ecological features and functions of the site.

## **Regulation**

3. Unless permitted or exempted in accordance with this bylaw, no person shall apply or cause or permit the application or use of a pesticide on private lands or public lands for cosmetic purposes within the boundaries of the District of Tofino.

## **Exemptions**

4. Notwithstanding section 3, a person may be permitted to apply or to use a pesticide in the following cases:
  - (i) The use or application of permitted pesticides, see Schedule A attached to and forming part of this bylaw;
  - (ii) In a public or private swimming pool;
  - (iii) To purify water for human or animal use;
  - (iv) To buildings or the inside of buildings;
  - (v) Where permitted pursuant to s. 2(2) of BC Regulation 144/2004 as outlined in Schedule A attached to and forming this bylaw.
5. An application for exemption may be made by an applicant using the form attached to this bylaw as Schedule B.
6. A person may apply to Council for an exemption for the use of Pesticides for the following reasons:
  - (i) Pest infestations that threaten the integrity of sensitive ecosystems, or,
  - (ii) To control, destroy, reduce or repel, directly or indirectly, an animal, plant or other organism which is harmful to human health; or,
  - (iii) When the need for the use of the Pesticide is urgent and no effective non-Pesticide alternative is available.
7. When granting an exemption Council may impose one or more conditions relating to:
  - (i) the species of plant or Pest to which the Pesticide may be applied;
  - (ii) the area of land on which the Pesticide may be applied; and
  - (iii) the period of time in which the Pesticide may be applied.

## **Enforcement**

8. 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.
9. Bylaw Enforcement Officers are designated to enforce this bylaw pursuant to Section 264(1)(b) of the Community Charter.

## **Offence And Penalty**

10. Any person who violates any of the provisions of this bylaw shall upon summary conviction be liable to a penalty of not more than \$10,000 or a term of imprisonment not exceeding six months or to both.
11. Each day a person applies or causes or permits the application of a pesticide within the boundaries of the District of Tofino that is not otherwise exempted shall constitute a separate offence.
12. Fines and penalties will be enforced in accordance with District of Tofino Municipal Ticket Information Systems Bylaw No. 1088, 2009.

## **Administration**

13. The Bylaw Enforcement Officer is hereby authorized to enter at all reasonable times on any property subject to this bylaw to ascertain whether the regulations of this bylaw are being observed.
14. For the purpose of this bylaw the designated Bylaw Enforcement Officer means any of the following:
  - Chief Administrative Officer of the District of Tofino;
  - Bylaw Enforcement Officer of the District of Tofino;
  - Superintendent of Public Works of the District of Tofino;
  - Fire Chief or Deputy Fire Chief
  - RCMP and Auxiliary RCMP Officers; or their duly appointed delegates.
15. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed.

READ A FIRST TIME this 10<sup>th</sup> day of, 2009.

READ A SECOND TIME this 10<sup>th</sup> day of, 2009.

READ A THIRD TIME this 22<sup>nd</sup> day of, 2009.

Adopted by Council this 22<sup>nd</sup> day of September, 2009

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John Fraser, Mayor

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Bob Long, CAO

I hereby certify the foregoing to be a true and correct copy of "District of Tofino Pesticide Use Reduction Bylaw No.1102, 2009" as adopted by Council 09-Sept-22

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Bob Long, CAO

**SCHEDULE A  
THE DISTRICT OF TOFINO  
PERMITTED PESTICIDES**

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. 204/2004, Schedule 2 – Excluded Pesticides*):

1	acetic acid	(DOMESTIC)
2	animal repellents except thiram	(DOMESTIC and COMMERCIAL)
3	anti-fouling paints	(DOMESTIC and COMMERCIAL)
4	antispain 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 reservation	(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)
252	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)

**Schedule B  
The District of Tofino  
Pesticide Permit Application Form**

**PROPERTY INFORMATION:**

CIVIC ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

**OWNER INFORMATION:**

NAME OF OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_ EVENING TELEPHONE: \_\_\_\_\_

**COMMERCIAL APPLICATOR INFORMATION: (REQUIRED IF APPLICATOR IS NOT ON THE PROPERTY)**

NAME OF COMMERCIAL APPLICATOR: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_ EVENING TELEPHONE: \_\_\_\_\_

**POTENTIAL RISKS ASSOCIATED WITH PESTICIDE USE AND ALTERNATIVE REMEDIES**

(1) Are you aware that there may be health risks associated with general pesticide use?  
 YES       NO

(2) Have you taken measures to research alternative methods of pesticide extermination?  
 YES       NO

**DESCRIPTION OF INFESTATION:**

(1) Is this application for an insect infestation?  
 YES       NO

(2) Briefly describe infestation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_