

District of West Vancouver



Pesticide Use Control Bylaw No. 4377, 2004

Effective Date – February 14, 2005

Pesticide Use Control Bylaw No. 4377, 2004

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Pesticide Use Control Bylaw No. 4377, 2004

A Bylaw to regulate the use of pesticides for cosmetic purposes within the District of West Vancouver.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for regulating the use of pesticides for cosmetic purposes within the District of West Vancouver;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as “Pesticide Use Control Bylaw 4377, 2004”.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

3.1 In this Bylaw:

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

“**Cosmetic Purposes**” means the use of pesticides for non-essential use in certain situations where the application is purely for an aesthetic pursuit.

“**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) *Act* (Canada), and
- (d) 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 Lands**” means lands vested in the District of West Vancouver.

Part 4 Interpretation

- 4.1 Municipalities have jurisdiction to pass pesticide regulation bylaws pursuant to s.8(3)(i) and (j) of the *Community Charter*.

Part 5 Pesticide Use Control

5.1 Regulation

No person may apply or otherwise use pesticides, except Permitted Pesticides, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on Private Lands or Public Lands, except on those lands approved by Council and listed in Schedule “B”. Application for Exemption is attached as Appendix 1.

5.2 Section 5.1 does not apply to:

- 5.2.1 The application or other use of Permitted Pesticides as listed in Schedule “A”;
- 5.2.2 The application of pesticide where there is a danger to human or animal health;

- 5.2.3 The use of a biological control to destroy insects or noxious animals, including rats and mice;
- 5.2.4 The use of pesticides in a public or private swimming pool;
- 5.2.5 To purify water intended for the use of human beings or animals;
- 5.2.6 Inside of a building;
- 5.2.7 To control or destroy plants which constitute a danger for human beings who are allergic thereto.

Part 6 Offence and Penalty

Amended by
Regulatory
Bylaw
Enforcement
and Penalty
Bylaw No.
4521, 2007

- 6.1 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 or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$5,000.
- 6.2 Each day that a violation continues or exists under this bylaw is a separate offence.

Part 7 Effective Date

- 7.1 This bylaw shall come into effect on January 1, 2006.

Schedules

Schedule A – Permitted Pesticides

Schedule B – Exempted Lands

Appendix 1 - Application for Exemption

READ A FIRST TIME on January 24, 2005

READ A SECOND TIME on January 24, 2005

READ A THIRD TIME on February 07, 2005

ADOPTED by the Council on February 14, 2005

Mayor

Municipal Clerk

Schedule A – Permitted Pesticides

Pesticide Use Control Bylaw 4377, 2004

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. Pheromone traps
17. Diatomaceous earth

Schedule B - Exempted Lands
Pesticide Use Control Bylaw 4377, 2004

Lands (Public and Private) on which this Bylaw does not apply:

Application for Exemption is attached as Appendix 1

**Appendix 1 – Application for Exemption
Pesticide Use Control Bylaw 4377, 2004**

NAME	
ADDRESS	
CONTACT PERSON	
REASON FOR EXEMPTION	
Attachments:	
DATE TO COUNCIL:	