

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO 1822, 2007

A BYLAW TO REGULATE THE NONESSENTIAL AND COSMETIC USE OF PESTICIDES  
WITHIN THE RESORT MUNICIPALITY OF WHISTLER

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WHEREAS The Council of the Resort Municipality of Whistler has the authority pursuant to Section 8(3) of the *Community Charter* to enact bylaws which provide for the protection of the “health, safety and well-being” of residents;

AND WHEREAS Council desires to respond to the concerns expressed by residents about the risks to ecological integrity and biodiversity associated with the use of pesticides;

AND WHEREAS the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment, and avoiding unnecessary exposure to pesticides conforms to the precautionary principle;

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.

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS

1. **TITLE**

1.1. This bylaw may be cited for all purposes as “Pesticide Use Regulation Bylaw No.1822, 2007”.

2. **DEFINITIONS**

2.1. In this bylaw:

*biological control* means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control pests;

*cosmetic purposes* means for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf;

*Integrated Pest Management* means an ecologically based pest-control strategy that relies on natural mortality factors, such as natural enemies, weather, cultural control methods, and carefully applied doses of pesticides with an emphasis on methods that are least injurious to the environment and human health and most specific to the particular pest;

*permitted pesticide* means a pesticide listed in Schedule 2 of the *Integrated Pest Management Regulation*, included for reference as Schedule A of this Bylaw;

*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, and
- b. a control product as defined in the *Pest Control Products Act (Canada)*,
- c. a substance that is classified as a pesticide by the *Integrated Pest Management Act (British Columbia)*;

*private land* means a parcel of land that is used partially or entirely for residential purposes and includes any parcel where a residential use is permitted pursuant to the Parking and Zoning Bylaw or a Land Use Contract, and for greater clarity includes all common property in a strata development with a residential component;

*public land* means all property held entirely or in part by the Resort Municipality of Whistler;

### **3. PROHIBITION**

- 3.1. 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 Resort Municipality of Whistler.

### **4. EXCEPTIONS**

- 4.1. Notwithstanding section 3, it is permitted to apply or use a *pesticide* in the following cases:
  - 4.1.1. The use or application of *permitted pesticides*;
  - 4.1.2. In a public or private swimming pool;
  - 4.1.3. To purify water for human or animal use;
  - 4.1.4. To buildings or the inside of buildings;
  - 4.1.5. To control, destroy, reduce or repel, directly or indirectly, an animal, plant or other organism which is harmful to human health;
  - 4.1.6. Where permitted pursuant to s. 2(2) of *BC Regulation 144/2004*; and

- 4.1.7. To golf courses, only where the principals of *Integrated Pest Management* have been applied by a certified *Integrated Pest Management* practitioner with a valid pesticide applicators certificate, and the pesticide application is a last resort to avoid the loss of use of the facility.

## **5. ENFORCEMENT**

- 5.1. 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.
- 5.2. Bylaw Enforcement Officers are designated to enforce this bylaw pursuant to Section 264(1)(b) of the *Community Charter*.

## **6. OFFENCE AND PENALTY**

- 6.1. Any person who contravenes this bylaw is guilty of an offence and, upon conviction, is liable to a minimum penalty of \$250 and a maximum fine of \$5,000.
- 6.2. Each day a person applies or causes or permits the application of a *pesticide* within the boundaries of the Resort Municipality of Whistler that is not otherwise exempted shall constitute a separate offence.
- 6.3. Offences for which tickets can be issued and fines imposed are prescribed in the Ticket Information Utilization Bylaw No. 822, 1990.

## **7. EFFECTIVE DATE**

- 7.1. This bylaw comes into force and effect:
  - 7.1.1. on *public lands* as of the date of adoption; and
  - 7.1.2. on *private lands* as of December 31<sup>st</sup>, 2008

## **8. SEVERANCE**

- 8.1. 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 <sup>th</sup> day of, 2008.

READ A SECOND TIME this <sup>th</sup> day of, 2008.

READ A THIRD TIME this <sup>th</sup> day of, 2008.

ADOPTED this <sup>th</sup> day of, 2008.

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Mayor  
Ken Melamed

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Shannon Story  
Corporate Officer

I HEREBY CERTIFY that this is a true copy of

“No. \_\_\_\_\_, 2007”

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Shannon Story, Corporate Officer



# Schedule A

Permitted Pesticides  
as of November, 2007

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As per Schedule 2 of British Columbia's Integrated Pest Management Regulation, the following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

1	acetic acid (DOMESTIC)	23	laundry additives (DOMESTIC and COMMERCIAL)
2	animal repellents (DOMESTIC and COMMERCIAL) except thiram	24	material preservatives (DOMESTIC and COMMERCIAL)
3	anti-fouling paints (DOMESTIC and COMMERCIAL)	25	methoprene (DOMESTIC)
4	antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)	26	mineral oils for insect and mite control (DOMESTIC)
5	asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)	27	n-octyl bicycloheptene dicarboximide (DOMESTIC)
6	bacillus thuringiensis kurstaki (Btk) (DOMESTIC)	28	naphthalene for fabric protection (DOMESTIC)
7	bactericides used in petroleum products (DOMESTIC and COMMERCIAL)	29	paradichlorobenzene for fabric protection (DOMESTIC)
8	boron compounds (DOMESTIC)	30	pesticides in aerosol containers (DOMESTIC)
9	boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)	31	pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
10	capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)	32	piperonyl butoxide (DOMESTIC)
11	cleansers (DOMESTIC and COMMERCIAL)	33	plant growth regulators (DOMESTIC)
12	corn gluten meal (DOMESTIC and COMMERCIAL)	34	polybutene bird repellents (DOMESTIC and COMMERCIAL)
13	d-phenothryn (DOMESTIC)	35	pyrethrins (DOMESTIC)
14	d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)	36	resmethrin (DOMESTIC)
15	deodorizers (DOMESTIC and COMMERCIAL)	37	rotenone (DOMESTIC)
16	fatty acids (DOMESTIC)	38	silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
17	ferric phosphate (DOMESTIC and COMMERCIAL)	39	silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
18	ferrous sulphate (DOMESTIC and COMMERCIAL)	40	slimicides (COMMERCIAL)
19	hard surface disinfectants (DOMESTIC and COMMERCIAL)	41	soaps (DOMESTIC and COMMERCIAL)
20	insect bait stations (DOMESTIC)	42	sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
21	insect pheromones (DOMESTIC and COMMERCIAL)	43	surfactants (DOMESTIC and COMMERCIAL)
22	insect repellents (DOMESTIC)	44	swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
		45	tetramethrin (DOMESTIC)
		46	wood preservatives (DOMESTIC)