

BYLAW NO. 4254, 2012

A Bylaw to regulate the use of pesticides within the City of Coquitlam

WHEREAS:

- A. Pursuant to section 8(3)(j) of the *Community Charter*, S.B.C. 2003, c. 26 and the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, Council of the City of Coquitlam has the authority to regulate the use of pesticides within the City of Coquitlam; and
- B. Council of the City of Coquitlam considers that the regulation of pesticides will aid in the protection of the natural environment;

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the “Pesticide Use Control Bylaw No. 4254, 2012.”

2. Definitions

In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

AGRICULTURAL LAND means land designated as agricultural land under the *Agricultural Land Commission Act*, as amended or replaced from time to time, or land that is classified as farm under the *Assessment Act*, as amended or replaced from time to time;

AGRIGULTURE means any activity carried out on agricultural land that falls within the definition of “farm operations” in the *Farm Practices Protection (Right to Farm) Act*, as amended from time to time;

BIOLOGICAL CONTROL means the *use* of natural agents, such as insects, nematodes, fungi, viruses, bacteria, animals or fish to control or eradicate a *pest*;

CITY means the City of Coquitlam;

EXCLUDED PESTICIDE means a pesticide listed in Schedule “A” of this Bylaw or otherwise listed as an excluded pesticide in Schedule 2 of the *Integrated Pest Management Regulation*, BC Reg. 604/2004, as amended or replaced from time to time;

PEST means an animal, plant or other organism that is injurious noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in a human or an animal;

PESTICIDE means a chemical, *biological control* or other material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a *pest*, and includes:

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

PRIVATE RESIDENTIAL LAND means land used for residential purposes, including without limitation, common property of a strata corporation with a residential component;

CITY LAND means land owned or vested in the *City*;

USE OR USED with respect to a *pesticide*, includes mix, prepare or apply, or possess for the purpose of applying.

3. Prohibition

Except as otherwise provided under this Bylaw, a person must not *use*, or permit or cause to be used, a *pesticide* for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any *private residential land* or *City Land*.

4. Exceptions

4.1 This Bylaw does not apply to:

- 4.1.1 an *excluded pesticide*;
- 4.1.2 the management of a *pest* that transmits a human or animal disease;
- 4.1.3 the management of a *pest* that impacts *agriculture* or forestry;
- 4.1.4 residential areas of farms;
- 4.1.5 buildings or inside buildings;
- 4.1.6 land used for *agriculture*, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is on *City Land*;
- 4.1.7 the *use* of a *pesticide* in response to a human or animal health issue;
- 4.1.8 the *use* of a *biological control* to control or eradicate a *pest*; and

- 4.1.9 the Centennial Rose Garden, located at 624 Poirier Street and legally described as Lot 202 District Lot 357 Group 1 New Westminster District Plan 41262, until such time as the Fraser Pacific Rose Society has completely transitioned the Rose Garden to disease-resistant roses.

5. Sale of Pesticides

- 5.1 No person shall sell, offer for sale or display for sale any *pesticide*, other than an *excluded pesticide*, within the *City* unless that person displays the notice attached as Schedule B to this Bylaw at every display of the *pesticide*.

6. Offence and Penalty

- 6.1 Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues is deemed to be a separate offence against this Bylaw.
- 6.2 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 the maximum set out in the *Offence Act*, as amended.

7. Severability

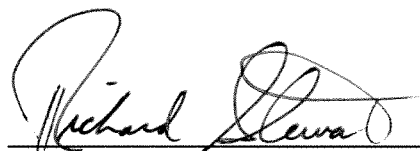
If any section or part of a section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the severed portion.

READ A FIRST TIME this 20th day of February, 2012.

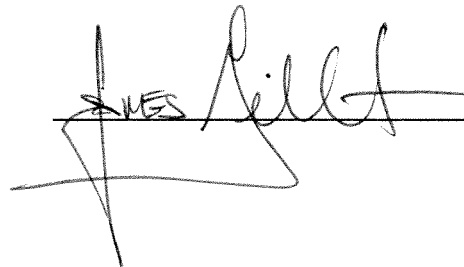
READ A SECOND TIME this 20th day of February, 2012.

READ A THIRD TIME this 20th day of February, 2012.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 23rd day of April, 2012.



MAYOR



CLERK

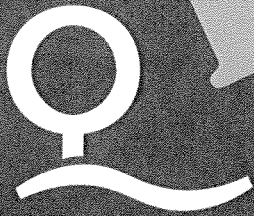
SCHEDULE "A"

Excluded Pesticides

- 1 acetic acid (DOMESTIC)
- 2 animal repellents (DOMESTIC and COMMERCIAL) except thiram
- 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 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)



Coquitlam's New Pesticide Use Control Bylaw

Since Coquitlam City Council adopted the Pesticide Use Control Bylaw No. 4254 on _____, 2012, many pesticides can no longer be used for garden and lawn beautification or maintenance on residential and City land, even if they are legally allowed for sale. This Bylaw regulates the use of pesticides on all residential and City-owned land within Coquitlam.

Are all pesticides now restricted?

Most conventional pesticides, including products labeled herbicide, insecticide, fungicide or combined fertilizer/herbicide products (often referred to as "weed and feed") are now restricted, except:

- ☛ Pesticides listed as Permitted Pesticides on the other side of this notice, and
- ☛ Biological pest controls (including nematodes, lady beetles and bacterial pesticides such as *Bacillus thuringiensis* or Bt).

How do I know if a pesticide is restricted or permitted?

Read the label. Common active ingredients in most conventional pesticides, such as 2,4-D, Mecoprop, Dicamba, Glyphosate, Carbaryl and Malathion are now restricted under the Bylaw.

However, many safer alternatives are available, effective and exempt from the Bylaw. If the active ingredient of your product is on the Permitted list on the other side of this notice, it is still allowed by this Bylaw.

Who do I contact about this Bylaw?

The City's Pesticide Use Control Bylaw No. 4254 and related information is available on the City's website at www.coquitlam.ca/pesticides. If you have any questions or comments, please call 604-927-3583.