



STATEMENT RESPECTING REASONS FOR ADOPTING A BYLAW

Town of Golden Pesticide Regulation Bylaw 1244, 2009

An increasing number of Canadians are becoming aware of and becoming protected by local government bylaws and provincial government legislation banning or regulating the use of cosmetically targeted pesticides as a result of growing public opposition to their use.

Notwithstanding, the prudent and measured use of some pesticides is necessary to maintain and protect some public infrastructure and amenities and control infestations.

This bylaw therefore not only responds to public concerns surrounding the use of pesticides by prohibiting their cosmetic use and advocating for alternatives, but also concedes their limited use to protect important public infrastructure and amenities.

TOWN OF GOLDEN

BYLAW NUMBER 1244, 2009 PESTICIDE REGULATION

Being a bylaw to regulate the non-essential use of pesticides within the Town of Golden

NOW THEREFORE, the Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. Citation

This bylaw may be cited for all purposes as the “Town of Golden Pesticide Regulation Bylaw No. 1244, 2009”.

2. Definitions

(1) In this Bylaw,

- (a) “Council” means the Council of the Town of Golden;
- (b) “Enforcement Officer” means any designated Peace Officer including a conservation officer, bylaw enforcement officer, or building inspector as designated by the Town of Golden.
- (c) “Excluded Pesticide” means a Pesticide as listed in Schedule 2 of the Integrated Pest Management Regulation (BC Reg. 604/2004) and subsequent amendments and included as Schedule A, forming a part of this bylaw;
- (d) “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;
- (e) “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:
 - (i) a plant growth regulator, plant defoliator or plant desiccant;
 - (ii) a control 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).
- (f) “Private Land” means a parcel or a part of a parcel if the parcel or part is used for residential purposes in the Town but does not include parcels occupied or owned by institutions, commercial, or industrial establishments;
- (g) “Public Infrastructure” means built structures and amenities on Public Land including but not limited to roads, curbs, gutters, sidewalks, retaining walls, dykes, foundations, outdoor playing surfaces, parking lots, and gathering areas;
- (h) “Public Land” means land vested in the Town; and
- (i) “Town” means the Town of Golden.

3. Regulation

No person shall use or apply a Pesticide or grant the permission or authority, express or implied, to use or apply a 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.

4. Exceptions

- (1) Section 3 does not apply to the use or application of a Pesticide
 - (a) that is an Excluded Pesticide,
 - (b) to manage pests that transmit human diseases,
 - (c) to manage pests that impact agriculture or forestry,
 - (d) to buildings or inside buildings,
 - (e) on land used for industrial, commercial or institutional purposes; transportation, public utilities, or pipelines;
 - (f) used to protect Public Infrastructure;
 - (g) used to address an economic or environmental threat to urban forests and authorized for use by the Town or a higher public authority; or,
 - (g) used to control a Noxious Weed as defined in the *BC Weed Control Act and Regulations*.

5. Implementation

- (1) This Bylaw shall apply to
 - (a) Public Lands as at the date of adoption; and
 - (b) Private Lands as at April 1st, 2011.

6. Offences

- (1) Any person who contravenes any provision of this Bylaw shall be guilty of an offence.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

7. Enforcement

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

8. Penalties

- (1) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (2) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Use or application of a Pesticide within the Town	3	\$100.00

9. Severability

The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME THIS 11TH DAY OF AUGUST , 2009.

READ A SECOND TIME THIS 21ST DAY OF SEPTEMBER , 2010.

READ A THIRD TIME THIS 21ST DAY OF SEPTEMBER , 2010.

ADOPTED THIS 5th DAY OF OCTOBER, 2010, BY A UNANIMOUS DECISION OF ALL MEMBERS OF TOWN COUNCIL PRESENT AND ELIGIBLE TO VOTE

MAYOR

CORPORATE OFFICER

SCHEDULE A
BC Regulation 604/2004 - Integrated Pest Management Regulation
 (as at December 18th, 2008)
Schedule 2 — 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) BC Integrated Pest Management Regulation *Schedule 2*
- 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)