



## VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 948

### A bylaw to regulate the non-essential use of pesticides

**WHEREAS** residents of the Village of Harrison Hot Springs are concerned about the non-essential use of pesticides and the risks that they may pose to the health and well-being of the environment and residents;

**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;

**AND WHEREAS** the Precautionary Principle of international law supports local governments anticipating and preventing threats of harm to the environment, even if some cause-and-effect relationships are not fully established scientifically;

**AND WHEREAS**, pursuant to the *Community Charter* and the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, the Council of the Village of Harrison Hot Springs may pass bylaws regulating the application of pesticides;

**NOW THEREFORE** the Council of the Village of Harrison Hot Springs, in open meeting assembled, enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Pesticide Use Bylaw No. 948", 2010.

#### 2. DEFINITION

a) In this Bylaw,

**"Bylaw Enforcement Officer"** means for the Village of Harrison Hot Springs or any other person designated by Council;

**"Council"** means the Council of the Village of Harrison Hot Springs;

**"Permitted Pesticide"** means a Pesticide as listed in the attached 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:

- (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).

**“Private Land”** means a parcel or a part of a parcel if the parcel or part is used for residential purposes in the Village of Harrison Hot Springs but does not include residential areas of farms;

**“Public Land”** means land vested in the Village of Harrison Hot Springs; and

**“Village”** means the Village of Harrison Hot Springs.

### 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, shrub, flowers, other ornamental plants and turf on, in, under or upon any Private Land or Public Land.

### 4. EXCEPTION

- a) Section 3 does not apply to the use or application of a Pesticide:
  - i) that is a Permitted Pesticide
  - ii) To manage pests that transmit human diseases,
  - iii) To manage pests that impact agriculture or forestry,
  - iv) To buildings or inside buildings, or
  - v) On land used for agriculture, forestry, transportation, public utilities or pipelines.

### 5. OFFENCES

- 1) Any person who contravenes any provision of this Bylaw shall be guilty of an offence and shall, upon summary conviction thereof, be liable to a minimum penalty of \$500.00 and a maximum fine of \$10,000.
- 2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

### 6. 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 Bylaw Enforcement Notice 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*.

7. Appendix "A", Permitted Pesticides attached hereunto forms part of this Bylaw.

8. **READINGS AND ADOPTION**

READ A FIRST TIME THIS 16TH DAY OF AUGUST, 2010

READ A SECOND TIME THIS 16TH DAY OF AUGUST, 2010

READ A THIRD TIME THIS 16TH DAY OF AUGUST, 2010

ADOPTED THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2010

  
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Mayor

  
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Corporate Officer

**APPENDIX "A"****Permitted Pesticides**

The following substances are permitted pesticides:

1. Insecticidal soaps
2. Herbicidal soaps
3. BT (*Bacillus thuringiensis*)
4. Nematodes
5. Other biological control organisms
6. Animal repellents
7. Rodenticides
8. Injected 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. Pruning paint
17. Pheromone traps
18. Pyrethrum (or pyrethrin)
19. Diatomaceous earth