



CITY OF KAMLOOPS

**PESTICIDE USE CONTROL
BY-LAW NO. 26-2
Effective Date – 2009 July 28**

Consolidated for Convenience Only

This is a consolidation of "Pesticide Use Control By-law No. 26-2, 2009." The amendment by-laws listed below have been combined with the original by-law for convenience only. This consolidation is not a legal document. The original by-laws should be consulted for all interpretations and applications on this subject.

Amendment By-law	Effective Date
26-3 Amends Section 301 to require licensed applicators to apply for exemptions annually.	July 13, 2010

The by-law numbers in the margins of this consolidation refer to the by-laws that amended the principal by-law "Pesticide Use Control By-law No. 26-2, 2009".

This is a consolidated by-law prepared by the City of Kamloops for information only. To verify the accuracy and currency of this information, please contact Legislative Services at 250-828-3483 or email legislate@kamloops.ca.

CITY OF KAMLOOPS

BY-LAW NO. 26-2

A BY-LAW TO REGULATE THE USE OF
PESTICIDES WITHIN THE CITY OF KAMLOOPS

WHEREAS environmental protection has emerged as a fundamental value in Canadian society;

AND WHEREAS the Municipal Council of the City of Kamloops wishes to regulate the use of pesticides for non-essential purposes within Kamloops;

The Municipal Council of the City of Kamloops, in open meeting assembled, enacts as follows:

Title

1. This by-law may be cited as the "City of Kamloops Pesticide Use Control By-law No. 26-2, 2009".

Effective Date

2. This by-law shall apply to:
 - a) Lands vested in the City of Kamloops, as at the date of adoption; and
 - b) Residential Lands, as at 2010 March 15.

Contents

3. This by-law is divided into the following divisions:

Division One - Definitions and Interpretation
Division Two - Regulations
Division Three - Exemptions
Division Four - Notification
Division Five - Offences and Penalties
Division Six - Schedules

DIVISION ONE - DEFINITIONS AND INTERPRETATION**Definitions**

101. In this by-law:

"Approved Applicator" means a Person who has been exempted pursuant to Section 301 of this by-law.

"Excluded Pesticide" means a pesticide listed in Schedule 2 of the *Integrated Pest Management Regulation, BC Reg. No. 604/2004*, as amended from time to time.

"Farm" means land classified as farm land under the *Assessment Act* (British Columbia), as amended from time to time.

"IPM Coordinator" means the person appointed from time to time as the City of Kamloops Integrated Pest Management Coordinator, and any person delegated to assist in carrying out his/her duties under this by-law.

"Land Used for Agriculture" means land designated as agricultural land under the *Agricultural Land Commission Act* (British Columbia), as amended from time to time, or any predecessor legislation to that Act.

"Person" means any individual, firm, partnership, association, society, corporation or group.

"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:

- a) A pest control product as defined in the *Pest Control Products Act* (Canada), as amended from time to time; and
- b) A substance that is classified as a pesticide under the *Integrated Pest Management Act* (British Columbia), as amended from time to time.

"Residential Lands" means a parcel or part of a parcel used for residential purposes.

Severability

102. If any portion of this by-law is held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remaining portions of this by-law.

DIVISION TWO - REGULATIONS**Prohibition**

201. Except as permitted in this by-law, no Person may use or apply Pesticides or grant permission or authority to use or apply Pesticides on Residential Lands, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf. In this section, "maintaining" includes controlling, suppressing or eradicating a Pest or plant growth.

Exceptions

202. Section 201 does not apply to a Pesticide that is:

- a) An Excluded Pesticide;
- b) Applied for the management of Pests that transmit human diseases or constitute a danger to people;
- c) Applied for the management of Pests that impact agriculture or forestry;
- d) Applied to a building or greenhouse, or inside a building or greenhouse, or to a residential area of a Farm;
- e) Applied to fruit or vegetable gardens, or fruit trees;
- f) Applied on Land Used for Agriculture, or a Farm, or land used for forestry, transportation, public utility corridors or pipelines, unless the public utility or pipeline is vested in the City of Kamloops;
- g) Applied to a public or private swimming pool;
- h) Applied for the control of weeds or plants that are:
 - i) designated as a noxious weed under the *Weed Control Act* (British Columbia), as amended from time to time; or
 - ii) designated from time to time as an invasive weed or plant by the Southern Interior Weed Management Committee;
- i) Applied to control noxious and/or invasive insects, as designated from time to time by Her Majesty the Queen in Right of the Province of British Columbia or any governmental entity agent thereof; or
- j) Applied on lands vested in Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of the Province of British Columbia, or any other governmental entity or an agent of the foregoing.

DIVISION THREE - EXEMPTIONS**Application for Exemption**

- (26-3) 301. A Person may apply to the City of Kamloops IPM Coordinator for an exemption from Section 201 of this by-law on an annual basis, in the form prescribed for that purpose by the IPM Coordinator. The IPM Coordinator shall grant such an exemption and designate the applicant as an Approved Applicator, so long as the applicant provides all of the information required in the exemption application form and satisfies the IPM Coordinator that the applicant, and all individuals employed by the applicant and designated to apply pesticides, maintain a valid Pesticide Applicator Certificate issued pursuant to the *Integrated Pest Management Act* (British Columbia) and the Integrated Pest Management Regulation, BC Regulation No. 604/2004, as amended from time to time.

DIVISION FOUR - NOTIFICATION

401. Where an Approved Applicator applies a Pesticide on land which is subject to this by-law, the Approved Applicator must post a notice on that land and the notice must comply with the following requirements:

Timing of Notice

- a) The notice must be posted at least twenty-four (24) hours prior to the proposed application of any Pesticide, and must remain in place for at least forty-eight (48) hours after the application of any Pesticide;

Contents of Notice

- b) The notice must contain, at minimum, the following which is set forth in Schedule "A" attached to and forming part of this by-law:
- i) a description of the Pesticide treatment area;
 - ii) the name of the targeted Pest;
 - iii) the registration number under the *Pest Control Products Act* (British Columbia) of the Pesticide to be used, as well as the Pesticide's active ingredient;
 - iv) the proposed date and start time of the pesticide use which shall remain in effect for a maximum of 96 hours (4 days);
 - v) precautions, including a statement that indicates the period of time following Pesticide treatment during which people should not enter the treated area and any additional precautions needed to minimize exposure to Pesticides or residues;
 - vi) the name of the Approved Applicator and the Approved Applicator's license number; and

- vii) a phone number at which the Approved Applicator or an employee of the Approved Applicator can be reached for more information about the Pesticide use.
- c) The notice must have the following characteristics:
 - i) be at least 550 cm² in size;
 - ii) be constructed of water resistant material;
 - iii) use type or letters that are clearly legible to a person approaching the Pesticide treatment area;
 - iv) contain a cautionary symbol, such as a stop sign or a raised hand, that will draw the attention of a person approaching the Pesticide treatment area; and
 - v) display, in bold, block letters, the words "NOTICE OF PESTICIDE USE".

Location of Notice

- d) Notices must be posted:
 - i) At a conspicuous point in the front of the land on which the pesticide is being applied and at intervals around or along the Pesticide treatment area so as to ensure that a notice is clearly visible and will provide notice of the Pesticide use to any person approaching the Pesticide treatment area;
 - ii) Perpendicular to the roadway; and
 - iii) 1.5 m from the back of the sidewalk, curb, or edge of roadway (whichever is closest to the property).

DIVISION FIVE - OFFENCES AND PENALTIES

501. Every Person who contravenes, violates or fails to comply with any provision of this by-law, or who suffers or permits any act or thing to be done in contravention or violation of this by-law, or who fails to do anything required by this by-law, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000 and not less than \$250, the costs of the prosecution, and any other order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia), as amended from time to time.
502. This by-law may be enforced by means of a ticket issued under the *City of Kamloops Municipal Ticket Utilization By-law, No. 43-6*, as amended from time to time and such ticket may include those fines and penalties set out in Schedule "B" - Fine Schedule for Municipal Ticket Information Prosecutions.

503. Each day that an offence against this by-law continues or exists shall be deemed a separate and distinct offence.
504. Any penalty imposed pursuant to this by-law shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

DIVISION SIX - SCHEDULES

601. The following Schedules are attached to and form part of this by-law and are enforceable in the same manner as this by-law:
- a) Schedule "A" - Notice of Pesticide Use Sign (minimum requirements);
 - b) Schedule "B" - Fine Schedule for Municipal Ticket Information Prosecutions.



SCHEDULE "A"

NOTICE OF PESTICIDE USE

TREATMENT AREA(S): _____

PEST(S) TO BE CONTROLLED:

WEEDS VEGETATION INSECTS OTHER

TARGET DETAILS: _____

ANTICIPATED APPLICATION DATE:

DAY	MONTH	YEAR

START TIME

:		<input type="checkbox"/> A.M.
:		<input type="checkbox"/> P.M.

APPLICATION DATE IS VALID FOR 96 HOURS (4 DAYS)

FOR INFORMATION CONTACT:

TELEPHONE: _____

LICENSEE: _____

LICENCE NO. _____

SEE REVERSE FOR ADDITIONAL DETAILS



SCHEDULE "A" (Continued)

NOTICE OF PESTICIDE USE

PESTICIDE REGISTRATION NUMBER

MARKED BEING APPLIED

<input type="checkbox"/>	_____ # _____
<input type="checkbox"/>	_____ # _____
<input type="checkbox"/>	_____ # _____
<input type="checkbox"/>	_____ # _____
<input type="checkbox"/>	_____ # _____
<input type="checkbox"/>	_____ # _____

TREATED DATE: _____

DAY MONTH YEAR

PESTICIDE USE PERMIT OR PEST MANAGEMENT PLAN # _____

Precautions to Minimize Exposure to Pesticides: **Do not enter the treated area before** _____

TIME DAY MONTH

*For emergency medical information contact:
BC Drug and Poison Information Centre 1-800-567-8911 or 604-682-5050*

SCHEDULE "B"**Fine Schedule for Municipal Ticket Information Prosecutions**

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Prohibited Application	Section 201	\$250
Improper Notice	Section 401	\$250