

THE CORPORATION OF DELTA

BYLAW NO. 6788

A Bylaw to regulate the use of pesticides for cosmetic purposes

The Municipal Council of the Corporation of Delta ENACTS as follows:

1. Citation

This Bylaw may be cited for all purposes as “**DELTA PESTICIDE USE CONTROL BYLAW No 6788, 2009**”.

2. Definitions

In this bylaw:

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

“**excluded pesticide**” has the same meaning as in the *Integrated Pest Management Regulation, B.C. Reg 604/2004*, as amended from time to time;

“**hard landscape**” means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood or brick pavers;

“**infestation**” means the presence of pests in numbers or under conditions that involves an immediate risk of structural damage to property or significant financial loss in respect of the use of property;

“**Municipality**” means that land and water within the jurisdiction of The Corporation of Delta;

“**permitted pesticide**” means a pesticide listed in Schedule “A”, or otherwise listed as an excluded pesticide in Schedule 2 of the *Integrated Pest Management Regulation* (British Columbia), as amended from time to time;

“**pest**” means an animal, a 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;

“**pesticide**” means a microorganism 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;

(b) a control product as defined in the *Pest Control Products Act* (Canada); and

(c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia);

“**private lands**” means a parcel or part of a parcel if the parcel or part is used for residential purposes other than a residential area of a farm;

“**public lands**” means lands owned by The Corporation of Delta.

3. Regulation

Except as otherwise permitted under this Bylaw, no person shall apply or cause or permit to be applied a pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on private lands or public lands within the Municipality.

4. Exceptions

This Bylaw shall not apply in respect of:

- (a) the use of a permitted pesticide or an excluded pesticide;
- (b) the use of a pesticide in response to a danger to human or animal health or for the management of pests that transmit human diseases or impact agriculture or forestry;
- (c) the use of a pesticide to disinfect a swimming pool, wading pool, whirlpool or ornamental water fountain;
- (d) the use of a pesticide to purify water intended for human or animal consumption;
- (e) the use of a biological control to destroy noxious pests, including rats and mice;
- (f) the use of a pesticide to control an infestation;
- (g) the use of a pesticide inside of a building;
- (h) the use of a pesticide to prevent the deterioration of hard landscapes; and
- (i) the use of pesticides on public land used for public utilities or pipelines unless the public utility or pipeline is owned by The Corporation of Delta.

5. Offence and Penalty

(1) 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 to the penalties as may be imposed under the *Offence Act*, R.S.B.C. 1996, c.338.

(2) Each day that a violation continues or exists under this Bylaw is a separate offence.

6. Severability

If any section or provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

7. Schedules

Schedule A attached hereto shall form part of the Bylaw.

8. Effective Date

This Bylaw comes into force that date that is one year after the date this bylaw is finally considered and adopted.

READ A FIRST TIME the **27th** day of **July, 2009.**

READ A SECOND TIME the **27th** day of **July, 2009.**

READ A THIRD TIME as Amended the **16th** day of **November, 2009.**

FINALLY CONSIDERED AND ADOPTED the **16th** day of **November, 2009.**

"Bruce McDonald"

Bruce McDonald
Acting Mayor

"Sandra MacFarlane"

Sandra MacFarlane
Acting Municipal Clerk

SCHEDULE "A"

Permitted Pesticides

The following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

- (1) Insecticidal soaps
 - (2) Algicides and bactericides used in swimming pools, wading pools, whirlpools or ornamental fountains
 - (3) Bt (*Bacillus thuringiensis*)
 - (4) Nematodes
 - (5) Other biological control organisms
 - (6) Animal repellents
 - (7) Rodenticides
 - (8) Injected tree 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 phrethrin)
 - (19) Diatomaceous earth
 - (20) Acetic acid
 - (21) Corn gluten meal
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