

TOWN OF GIBSONS

Bylaw No. 996, 2005

A bylaw to regulate the cosmetic use of pesticides

WHEREAS environmental protection has emerged as a fundamental value in Canadian society and the common future of every Canadian community depends on a healthy environment;

AND WHEREAS avoiding unnecessary exposure to pesticides conforms to the precautionary principle as it applies to the use of pesticides;

AND WHEREAS minimizing the use of pesticides will promote the health of the inhabitants of the Town of Gibsons;

NOW THEREFORE the Council of the Town of Gibsons in open meeting assembled hereby enacts as follows:

Citation

- 1 This Bylaw may be cited for all purposes as "Town of Gibsons Pesticide Regulation Bylaw No. 996, 2005".

Definitions

- 2 In this bylaw:

Biological Control means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control pests;

Cosmetic Use means the use of pesticides for non-essential use, that is where the application is purely for an aesthetic pursuit;

Enclosed means closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, which openings are equipped with doors which are kept closed except when actually in use for ingress or egress;

Health Hazard means a pest that has or is likely to have an adverse effect on the health of any person;

Infestation means the presence of pests in numbers or under conditions that involve an immediate or potential risk of substantial loss or damage;

Licensed Applicator means a person who holds a valid license, permit or certificate issued by the British Columbia Ministry of Environment Lands and Parks;

Permitted Pesticide means a pesticide listed in Schedule “A” of this bylaw;

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) herbicides, that are 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 any lands owned in fee-simple by any party other than Her Majesty the Queen in Right of Canada, Her Majesty the Queen in right of the Province of British Columbia, a local government entity or an agent of the foregoing;

Public Lands means lands owned by Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of the Province of British Columbia, the Town of Gibsons, any other local government entity or an agent of the foregoing;

Treated Property means the parcel upon a portion of which a pesticide has been or will be applied;

Town means the Town of Gibsons;

Utility Operator means a public or private utility such as electricity, gas, oil, cellular and may include Federal or Provincial agencies such as transportation authorities.

Application

3 This Bylaw shall apply to both Public and Private Lands.

General Prohibition

- 4 Unless permitted or exempted in accordance with this bylaw, no person shall apply or cause or permit the application of a pesticide within the boundaries of the Town of Gibsons.

Exemptions

- 5 This Bylaw shall not apply in respect of:
- (1) Public Lands unless such Utility Operator voluntarily consent to and agree to the application of the Bylaw;
 - (2) the use or application of Pesticides listed in Schedule A;
 - (3) disinfecting swimming pools, whirlpools, spas or wading pools;
 - (4) purifying water intended for use by humans or animals;
 - (5) within an Enclosed building;
 - (6) the use of a biological control to exterminate or repel pests, including rats and mice;
 - (7) controlling ants and termites;
 - (8) controlling or destroying insects which have infested property (The infestation must be positively confirmed, in writing, by a qualified individual.)
 - (9) controlling or destroying a health hazard;
 - (10) an insecticide bait which is enclosed by the manufacturer in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans and pets; and.
 - (11) an insect repellent for personal use.

Permit

- 6 (1) Upon application to the Town in the prescribed form (Schedule B) and the payment of any fee by a property owner or a tenant, the Town may issue a permit for the application of a Pesticide.
- (2) The application fee is hereby set at \$50.00.

Utility Corridors

- 7 Notwithstanding Section 5(1), a Utility Operator may use a Pesticide on a utility corridor or highway right-of way providing the following conditions are met:
- (1) The use of a Pesticide shall be done by a Licensed Applicator;
 - (2) The Pesticide shall be stored in a fireproof storage area with containment, ventilation, steel shelving, and appropriate signage and the owner shall maintain an up-to-date inventory that shall be available to the Town upon request;

- (3) The applicator must have, and comply with, material safety data sheets available for each Pesticide they apply and they must provide the sheet to any abutter of the property on which the Pesticide is being applied;
- (4) There shall be no application of a Pesticide within two (2) metres of a property line;
- (5) There shall be no application of a Pesticide within five (5) metres of a bus stop, schoolyard, licensed day care facility, senior's facility, hospital, medical clinic, playground or park;
- (6) There shall be no application of a Pesticide within twenty (20) metres of an open watercourse, weir or wetland;
- (7) There shall be no application of a Pesticide when the wind velocity exceeds eight (8) km/hr. or during any rainfall event;
- (8) Each year in the month of January, the owner of Treated Properties which have utilized Pesticide application under the terms and conditions of this section shall submit to the Town a written report outlining all Pesticides used and applied during the year and the meteorological conditions under which they were applied in accordance with this section.

Application of a Pesticide

- 8 (1) Any person who applies a Pesticide that is not otherwise exempted under Section 5 of this bylaw shall:
 - (a) prior to commencing the application of a Pesticide, obtain a permit in accordance with Section 6 of this bylaw;
 - (b) post signs clearly visible from any road or public pathway abutting the Treated Property which shall:
 - (i) measure at least 12 centimetres by 17 centimetres, be made of a material that is weather resistant and be placed on a support that is weather resistant;
 - (ii) indicate clearly that a Pesticide shall be or has been applied on the Treated Property, shall indicate clearly the commercial name of the Pesticide which shall be or has been applied; and,
 - (iii) be placed on the Treated Property, as follows:
 - on the frontage of a Treated Property which is not located on a corner, one (1) Sign shall be placed within three (3) meters of each of the property lines separating the Treated Property from the adjacent property; and thereafter one (1) Sign every sixteen (16) meters;
 - on each frontage of a Treated Property located on a corner, one (1) Sign within three (3) meters of the property line separating the property where the Application has been made from the property

- adjacent to it, and thereafter one (1) Sign every sixteen (16) meters;
- (iv) shall be erected on the Treated Property for a period of not less than twenty-four (24) hours preceding the day the Application of the Pesticide is to commence and shall remain in place for a period of at least 24 hours following the completion of the Application of the Pesticide;
 - (c) not apply a Pesticide within two (2) meters of any property line unless the notification in writing of the adjoining property owner has been obtained in writing;
 - (d) not apply a Pesticide within five (5) meters of a bus stop, schoolyard or park;
 - (d) not apply Pesticide within a distance of fifteen (15) meters from a surface well or of three (3) meters from an artesian well;
 - (f) not apply a Pesticide within twenty (20) meters of any of the following:
 - (i) a river, lake, stream, pond or open water;
 - (ii) an enclosed depression with definable banks capable of containing water;
 - (iii) any channel having definable beds and banks capable of conducting confined runoff from adjacent lands;
 - (iv) a wetlands;
 - (g) apply the Pesticide in accordance with the written instructions of the manufacturer and/or the label on the container but where those written instructions contradict any provision of this bylaw the greater distance, lesser wind speed, greater time after/before rainfall, or the lesser air temperature shall apply;
 - (h) not apply a pesticide by means of spraying or fogging on trees or shrubs when the wind velocity exceeds eight (8) km/hr;
 - (i) not apply a Pesticide when it is raining or the forecast of rain within the period indicated on the Pesticide packaging material as necessary to ensure the efficient application of the Pesticide unless otherwise indicated on the Pesticide's label;
 - (j) not apply a Pesticide when the temperature exceeds 27 degrees Celsius unless otherwise indicated on the Pesticide's label; and,
 - (k) not apply an insecticide on trees during their blooming period.

Offence

- 9 (1) Any person who applies or causes or permits the application of a pesticide within the boundaries of the Town of Gibsons that is not otherwise exempted and without a permit is guilty of an offense under this bylaw.
- (2) Each day a person applies or causes or permits the application of a pesticide within the boundaries of the Town of Gibsons that is not

otherwise exempted and without a permit shall constitute a separate offence.

Penalty

- 10 (1) Any person guilty of an offence under this bylaw is punishable in accordance with the Offence Act.
- (2) Any person guilty of an offence under this bylaw shall be liable on conviction to a fine in accordance with the Offence Act.

Severability

- 11 If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

READ a first time this the 15th day of March 2005

READ a second time this the 5th day of April 2005

READ a third time this the 5th day of April 2005

FINALLY CONSIDERED AND ADOPTED this the 19th day of April 2005

Barry J. Janyk, Mayor

James A. Gordon, Corporate Officer

Certified a true copy of
"Town of Gibsons Pesticide Regulation Bylaw No. 996, 2005"

James A Gordon, Corporate Officer

SCHEDULE “A”
Exempted Pesticides

The following substances are exempted from the provisions of this Bylaw:

- (1) a product that uses pheromones to lure Pests, sticky media to trap Pests or quick-kill traps for vertebrate species considered Pests such as mice and rats; and,
- (2) a product that is, or contains, any of the following active ingredients:
 - (a) a soap (insecticidal/herbicidal);
 - (b) a mineral oil, also called dormant or horticultural oil;
 - (c) Silicon dioxide, also called diatomaceous earth;
 - (d) Bt (*Bacillus thuringiensis*), nematodes and other biological control organisms;
 - (e) borax, also called boric acid or boracic acid;
 - (f) ferric phosphate;
 - (g) acetic acid;
 - (h) pyrethrum or pyrethrins;
 - (i) fatty acids;
 - (j) animal repellents;
 - (k) sulphur (ex: Bordeaux mixture and Lime Sulphur);
 - (l) fertilizers which do not contain chemical or synthetic pesticides within the meaning of the federal Pest Control Products Act; or
 - (m) any other substances approved through the Canadian General Standards Board for Organic Agriculture will be deemed permitted pesticides.



SCHEDULE "B"
APPLICATION FORM
PESTICIDE PERMIT APPLICATION FORM

PROPERTY INFORMATION:

CIVIC ADDRESS: _____
LEGAL DESCRIPTION: _____
LOT BLOCK DL PLAN PID

OWNER INFORMATION:

NAME OF OWNER: _____
MAILING ADDRESS: _____
DAYTIME TELEPHONE: _____ EVENING TELEPHONE: _____

COMMERCIAL APPLICATOR INFORMATION: (REQUIRED IF APPLICATOR IS NOT THE PROPERTY OWNER)

NAME OF COMMERCIAL APPLICATOR: _____
MAILING ADDRESS: _____
DAYTIME TELEPHONE: _____ EVENING TELEPHONE: _____

**POTENTIAL RISKS ASSOCIATED WITH PESTICIDE USE
AND ALTERNATIVE REMEDIES**

(1) Are you aware that there may be health risks associated with general pesticide use?

YES **NO**

(2) Have you taken measures to research alternative methods of pesticide extermination?

YES **NO**

(If no, please check online sources or visit the library for more information on alternative remedies to pesticide use).

DESCRIPTION OF INFESTATION: (PLEASE REFER TO BYLAW 996, 2005 FOR FURTHER INFORMATION)

(1) Is this application for an insect infestation?

YES

NO

(2) Briefly describe infestation: _____

(3) Is the plant or insect a danger to human beings?

YES

NO

If yes please specify nature of the danger. _____

(4) What is the name of the company or individual who did the infestation assessment? _____

(5) What is the name of the pesticide manufacturer? _____

(6) What is the commercial brand name of the pesticide? _____

(7) What is the PCP registration number? _____

(8) Please provide information from label instructions that indicates target pests, inert and active ingredients, ratio of application, formulation etc. (If possible, attach a copy of the pesticides label). _____

(9) Describe how the pesticide is used/applied: _____

(10) Is this property within 50 metres of a public property, including but not limited to, schools and Parks?

YES

NO

(11) Have there been previous requests for pesticide use on this property?

YES

NO

(12) What is the proposed date and time of day for this pesticide application?

I HEREBY MAKE APPLICATION TO APPLY PESTICIDE TO THE ABOVE NOTED PROPERTY AND SWEAR THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

PROPERTY OWNER'S SIGNATURE

DATE

The personal information collected on this form is done so pursuant to the Community Charter and/or the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The personal information collected herein will be used only for the purpose of processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, or is compelled by a Court or an agent duly authorized under another Act. Further information may be obtained by speaking with the Town's Director of Corporate Administration at 604-886-2274 or 474 South Fletcher Road, Gibsons.

FOR OFFICE USE ONLY

Received by: _____

Application No.: _____ Date: _____