By-law to Regulate the use of Pesticides

PH-14 – Consolidated – September 29, 2008

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London
CANADA

OFFICE CONSOLIDATION
INCLUDING AMENDMENT PH-14-08001 (Sept 29/08)

Bill No. 287
2006

By-law No. PH-14

A by-law to regulate the use of pesticides within the City of London

WHEREAS section 130 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes the City to enact by-laws which provide for the protection of the "health, safety and well-being" of City residents;

AND WHEREAS the Council of the City of London desires to respond to the concerns expressed by City residents about the health risks associated with the use of pesticides;

AND WHEREAS regulating the non-essential use of pesticides will help to promote and protect the health of City residents;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Definitions

1. In this by-law the following words have the following meanings:

"infestation" means the presence of insects in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage.

"Integrated Pest Management" means a decision-making process for pest control intended to use all available techniques in an environmentally sound manner to sustain healthy horticultural landscapes.

"pesticide" includes:

A. A product, an organism or a substance that is a registered control product under the federal *Pest Control Products Act* which is used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects.

B. Despite Subsection A, a pesticide does not include the products listed in Schedule "A" to this by-law.

Offence

2. No person shall apply or cause or permit the application of a pesticide within the boundaries of the City of London.

Statement of General Provision

2.1 In addition to the penalties contained in section 4, the City may utilize the measures in sections 2.2 through 2.11

Contravention of Order

2.2 No person shall contravene a Work Order or an Order to Discontinue Activity.

Hinder or Obstruct

2.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty, including carrying out an inspection.

Order to Discontinue Activity

2.4 If a municipal law enforcement officer is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

Order to Discontinue Activity - particulars

2.5 An Order to Discontinue Activity shall set out:

(a) the municipal address of the property on which the contravention occurred;
(b) the date of the contravention;
(c) the reasonable particulars of the contravention of the by-law;
(d) the date by which there must be compliance with the order; and
(e) the date on which the order expires.

Order to Discontinue Activity - service

2.6 The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

Work Order – contravention of by-law

2.7 If a municipal law enforcement officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order, requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.

Work Order - contents

2.8 The Work Order shall set out:

(a) the municipal address or the legal description of the land;
(b) reasonable particulars of the contravention and of the work to be done;
(c) a deadline, being a specific date, for compliance with the Work Order; and
(d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

Work Order – service

2.9 The Work Order may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

Work Order – unable to effect service

2.10 If the City is unable to effect service on the owner under section 2.9, it shall place a placard containing the terms of the Work Order in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.

Inspection Service and Sampling Service – Fees and Charges

2.11 Where the municipal law enforcement officer determines that any person has failed to remedy a violation of this by-law or has violated an Order, the fee or charge set out in the applicable Fees and Charges By-law for inspection services may be imposed. The fees imposed constitute a debt of the person to the City. The City Treasurer may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

Exceptions

3. Notwithstanding section 2, it is permitted to apply or use a pesticide in the following cases:

(a) in a public or private swimming pool;
(b) to purify water for human or animal use;
(c) inside of a building;
(d) in furtherance of a normal farm practice carried on as part of an agricultural operation pursuant to the *Farming and Food Production Protection Act, 1998*;
(e) to control, destroy, reduce or repel, directly or indirectly, an animal, plant or other organism which is harmful to human health;
(f) on a golf course, playing field or lawn bowling green, provided that Integrated Pest Management is used;
(g) to control or destroy insects which have caused infestation to property;
(h) to control termites;
(i) to exterminate or repel rodents;
(j) as a wood preservative;
(k) for injection into trees, stumps or wooden poles;
(l) to comply with the *Weed Control Act*, R.S.O. 1990, c. W.5 and the regulations made thereunder; or
(m) on a hydro corridor, a hydro substation, or on a gas distribution station, gas transmission station, or City gate station operated by a distributor or transmitter of natural gas.

Penalty

4. Any person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a fine or penalty provided for in the *Provincial Offences Act*, as amended.

Effective Date

5. This by-law comes into force and effect on September 30, 2008.

PASSED in Open Council June 12, 2006

Anne Marie DeCicco
Mayor

Linda Rowe
Deputy Clerk

First Reading - June 12, 2006
Second Reading - June 12, 2006
Third Reading - June 12, 2006

Schedule “A”

(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.

(2) A product that is or contains only the following active ingredients:

(a) A soap;
(b) A mineral oil, also called “dormant or horticultural oil”;
(c) Silicon dioxide, also called “diatomaceous earth”;
(d) Biological pesticides, including Bt (*Bacillus thuringiensis*) and nematodes;
(e) Borax, also called “boric acid” or “boracic acid”;
(f) Ferric phosphate;
(g) Acetic acid;
(h) Pyrethrum or pyrethrins;
(i) Fatty acids;
(j) Sulphur; or
(k) Corn gluten meal.