

CITY OF SURREY

BY-LAW NO. 17160

A by-law to control the use of pesticides on City Lands
and on Residential Lands.

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Amended by By-law: 17346; 01/24/11

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WHEREAS the Council of the City of Surrey deems it expedient to regulate the use of pesticides for non-essential purposes within the City of Surrey; and

WHEREAS the *Community Charter*, S.B.C. 2003, c. 26, as amended, provides that a municipality may subject to certain limitations pass a by-law regulating the use of pesticides;

NOW, THEREFORE, the Council of the City of Surrey, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. In this By-law:
 - “**Agricultural Land**” means land that is classified as a farm under the *Assessment Act*, R.S.B.C. 1996, c.20;
 - “**Agriculture**” means any activity carried out on Agricultural Land that falls within the definition of “farm operation” in the *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c.131;
 - “**Certified Applicator**” means a person who holds a valid pesticide applicator certificate issued by the Province of British Columbia.

“**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 a Pest in numbers or under conditions that involves an immediate risk of damage to property or significant financial loss in respect of the use of property;

“**Non-essential**” means the use of a Pesticide for an aesthetic pursuit;

“**Noxious Weed**” means a weed that has been designated as Noxious under the Weed Control Regulation of the *Weed Control Act*, R.S.B.C. 1996, c 487;

“**Permitted Pesticide**” means a Pesticide listed in Schedule 2 of the Integrated Pest Management Regulation of the *Integrated Pest Management Act*, S.B.C 2003, c 58;

“**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 plant growth regulator, plant defoliator or plant desiccant;
- (b) a control product as defined in the *Pest Control Products Act* R.S.C. 2002, c. 28;

“**Public Lands**” means lands vested in, owned by or controlled by the City of Surrey;

“**Private Lands**” means lands designated as a separate and distinct parcel on a legally recorded subdivision plan or deed filed in the records of the Land Title Office that:

- (a) are zoned single family or multiple family residential under Surrey Zoning By-law, 1993, No. 12000 and contain one (1) or more dwelling units; or
- (b) Contain one (1) or more dwelling units located in a manufactured home park,

and in this definition the terms “dwelling unit” and “manufactured home park” shall have the same meaning as in Surrey Zoning By-law, 1993, No. 12000, as may be amended from time to time;

“**Sensitive Ecosystem**” means Private Lands or Public Lands with one or more of the following characteristics:

- (a) areas or landscape features of Private Lands identified in a City of Surrey plan, map or zoning bylaw as environmentally sensitive, environmentally significant, environmental protection area, development permit area for protection of the environment, or other similar purpose that is compatible with the conservation of ecological features and functions of the site; or
 - (b) portions for areas of Public Lands designated or managed by the City for the conservation of ecological features and functions.
2. Except as permitted in this By-law, no person shall apply a Pesticide on outdoor trees, shrubs, flowers, other ornamental plants, and turf on Public Lands or Private Lands within the City of Surrey.
3. Section 2 of this By-law shall not apply to the application of a Pesticide used for:
- (a) Agriculture and any other form of crop production on Agricultural Land;
 - (b) controlling a Pest on the residential portion of Agricultural Land;
 - (c) forestry operations;
 - (d) controlling or destroying a Noxious Weed;
 - (e) controlling a Pest on buildings or structures, or inside buildings or structures;
 - (f) low environmental and human health impact Pest control treatment with a Permitted Pesticide;
 - (g) managing of outbreaks of an introduced invasive exotic or foreign Pest;
 - (h) managing of Pests that threaten Sensitive Ecosystems;
 - (i) preventing the deterioration of hard landscapes;
 - (j) purifying water used for human or animal consumption; and
 - (k) responding to human or animal health issues.
4. Despite Section 2, a Pesticide may be applied to Private Lands or Public Lands for:
- (a) controlling or destroying a Pest which has caused an Infestation; or
 - (b) ensuring the safety of pedestrian surfaces or sport surfaces,

provided that the application of the Pesticide is carried out by a Certified Applicator and by no other person.

5. Every person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provision of this By-law shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.
6. Any person who violates any of the provisions of this By-law shall, upon summary conviction, be liable to a penalty of not less than \$100 and not more than \$10,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding six (6) months, or both.
7. This By-law may be cited as "Surrey Pesticide Use Control By-law, 2010, No. 17160".

PASSED THREE READINGS on the 12th day of April, 2010.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 3rd day of May, 2010.

_____MAYOR

_____CLERK