

B.C. Reg. 144/2004
M71/2004

Deposited March 26, 2004

Community Charter

**SPHERES OF CONCURRENT JURISDICTION --
ENVIRONMENT AND WILDLIFE REGULATION**

Definitions

1 In this regulation:

"Act" means the *Community Charter*;

"alien invasive species" means the species listed in sections 1 and 2 of the Schedule;

"exempted pesticides" means pesticides listed as "Exempted Pesticides" in Annex 1 to the Pesticide Control Act Regulation, B.C. Reg. 319/81.

Municipal jurisdiction in relation to the environment and wildlife

2 (1) For the purposes of section 9 (4) (a) (i) of the Act, a municipality may,

(a) under section 8 (3) (j) of the Act, regulate and prohibit in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property,

(b) regulate, prohibit and impose requirements in relation to,

(i) under section 8 (3) (j) of the Act, the sale of wild flowers,

(ii) subject to subsection (2), under section 8 (3) (j) of the Act, the application of pesticides, except exempted pesticides, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a parcel or a part of a parcel if the parcel or part is used for residential purposes, or on land vested in the municipality,

(iii) under section 8 (3) (j) and (k) of the Act, the control and eradication of alien invasive species, and

(iv) under section 8 (3) (k) of the Act, the control of wildlife species listed in Schedule B or C to the Designation and Exemption Regulation, B.C. Reg. 168/90.

(2) For the purposes of section 9 (4) (b) of the Act, a municipality may not exercise the authority under subsection (1) (b) (ii) of this regulation in relation to the application of pesticides

(a) for the management of pests that transmit human diseases or impact agriculture or forestry,

(b) on the residential areas of farms,

(c) to buildings or inside buildings, or

(d) on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality.

Schedule

1 The following species are, for the purposes of this regulation, alien invasive species.

Plants

Annual Sow Thistle (*Sonchus oleraceus*)

Canada Thistle (*Cirsium arvense*)

Common Crupina (*Crupina vulgaris*)

Common Toadflax (*Linaria vulgaris*)

Dalmatian Toadflax (*Linaria dalmatica*)

Diffuse Knapweed (*Centaurea diffusa*)

Dodder (*Cuscuta spp.*)

Gorse (*Ulex europaeus*)

Hound's-tongue (*Cynoglossum officinale*)

Jointed Goatgrass (*Aegilops cylindrica*)

Leafy Spurge (*Euphorbia esula*)

Perennial Sow Thistle (*Sonchus arvensis*)

Purple Nutsedge (*Cyperus rotundus*)

Rush Skeletonweed (*Chondrilla juncea*)

Scentless Chamomile (*Matricaria maritima*)

Spotted Knapweed (*Centaurea maculosa*)

Tansy Ragwort (*Senecio jacobaea*)

Velvetleaf (*Abutilon theophrasti*)

Wild Oats (*Avena fatua*)

Yellow Nutsedge (*Cyperus esculentus*)

Yellow Starthistle (*Centaurea solstitialis*)

Terrestrial Vascular Plants

Smooth brome grass

Downy brome grass

Orchard grass (coast)

Scotch broom

Spurge laurel

Common barnyard grass

Common sunflower grass

English ivy
St. John's wort
Himalayan blackberry
Yellow salsify
Common Crupina
Bull thistle
Nodding thistle
Giant knotweed
Kudzu
Japanese knotweed
Giant knotweed
Giant hogweed
Poison hemlock
Yellow toadflax
Carpet burweed
Baby's breath
Parasitic Dodder
Himalayan Balsam
Saltcedar
Garlic Mustard

**Fresh Water/
Riparian Vascular
Plants**

Flowering rush
Purple loosestrife
Eurasian watermilfoil
Common reed
Curly pondweed
Reed canary grass
Yellow flag
Hydrilla

Invertebrates

Gypsy Moth
Blueberry Maggot
Balsam Woolly Adelgid
Japanese Cedar Longhorn Beetle
Japanese Beetle
Pine Shoot Beetle
Asian Long-horned Beetle

Cereal Leaf Beetle
 Daylily Midge
 European Chafer
 European Brown Garden Snail
 Oriental Fruit Moth
 Apple Maggot
 Plum Curculio

Vertebrates

Bullfrog (*Rana catesbeiana*)
 Green Frog (*Rana clamitans*)
 Rock Dove (*Columba livia*)
 European Starling (*Sturnus vulgaris*)
 House Sparrow (*Passer domesticus*)
 North American Opossum (*Didelphis virginiana*)
 European Rabbit (*Oryctolagus cuniculus*)
 Eastern Cottontail (*Sylvilagus floridanus*)
 Nutria (*Myocastor coypu*)
 Gray Squirrel (*Sciurus carolinensis*)
 Fox Squirrel (*Sciurus niger*)

2 The species set out in column 1 of Table 1 are, for the purposes of this regulation, alien invasive species in a regional district set out opposite in column 2.

Table 1

Column 1 Species	Column 2 Area of the Province
Blueweed (<i>Echium vulgare</i>)	Cariboo, Central Kootenay, Columbia-Shuswap, East Kootenay, Okanagan-Similkameen, Thompson-Nicola
Burdock (<i>Arctium spp.</i>)	Bulkley-Nechako, Cariboo, Columbia-Shuswap, Fraser-Fort George, Kitimat-Stikine, North Okanagan, Okanagan-Similkameen, Peace River, Thompson-Nicola
Cleavers (<i>Galium aparine</i>)	Peace River
Common Bugloss (<i>Anchusa officinalis</i>)	Kootenay-Boundary
Common Tansy (<i>Tanacetum vulgare</i>)	Bulkley-Nechako, Central Kootenay, Columbia-Shuswap, East Kootenay, North Okanagan
Field Scabious (<i>Knautia arvensis</i>)	Bulkley-Nechako, Kootenay-Boundary, Thompson-Nicola
Green Foxtail (<i>Setaria viridis</i>)	Peace River
Hoary Alyssum (<i>Berteroa incana</i>)	Kootenay-Boundary

Hoary Cress (<i>Cardaria spp.</i>)	Columbia-Shuswap, North Okanagan, Thompson-Nicola
Kochia (<i>Kochia scoparia</i>)	Peace River
Marsh Plume Thistle (<i>Cirsium palustre</i>)	Bulkley-Nechako, Fraser-Fort George
Meadow Knapweed (<i>Centaurea pratensis</i>)	Columbia-Shuswap
Night-flowering catchfly (<i>Silene noctiflora</i>)	Peace River
Orange Hawkweed (<i>Hieracium aurantiacum</i>)	Bulkley-Nechako, Cariboo, Central Kootenay, Columbia-Shuswap, East Kootenay, Thompson-Nicola
Oxeye Daisy (<i>Chrysanthemum leucanthemum</i>)	Cariboo, North Okanagan, Peace River, Thompson-Nicola
Perennial Pepperweed (<i>Lepidium latifolium</i>)	East Kootenay, Thompson-Nicola
Plumeless Thistle (<i>Carduus acanthoides</i>)	Central Kootenay
Puncturevine (<i>Tribulus terrestris</i>)	Okanagan-Similkameen
Quackgrass (<i>Agropyron repens</i>)	Peace River
Russian Knapweed (<i>Acroptilon repens</i>)	North Okanagan
Russian Thistle (<i>Salsola kali</i>)	Peace River
Scotch Thistle (<i>Onopordum acanthium</i>)	North Okanagan
Sulphur Cinquefoil (<i>Potentilla recta</i>)	Columbia-Shuswap, North Okanagan, Okanagan-Similkameen, Thompson-Nicola
Tartary Buckwheat (<i>Fagopyrum tataricum</i>)	Peace River
White Cockle (<i>Lychnis alba</i>)	Peace River
Wild Chervil (<i>Anthriscus sylvestris</i>)	Fraser Valley
Wild Mustard (<i>Sinapsis arvensis</i>)	Peace River

[Provisions of the *Community Charter*, S.B.C. 2003, c. 26, relevant to the enactment of this regulation: section 9 (4)]