

CITY OF KAMLOOPS

BYLAW NO. 26-4

A BYLAW TO REGULATE THE USE OF  
PESTICIDES WITHIN THE CITY OF KAMLOOPS

---

WHEREAS environmental protection has emerged as a fundamental value in Canadian society;

AND WHEREAS the Municipal Council of the City of Kamloops wishes to regulate the use of pesticides for non-essential purposes within Kamloops;

The Municipal Council of the City of Kamloops, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Pesticide Use Control Bylaw No. 26-4, 2016".
2. City of Kamloops Pesticide Use Control Bylaw No. 26-2, 2009, is hereby repealed.
3. This bylaw is divided into the following divisions:

Division One - Definitions and Interpretation

Division Two - Regulations

Division Three - Exceptions

Division Four - Offences and Penalties

**DIVISION ONE - DEFINITIONS AND INTERPRETATION**

**Definitions**

101. In this bylaw:

"Excluded Pesticide" means a pesticide listed in Schedule 2 of the *Integrated Pest Management Regulation, BC Reg. No. 604/2004*, as amended from time to time.

"Farm" means land classified as farm land under the *Assessment Act* (British Columbia), as amended from time to time.

"Land Used for Agriculture" means land designated as agricultural land under the *Agricultural Land Commission Act* (British Columbia), as amended from time to time, or any predecessor legislation to that Act.

"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 pest control product as defined in the *Pest Control Products Act* (Canada), as amended from time to time; and
- b) A substance that is classified as a pesticide under the *Integrated Pest Management Act* (British Columbia), as amended from time to time.

"Residential Lands" means a parcel or part of a parcel used for residential purposes.

### **Severability**

102. If any portion of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remaining portions of this bylaw.

### **DIVISION TWO - REGULATIONS**

#### **Prohibition**

201. No Person shall use or apply Pesticides or grant permission or authority to use or apply Pesticides on outdoor trees, shrubs, flowers, other ornamental plants, or turf situated on Residential Lands.
202. No Person shall use or apply Pesticides or grant permission or authority to use or apply Pesticides on shrubs, flowers, or other ornamental plants on lands vested in the City of Kamloops.

### **DIVISION THREE - EXCEPTIONS**

#### **Exceptions**

301. Section 201 and Section 202 do not apply to a Pesticide that is:
- a) An Excluded Pesticide;
  - b) Applied for the management of Pests that transmit human diseases or constitute a danger to people;
  - c) Applied for the management of Pests that impact agriculture or forestry;
  - d) Applied to a building or greenhouse, inside a building or greenhouse, or to a residential area of a Farm;
  - e) Applied to fruit gardens or fruit trees;
  - f) Applied on Land Used for Agriculture; a Farm; or land used for forestry, transportation, public utility corridors, or pipelines, unless the public utility or pipeline is vested in the City of Kamloops;
  - g) Applied to a public or private swimming pool;
  - h) Applied for the control of weeds or plants that are:

- i) designated as a noxious weed under the *Weed Control Act* (British Columbia), as amended from time to time; or
  - ii) designated from time to time as an invasive weed or plant by the Southern Interior Weed Management Committee;
- i) Applied to control noxious and/or invasive insects as designated from time to time by Her Majesty the Queen in Right of the Province of British Columbia or any governmental entity agent thereof; or
  - j) Applied on lands vested in Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of the Province of British Columbia or any other governmental entity or an agent of the foregoing.

#### **DIVISION FOUR - OFFENCES AND PENALTIES**

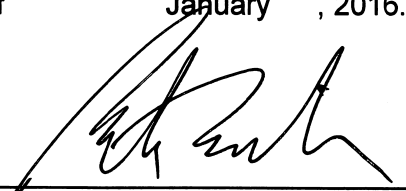
- 401. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 402. Every Person who contravenes, violates, or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000 and not less than \$250, the costs of the prosecution, and any other order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia), as amended from time to time.
- 403. This bylaw may be enforced by means of a ticket issued under the City of Kamloops Municipal Ticket Utilization Bylaw No. 43-6, as amended from time to time, and such ticket may include those fines and penalties set out in Section 402.
- 404. Each day that an offence against this bylaw continues or exists shall be deemed a separate and distinct offence.
- 405. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

READ A FIRST TIME the 12th day of January , 2016.

READ A SECOND TIME the 12th day of January , 2016.

READ A THIRD TIME the 12th day of January , 2016.

ADOPTED this 19th day of January , 2016.



\_\_\_\_\_  
MAYOR  
P. G. MILOBAR



\_\_\_\_\_  
CORPORATE OFFICER  
C. M. KENNEDY