

TOWN OF QUALICUM BEACH

BYLAW NO. 650

A Bylaw to regulate the use of pesticides in the Town of Qualicum Beach

WHEREAS the residents of the Town of Qualicum Beach are concerned about the non-essential use of pesticides and the risk that pesticides may pose to the natural environment;

AND WHEREAS the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment;

AND WHEREAS pesticides cannot be necessarily confined to a single location, but move through the environment in the air, land and water and may have an impact on non-target organisms and plants;

AND WHEREAS alternatives to the application of pesticides exists;

AND WHEREAS the Council of the Town of Qualicum Beach wishes to regulate the use of pesticides for non-essential purposes within Qualicum Beach;

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "Town of Qualicum Beach Pesticide Use Bylaw No. 650, 2010".

DEFINITIONS

2. In this Bylaw:

- (1) "Alien Invasive Species" means the species of plants listed in sections 1 and 2 of the schedule to BC Reg. 144/2004 *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, as amended from time to time;
- (2) "Excluded Pesticide" means a pesticide listed in Schedule 2 to BC Reg. No. 604/2004 *Integrated Pest Management Regulation*, as amended from time to time;
- (3) "Farm" means land classified as farm land under the *Assessment Act (British Columbia)*, as amended from time to time;
- (4) "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;
- (5) "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;
 - (b) a substance that is classified as a pesticide under the *Integrated Pest Management Act (British Columbia)*, as amended from time to time; and
 - (c) a plant growth regulator, plant defoliator or plant desiccant;

- (6) "Private Land" means a parcel or part of a parcel, in the Town, that is used for residential purposes;
- (7) "Public Land" means land owned by the Town, with the exception of:
 - (a) **Qualicum Beach Memorial Golf Course** – 469 Memorial Avenue, Qualicum Beach, BC, legally described as:
Lots 55 56, 57, 58 and 59, Newcastle District, Plan 1026, EXCEPT those parts forming part of the Island Highway as shown in Plan deposited under DD3268N, and EXCEPT those parts included within the boundaries of Plan 1802, EXCEPT that part of Lot 55 included within the boundaries of Plan 3415, and EXCEPT those parts of Lot 56 included within the boundaries of Plans 3415, 6631 and 14723 and EXCEPT those parts of Lot 57 included within Plans 6631, 9742 and 14723, to all EXCEPT part in Plan 14723 is annexed Restrictive Covenant 386501-G over Lots 6 and 7, Plan 6530, see 68901-N;
Lots 60, 61 and 62, Newcastle District, Plan 1026 EXCEPT those parts included in Plans 1802, 3399 and 6530, EXCEPT those parts of Lots 60 and 61 now forming part of the Island Highway as shown on Plan deposited under DD3268-N and EXCEPT those parts of Lot 60 included in Plans 443-R and 11244, hereto is annexed Restrictive Covenant 386501-G over Lots 6 and 7, Plan 6530 see 68901-N; and Lot 'A', District Lot 63, Newcastle District, Plan 9145; and,
 - (b) **Eaglecrest Golf Course** 17th Fairway - 2035 Island Highway, Qualicum Beach, BC, legally described as:
PID# 014-844-371; Lot A, District Lot 122, Nanoose District and District Lot 78 Nanoose and Newcastle District, Plan 49114;
and,
- (8) "Town" means the Town of Qualicum Beach.

PROHIBITIONS

- 3. No person shall use or apply a Pesticide or grant permission or authority, express or implied, to use or apply a Pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf on Private Land or on Public Land.

EXCEPTIONS

- 4. Section 3 does not apply to the use or application of a Pesticide that is:
 - (1) an Excluded Pesticide;
 - (2) applied for the management of pests that transmit human diseases;
 - (3) applied for the management of pests that impact agriculture or forestry;
 - (4) applied to the inside or outside of a building;

- (5) applied on a residential area of a Farm;
- (6) applied on lands used for the purposes of agriculture, forestry, transportation, public utilities or pipeline, unless the public utility or pipeline is vested in the Town;
- (7) applied to public or private swimming pools; or
- (8) applied for the control or eradication of Alien Invasive Species.

OFFENCES AND PENALTIES

5. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day that a violation continues to exist is deemed to be a separate offence. This Bylaw is enforceable by way of a Municipal Ticket Information pursuant to Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008, as amended from time to time.

SEVERABILITY

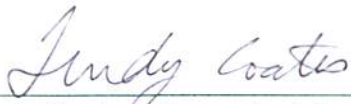
6. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

IMPLEMENTATION

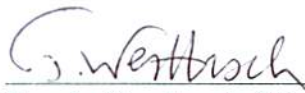
7. This Bylaw shall apply to:
- (1) Private Lands as at July 1, 2011;
 - (2) Public Lands as at the date of adoption.

READ A FIRST TIME this 14th day of June, 2010.
READ A SECOND TIME this 12th day of July, 2010.
READ A THIRD TIME this 4th day of October, 2010.

ADOPTED this 1st day of November, 2010.



Trudy Coates, Corporate Administrator



Teunis Westbroek, Mayor