

# CITY OF SALMON ARM

## BYLAW NO. 3744

### **A bylaw to regulate the cosmetic use of Pesticides as a means of improving or maintaining the appearance of lawns, gardens, hard landscapes and vegetated lands, pursuant to the Community Charter**

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WHEREAS the residents of the City of Salmon Arm are concerned about the non-essential use of pesticides and the risks that they may pose to the health and well being of the environment and residents;

#3872 AND WHEREAS the Council is authorized to establish a bylaw to regulate the Cosmetic use of Pesticides, pursuant to the Community Charter;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

#### **1. DEFINITIONS**

“Biological Control” means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control weeds.

#3872 “Certified Applicator” means a certified applicator under the BC Integrated Pest Management Act within the appropriate category.

“City” means the City of Salmon Arm.

#3872 “City Infrastructure” means roads, sidewalks, boulevards, utilities and utility rights of way.

#3872 “Cosmetic” means the use of pesticides where the application is solely for an aesthetic pursuit, or for the non-essential purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants or turf.

#3872 “Hard Landscapes” means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood, wood chips or mulch, brick or recycled rubber pavers or surfacing.

“Permitted Pesticide” means a pesticide listed in Scheduled “A”.

#3872 “Pest Infestation” means the presence of Pests in numbers or under conditions that involve an immediate risk of structural loss, survival or damage to outdoor trees, shrubs, flowers, other ornamental plants and turf or property or significant financial loss with respect to the use of property.

“Pests” 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 but is not limited to:

- (a) a plant growth regulator, plant defoliator or plant desiccant,
- (b) a control product as defined in the *Pest Control Products Act* (Canada), and
- (c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia).

“Private Lands” means any lands owned in fee-simple or strata by any party other than Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of the Province of British Columbia, a local government entity or an agent of the foregoing.

“Public Lands” means lands owned by Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of the Province of British Columbia, the City of Salmon Arm or an agent of the foregoing.

## **2. REGULATION**

No person shall use or apply pesticides or grant the permission or authority, express or implied, to use or apply pesticides on, in, under or upon any lands in the City of Salmon Arm.

## **3. EXCEPTIONS**

3.1 This Bylaw shall not apply in respect of:

- (a) Public lands owned by Her Majesty the Queen in Right of Canada or in Right of the Province of British Columbia unless such governmental authorities voluntarily consent to and agree to the application of the Bylaw;
- (b) Private lands used in agriculture solely for the purpose of crop production;
- (c) Golf courses managed by a Certified Applicator;
- (d) the use or application of permitted pesticides;
- (e) the application of pesticides to control or destroy a health hazard;
- (f) the use of pesticides in a public or private swimming pool;
- (g) purification of water intended for the use of human beings or animals;

- (h) use inside a building;
- (i) the application of pesticides to prevent the deterioration of hard landscapes after alternatives have been utilized without success;
- (j) the application of pesticides to control ants, termites and wasps;
- (k) the application of pesticides to commission a new Park or Play Field throughout the City;
- #3872 (l) Sterile Insect Release Program;
- #3872 (m) Urban / rural fruit trees;
- #3872 (n) CSRD / City Noxious Weed Program;
- #3872 (o) City infrastructure where required to prevent and / or address structural or functional deterioration, with the written approval of the Director of Engineering and Public Works or his / her designate and treated by a Certified Applicator;
- #3872 (p) New lawns (seeded) treated by a Certified Applicator; and
- #3872 (q) Pest Infestations, treated by a Certified Applicator.

#### **4. IMPLEMENTATION**

4.1 Subject to Section 3.1, this Bylaw shall apply to

- #3753 (a) public lands as at March 1, 2009;
- #3753 (b) private lands as at March 1, 2009; and
- #3763 (c) private lands managed by a Certified Applicator as at March 1, 2010.

#### **5. SEVERABILITY**

If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

#### **6. PENALTY**

6.1 Every person, firm or corporation who violates any of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of the provisions of this Bylaw shall be deemed to be guilty of an offence against this Bylaw and shall be liable to the penalties hereby imposed.

- 6.2 A separate new offence shall be deemed to be committed on each day during which a violation occurs or continues.
- 6.3 Offences for which tickets can be issued and fines imposed are prescribed in the City of Salmon Arm Ticket Information Utilization Bylaw No. 2760.

7. **TITLE**

This bylaw may be cited for all purposes as “City of Salmon Arm Pesticide Use Control Bylaw No. 3744”.

READ A FIRST TIME THIS	14th	DAY OF	October	2008
READ A SECOND TIME THIS	14th	DAY OF	October	2008
READ A THIRD TIME THIS	14th	DAY OF	October	2008
ADOPTED BY COUNCIL THIS	27th	DAY OF	October	2008

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 “M. BOOTSMA”  
 MAYOR

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 “C. BANNISTER”  
 CORPORATE OFFICER

## SCHEDULE "A"

### [Permitted Pesticides]

The following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

1. Soaps (insecticidal / herbicidal);
2. Bt (Bacillus thuringiensis);
3. Nematodes;
4. Other biological control organisms;
5. Animal repellants;
6. Rodenticides;
7. Injected tree treatments;
8. Sticky media;
9. Borax;
10. Horticultural Oils
11. Sulphur (e.g. Bordeaux mixture and lime sulphur);
12. Ferric phosphate or ferric sulphate;
13. Pruning paint;
14. Pheromone traps;
15. Pyrethrum (or pyrethrin);
16. Diatomaceous earth;
17. Corn gluten meal;
18. Acetic acid;
19. Fatty acids;
20. Spinosad; and
21. Rotenone.
- #3839 22. FeHEDTA (Iron that acts as a selective herbicide when chelated)