

**THE CORPORATION OF THE
CITY OF PORT COQUITLAM**



BYLAW NO. 3767

*A bylaw to regulate the use of pesticides
in the City of Port Coquitlam.*

The Municipal Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "Pesticide Use Control Bylaw, 2011, No. 3767":

2. DEFINITIONS

In this Bylaw:

Agricultural Land means land designated as agricultural land under the *Agricultural Land Commission Act*, as amended or replaced from time to time, or land that is classified as a farm under the *Assessment Act*, as amended or replaced from time to time;

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*, as amended or replaced from time to time;

Biological Control means the use of natural agents, such as insects, nematodes, fungi, viruses, bacteria, animals or fish to control or eradicate a **pest**;

City means the City of Port Coquitlam;

Excluded Pesticide means a **pesticide** listed in Schedule "A" of this Bylaw or otherwise listed as an excluded pesticide in Schedule 2 of the *Integrated Pest Management Regulation*, BC Reg. 604/2004, as amended or replaced from time to time;

Pest means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism, but does not include a virus, bacteria, fungus or internal parasite that exists on or in a human or an animal;

Pesticide means a chemical, biological control or other 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 pest control product as defined in the *Pest Control Products Act* (Canada), as amended or replaced from time to time; and
- (c) a substance that is classified as pesticide by the *Integrated Pest Management Act* (British Columbia), as amended or replaced from time to time.

Private Residential Land means land used for residential purposes, including without limitation, common property of a strata corporation with a residential component;

City Land means land owned by the City; and

Use with respect to a pesticide, includes mix, prepare or apply, or possess for the purpose of applying.

3. PROHIBITION

Except as otherwise provided under this Bylaw, a person must not **use**, or permit or cause to be **used**, a **pesticide** for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants or turf in, under or upon any **private residential land** or **City land**.

4. EXCEPTIONS

This Bylaw does not apply to:

- (a) an **excluded pesticide**;
- (b) the management of a **pest** that transmits a human or animal disease;
- (c) the management of a **pest** that impacts **agriculture** or forestry;
- (d) residential areas of farms;
- (e) buildings or inside buildings;
- (f) land used for forestry, transportation, public utilities or pipelines unless the public utility or pipeline is owned by the **City**;
- (g) the **use** of a **pesticide** in response to a human or animal health issue; and
- (h) the **use** of a **biological control** to control or eradicate a **pest**.

5. OFFENCE AND PENALTY

A person who does any of the following commits an offence against this Bylaw and on conviction is liable to a fine not exceeding \$10,000:

- (a) contravenes any provision of this Bylaw;
- (b) suffers or permits any act or thing to be done in contravention of any provision of this Bylaw;
- (c) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or
- (d) does any act or thing that contravenes any provision of this Bylaw.

6. SEVERABILITY

If any section or part of a section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the severed portion.

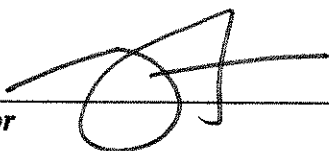
Read a first time by the Municipal Council this 24th day of May, 2011.

Read a second time by the Municipal Council this 24th day of May, 2011.

Read a third time by the Municipal Council this 24th day of May, 2011.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 13th day of June, 2011.

Mayor



Assistant Corporate Officer



SCHEDULE "A"

Bylaw No. 3767

EXCLUDED PESTICIDES

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
6. bacillus thuringiensis kurstaki (Btk) (DOMESTIC)
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
8. boron compounds (DOMESTIC)
9. boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
11. cleansers (DOMESTIC and COMMERCIAL)
12. corn gluten meal (DOMESTIC and COMMERCIAL)
13. d-phenothryn (DOMESTIC)
14. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
15. deodorizers (DOMESTIC and COMMERCIAL)
16. fatty acids (DOMESTIC)
17. ferric phosphate (DOMESTIC and COMMERCIAL)
18. ferrous sulphate (DOMESTIC and COMMERCIAL)
19. hard surface disinfectants (DOMESTIC and COMMERCIAL)
20. insect bait stations (DOMESTIC)
21. insect pheromones (DOMESTIC and COMMERCIAL)
22. insect repellents (DOMESTIC)
23. laundry additives (DOMESTIC and COMMERCIAL)
24. material preservatives (DOMESTIC and COMMERCIAL)
25. methoprene (DOMESTIC)
26. mineral oils for insect and mite control (DOMESTIC)
27. n-octyl bicycloheptene dicarboximide (DOMESTIC)

28. naphthalene for fabric protection (DOMESTIC)
29. paradichlorobenzene for fabric protection (DOMESTIC)
30. pesticides in aerosol containers (DOMESTIC)
31. pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
32. piperonyl butoxide (DOMESTIC)
33. plant growth regulators (DOMESTIC)
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)
35. pyrethrins (DOMESTIC)
36. resmethrin (DOMESTIC)
37. rotenone (DOMESTIC)
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
39. silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
40. slimicides (COMMERCIAL)
41. soaps (DOMESTIC and COMMERCIAL)
42. sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
43. surfactants (DOMESTIC and COMMERCIAL)
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
45. tetramethrin (DOMESTIC)
46. wood preservatives (DOMESTIC)