

CITY OF TERRACE

BYLAW NO. 1978 – 2011

“A BYLAW FOR THE CITY OF TERRACE TO REGULATE THE USE OF PESTICIDES FOR NON-ESSENTIAL PURPOSES (COSMETIC USE) WITHIN THE MUNICIPALITY.”

WHEREAS municipalities have jurisdiction to pass bylaws regulating the application of pesticides pursuant to Sections 8(3)(j) and 9 of the Community Charter and BC Reg. 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation);

AND WHEREAS residents of the City of Terrace 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 have an impact on non-target organisms and plants;

AND WHEREAS alternatives to the application of pesticides exist;

AND WHEREAS the precautionary principle of international law supports local governments anticipating and preventing threats of harm to the environment, even if some cause-and-effect relationships are not fully established scientifically;

NOW THEREFORE the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

1.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires, each of the following words has the meaning set out below:

- 1.1 *Bylaw Enforcement Officer*** – means the designated Bylaw Officer for the City of Terrace or any other person designated by Council.
- 1.2 *Cosmetic Purposes*** – means for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf.

- 1.3 **Council** – means the City of Terrace Municipal Council.
- 1.4 **Permitted Pesticide** – means a pesticide listed in Schedule 2 of the Integrated Pest Management Regulation.
- 1.5 **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.
- 1.6 **Pesticide** – herbicide, insecticide or fungicide means any pesticide or material that is represented, sold, used or intended to prevent, destroy, repel, or mitigate a Pest and includes:
- .1 herbicides, that are a plant growth regulator, plant defoliator or plant desiccant;
 - .2 a control product as defined in the Pest Control Products Act (Canada); and
 - .3 a substance that is classified as a Pesticide by the Integrated Pest Management Act (British Columbia).
- 1.7 **Private Land** – means a parcel or part of a parcel if the parcel or part is used for residential purposes in the City.
- 1.8 **Public Land** – means land owned by the City of Terrace.

2.0 **REGULATION**

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

3.0 **EXEMPTIONS**

- 3.1 Section 2 does not apply to the application of Pesticides:
- .1 that are Permitted Pesticides as listed in the Integrated Pest Management Regulation, B.C. Reg. No. 204/2004/Schedule 2 – “Excluded Pesticides”;

- .2 involve the management of Pests that transmit human diseases or impact agriculture, transportation or forestry;*
- .3 that are applied inside buildings;*
- .4 used to destroy noxious pests, including rats and mice;*
- .5 that are on lands that are not Private or Public Lands; or*
- .6 for the purification of water intended for the use of human beings or animals.*

4.0 ENFORCEMENT

- 4.1 This Bylaw is designated under the provisions of Section 264 of the Community Charter as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.*

5.0 OFFENCES AND PENALTIES

- 5.1 Any person who contravenes a provision of this Bylaw for which a specific penalty has not otherwise been designated shall be deemed to have committed an offence against this Bylaw and shall be liable to a fine of not less than One Hundred (\$100.00) Dollars or more than Two Thousand (\$2,000.00) Dollars for each offence.*
- 5.2 This Bylaw may be enforced by means of a ticket issued in accordance with the City of Terrace Ticket Information Utilization Bylaw No. 1827-2005 as authorized by Section 264 of the Community Charter.*
- 5.3 Each day a violation or contravention of the provisions exists or is permitted to exist shall constitute a separate offence.*

6.0 EFFECTIVE DATE

- 6.1 This Bylaw shall take effect upon adoption, and be enforced one year following adoption.*

7.0 CITING CLAUSE

7.1 *This Bylaw may be cited as “Pesticides for Non-Essential Purposes Bylaw No. 1978 – 2011”.*

READ a first time this 14th day of March, 2011.

READ a second time this 14th day of March, 2011.

READ a third time this 28th day of March, 2011.

ADOPTED this 11th day of April, 2011.

Mayor

Clerk