

## **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 14<sup>th</sup> day of March, 2011.***

***READ a second time this 14<sup>th</sup> day of March, 2011.***

***READ a third time this 28<sup>th</sup> day of March, 2011.***

***ADOPTED this 11<sup>th</sup> day of April, 2011.***

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***Mayor***

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***Clerk***