

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

**BYLAW NO. 1688**

A Bylaw to Regulate the Cosmetic Use of Pesticides  
within the District of Central Saanich

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WHEREAS the residents of the District of Central Saanich 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 exist; and

WHEREAS the precautionary principle 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 Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

**TITLE**

1. This Bylaw may be cited for all purposes as "***Central Saanich Pesticide Use Control Bylaw, No. 1688, 2010.***"

**DEFINITIONS**

2. In this Bylaw,

"Cosmetic Purpose" means for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf;

"Display Garden" means a garden, greenhouse or other place in which flowers, herbs, shrubs or trees, flora and fauna are cultivated or grown for public display, exhibition or admission, to which a fee or price is charged, demanded or accepted;

"District" means the District of Central Saanich;

"Farm" means land that has been classified as a farm by an assessor appointed under the *Assessment Authority Act* (British Columbia);

"Permitted 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* (British Columbia), as amended from time to time;

"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;

"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 plant growth regulator, plant defoliator or plant desiccant;

- (b) a control product as defined in the *Pest Control Products Act* (Canada);
- (c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia);

“Public Land” means land that is vested in the District of Central Saanich.

### **PROHIBITION**

3. No person shall use or apply a Pesticide or grant the permission or authority, express or implied, to use or apply a Pesticide for a Cosmetic Purpose on, in, under or upon any Public Land within the boundaries of the District of Central Saanich.

### **EXCEPTIONS**

4. Section 3 of this Bylaw shall not apply to the use or application of a Pesticide:
  - (a) that is a Permitted Pesticide;
  - (b) to manage Pests that transmit human diseases;
  - (c) to manage Pests that impact agriculture or forestry;
  - (d) on the residential areas of a Farm;
  - (e) to buildings or inside buildings;
  - (f) on land used for agriculture, forestry, transportation, public utilities or pipelines;
  - (g) on land used for a Display Garden;
  - (h) by the District.

### **ENFORCEMENT**

5. 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.

### **OFFENCES**

6. Any person who contravenes any provision of this Bylaw shall be guilty of an offence and shall, upon summary conviction thereof, be liable to a maximum fine not exceeding \$10,000.00.
7. Each day that an offence continues shall constitute a separate offence.
8. Offences for which tickets can be issued and fines imposed are prescribed in Municipal Ticket Information System Bylaw No. 1545, 2006.

### **SEVERABILITY**

9. If any section or provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the Bylaw shall not be affected.

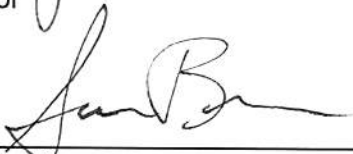
READ A FIRST TIME on this 3<sup>rd</sup> day of May, 2010.

READ A SECOND TIME on this 3<sup>rd</sup> day of May, 2010.

READ A THIRD TIME on this 3<sup>rd</sup> day of May, 2010.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this 10<sup>th</sup> day of May, 2010.

  
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Jack Mar  
Mayor

  
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Susan Brown  
Municipal Clerk



**SCHEDULE "A"**

**PERMITTED PESTICIDES**

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antisapstain 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)