



CITY OF NEW WESTMINSTER  
BYLAW NO. 7288, 2008

Prepared by:

Reviewed & Approved by:


A Bylaw to regulate the cosmetic use of pesticides within the City of New Westminster

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WHEREAS the Council of the City of New Westminster has, pursuant to Section 8(3) of the *Community Charter*, the authority to enact bylaws which provide for protection of the “health, safety, and well-being” of residents; and

WHEREAS the residents of the City of New Westminster 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 regulating the cosmetic use will help to promote and protect the public health of the City’s residents; 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 City of New Westminster ENACTS as follows:

**TITLE**

1. This Bylaw may be cited as NEW WESTMINSTER PESTICIDE USE BYLAW, NO. 7288, 2008.

**DEFINITIONS**

2. In this Bylaw:

*accredited company* means a landscaping company certified by the PlantHealthBC: Pest Management Accreditation Program or equivalent, as determined by the City;

*biological control agent* means a natural agent such as an insect, nematode, fungus, virus, fish or animal used to control pests;

*cosmetic use* 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;

*infestation* means the presence of pests in numbers or under conditions that involve an immediate risk of significant loss or damage to outdoor trees, shrubs, flowers, other ornamental plants and turf, as stated in writing by an accredited company;

*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 (e.g. herbicide, insecticide or fungicide) 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 pest 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 land* means a parcel or part of a parcel in the City of New Westminster if the parcel or part is used for residential purposes, and for greater clarity includes all common property in a strata development with a residential component;

*public land* means all property held entirely or in part by the City of New Westminster.

## **PROHIBITION**

3. Except as otherwise permitted or exempted under this Bylaw, no person shall apply or cause or permit to be applied a *pesticide* on *private land* or *public land* for a *cosmetic use* within the boundaries of the City of New Westminster.

## **EXCEPTIONS**

4. Section 3 of this Bylaw shall not apply in respect of:
  - (a) the use or application of a *permitted pesticide*;
  - (b) the use of a *pesticide* in response to a danger to human or animal health;

- (c) the use of a *pesticide* to disinfect a public or private swimming pool, wading pool, whirlpool or ornamental water fountain;
- (d) the use of a *biological control agent* to destroy *pests*;
- (e) the use or application of a *pesticide* to a building or the inside of a building; or
- (f) the use of a *pesticide* to control an *infestation* only by an *accredited company*.

## **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.
- 6. Bylaw Enforcement Officers are designated to enforce this Bylaw pursuant to section 264(1)(b) of the *Community Charter*.

## **OFFENCE AND PENALTY**

- 7. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required by a provision of this Bylaw, commits an offence punishable on summary conviction and:
  - (a) is liable to a fine of not greater than \$10,000.00; and
  - (b) 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 Ticketing Information Bylaw No. 6482, 1998.

## **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.

## **EFFECTIVE DATE**

- 10. This Bylaw comes into force on and effect on March 1, 2010.

**Adopted March 23, 2009**



## SCHEDULE "A"

### PERMITTED PESTICIDES

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

- (1) Insecticidal soaps
- (2) Algicides and bactericides used in swimming pools, wading pools, whirlpools or ornamental fountains
- (3) *Bacillus* sp. (e.g. *Bacillus thuringiensis*)
- (4) Other biological control organisms (e.g. nematodes)
- (5) Animal repellents
- (6) Rodenticides
- (7) Injected tree treatments
- (8) Sticky media
- (9) Borax, also called "boric acid"
- (10) Dormant Oils
- (11) Horticultural Oils
- (12) Bordeaux mixture and other sulphur compounds
- (13) Lime Sulphur
- (14) Ferric phosphate
- (15) Pruning paint
- (16) Pheromone traps
- (17) Pyrethrum
- (18) Diatomaceous earth
- (19) Acetic acid
- (20) Corn gluten meal
- (21) Rotenone