



PESTICIDE USE REDUCTION BYLAW BYLAW NO. 07-094

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on May 22, 2019 up to Bylaw No. 16-066)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 07-094

PESTICIDE USE REDUCTION BYLAW**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to protect the natural environment by regulating and reducing the non-essential use of pesticides, based on the following principles:

- (a) the application of pesticides contributes to the cumulative load absorbed by the natural environment;
- (b) pesticides cannot always be confined to a single location but move through the environment in the air, land, and water, and may impact on non-targeted organisms and plants;
- (c) there are non-pesticide alternative means of controlling weeds and other pests;
- (d) it is desirable, as a precautionary principle, to anticipate and prevent threats of harm to the natural environment even if cause and effect relationships are not fully established scientifically.

The purpose of this Bylaw is also to regulate pesticide uses in connection with small-scale commercial urban food production which constitute noxious or offensive business activities.

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Under its statutory powers, including sections 8(3)(j), 9 and section 64(j) of the *Community Charter*, and B.C. Regulation 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation) the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "PESTICIDE USE REDUCTION BYLAW."

Definitions

- 2 In this Bylaw,

“Director”

means the City’s Director of Parks, Recreation and Community Development, including a person lawfully acting under that Director’s authority;

“ecosystem”

means a community of organisms and their physical environment;

“farm”

means land classified as farm land by an assessor appointed under the *Assessment Authority Act*;

“infestation”

means the presence of pests in numbers, or under conditions, that involve an immediate or potential risk of substantial loss or damage;

“integrated pest management”

means a decision-making process that uses a combination of techniques to suppress pests, and that includes but is not limited to the following processes:

- (a) planning and managing ecosystems to prevent organisms from becoming pests;
- (b) identifying potential pest problems;

- (c) monitoring populations of pests and beneficial organisms, pest damage, and environmental conditions;
- (d) using injury thresholds in making treatment decisions;
- (e) giving first preference to available non-pesticide alternatives;
- (f) reducing pest populations to acceptable levels using strategies that may include a combination of biological, physical, cultural, mechanical, behavioural, and chemical controls giving first preference to permitted pesticides;
- (g) evaluating the effectiveness of treatments;

“invasive species”

means an alien species whose introduction does or is likely to cause environmental or economic harm, or harm to human health;

“non-essential use”

means the application of a pesticide in either of the following circumstances:

- (a) for the purpose of improving the appearance of a plant or for another aesthetic purpose;
- (b) without following the principles of integrated pest management defined in this Bylaw;

“permit”

means a pesticide use permit under this Bylaw;

“permitted pesticide”

means a pesticide listed in Schedule 2 of B.C. Regulation 604/2004 [*Integrated Pest Management Regulation*] as amended or replaced from time to time;

“pest”

- (a) means an injurious, noxious, or troublesome living organism;
- (b) does not include a virus, bacteria, fungus or internal parasite that exists on or in humans or animals;

“pesticide”

means a substance or material that is represented, sold, used, or intended to prevent, destroy, repel, or mitigate a pest, including:

- (a) herbicides that are 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*;

“private land”

means a parcel of land, or part of a parcel of land, that is used for residential purposes;

“public land”

means land vested in the City of Victoria.

“sensitive ecosystem”

means public land or private land that has any of the following characteristics:

- (a) areas or landscape features identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;
- (b) areas or landscape features identified in a municipal plan, map, or zoning bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;
- (c) local government parks or other protected areas that are designated or managed for the conservation of ecological features and functions of the site.

“small-scale commercial urban food production”

has the same meaning as small-scale commercial urban food production in the Zoning Regulation Bylaw.

Application of Bylaw

- 3** (1) This Bylaw applies to public land and private land.
- (2) Subject to Part 4, this Bylaw does not apply to
 - (a) the use of a permitted pesticide;
 - (b) the management of pests that transmit human disease or impact agriculture or forestry, including urban forestry;
 - (c) the management of pests that have been designated as invasive species;
 - (d) the application of pesticides on the residential areas of farms;

- (e) the application of pesticides on or inside buildings;
- (f) the application of pesticides on land used for agriculture, forestry, or transportation;
- (g) the application of pesticides on land that is used for pipelines, or public utilities, unless the pipeline or public utility is owned by the City;
- (h) the application of pesticides on commercial, institutional, or industrial properties;
- (i) the application of pesticides to control pests on surfaces like driveways, pavers, sidewalks, curbs, gutters, and stairways.

PART 2 – REGULATIONS

Applying non-essential pesticides prohibited

- 4** A person must not apply or otherwise use pesticides on public land or private land, for the purpose of maintaining outdoor trees, shrubs, flowers, or other ornamental plants and turf, if the application or use is a non-essential use.

Permit required

- 5** A person must not apply or otherwise use pesticides on public land or private land, for the purpose of maintaining outdoor trees, shrubs, flowers, or other ornamental plants and turf, unless that person first obtains a permit.

City exempt from permit requirement

- 6** A permit is not required for the application or use of pesticides on public land by the City.

Restrictions on applying pesticides under permit

- 7** The following restrictions apply to the application of a pesticide where authorized by a permit:
- (a) the application must be in accordance with conditions imposed by the Director under the permit;
 - (b) the pesticide must not be applied within 2 m of the boundary of a parcel of land unless that is permitted by the terms of the permit;
 - (c) the pesticide must not be applied within 5 m of a bus stop, schoolyard, or park;
 - (d) the pesticide must not be applied within 15 m of a surface well;
 - (e) the pesticide must not be applied within 3 m of an artesian well;
 - (f) the pesticide must not be applied within 20 m of any of the following bodies of water and land areas:

- (i) a river, lake, stream, pond, or open water;
- (ii) an enclosed depression that has definable banks capable of containing water;
- (iii) a channel that has definable beds and banks capable of confining and conducting run-off from adjacent lands;
- (iv) wetlands;
- (g) the pesticide must not be applied by spraying or fogging when the wind velocity exceeds 8 km/hr.;
- (h) the pesticide must not be applied during either of the following times:
 - (i) during rain;
 - (ii) when rain is forecast within the period indicated on the pesticide's packaging as necessary to ensure the efficient application of the pesticide, unless otherwise indicated on the pesticide's label;
- (i) the pesticide must not be applied when the temperature exceeds 27 degrees Celsius, unless otherwise indicated on the pesticide's label;
- (j) an insecticide must not be applied on trees during their blooming period.

Warning signs to be posted

- 8** (1) The holder of a permit must post warning signs on the land to which a pesticide is to be applied.
- (2) Warning signs must be clearly visible from all roads and public pathways, and from other lands that adjoin the land to which a pesticide is to be applied.
- (3) Warning signs must comply with all of the following requirements:
 - (a) signs must be at least 12 cm x 17 cm in size;
 - (b) signs must be made of material that is weather resistant;
 - (c) signs must be placed on a support that is weather resistant;
 - (d) signs must be placed as follows along each boundary of the land that adjoins a road or public pathway, and that adjoins a parcel that is not a road or public pathway:
 - (i) each sign must be within 3 m of the boundary, and
 - (ii) one sign must be located every 16 m along the boundary
 - (e) signs must be placed at driveways, walkways, and other entrances to the land to which the pesticide is to be or has been applied;

- (f) signs must be posted and maintained at least 48 hours before the application of the pesticide;
- (g) signs must be maintained for the longer of the following times:
 - (i) 72 hours after the completion of the application of the pesticide, or
 - (ii) the time indicated, on the pesticide product's label, when the land can safely be re-entered after application;
- (h) signs must contain the following information:
 - (i) the location, date, and approximate time of pesticide use;
 - (ii) an alternate date on which pesticide use may occur if there is inclement weather;
 - (iii) the time when the area can be safely re-entered after application, in accordance with paragraph (g);
 - (iv) the brand name and Pest Control Product number of the pesticide that will be used;
 - (v) the pest for which the pesticide is being used;
 - (vi) the statement: "Permission to undertake this activity was obtained from the City of Victoria. Further details may be obtained by contacting the City's Parks Department."

PART 3 – PERMITS

Pesticide use permit

- 9** (1) A person may apply to the Director for a permit.
- (2) An applicant for a permit must provide all of the following information to the Director:
 - (a) the civic address and legal description of the land on which the pesticide is to be applied;
 - (b) the name, mailing address, and telephone number of the applicant;
 - (c) the name, mailing address, and telephone number of the commercial applicator;
 - (d) whether the applicant is aware of the health risks associate with pesticide use;
 - (e) whether the applicant has taken measures to research alternative methods of pest management;
 - (f) a description of the infestation to be treated:

- (i) description of the pests involved;
- (ii) whether the infestation is a danger to human beings, and
- (iii) the name of the business that assessed the infestation;
- (g) the name of the manufacturer of the proposed pesticide;
- (h) the commercial brand name of the proposed pesticide;
- (i) the Pest Control Product registration number;
- (j) a copy of the label on the proposed pesticide, or information from the label, including but not limited to the target pests, active ingredients, and application rates;
- (k) whether there have been previous applications for pesticide use on the same property;
- (l) the proposed date and time of date for application of the pesticide.

Permit fee

10 An applicant for a permit must pay to the City an application fee of \$25.00.

Director's powers to issue or refuse permit

- 11** (1) The Director may either:
- (a) issue a permit for the use of a pesticide to manage pest infestation where the need for the use of the pesticide is urgent, effective non-pesticide alternatives are not available, and the infestation
 - (i) threatens the integrity of sensitive ecosystems, or
 - (ii) poses a serious environmental or economic loss to an owner or occupier of land;
 - (b) refuse to issue a permit where the Director determines that the circumstances in subsections (1)(a)(i) or (ii) do not apply.
- (2) The Director may issue a permit without conditions, or with conditions relating to any of the following:
- (i) the pest or the species of plant to which the pesticide may be applied;
 - (ii) the area of land on which the pesticide may be applied;
 - (iii) the period of time in which the pesticide may be applied.

Right of appeal

- 12** (1) The owner or occupier of real property that is subject to a decision of the Director to issue or refuse a permit, or to impose conditions on a permit, is entitled to apply to Council to have the decision reconsidered.
- (2) An application for reconsideration must be made in writing to the City's Corporate Administrator within 30 days of receiving notice of the Director's decision.

PART 4 – SMALL-SCALE COMMERCIAL URBAN FOOD PRODUCTION**Pesticide use in small-scale commercial urban food production**

- 13** (1) A person must not apply or otherwise use any pesticides, other than permitted pesticides, on public land or private land in connection with small-scale commercial urban food production, unless that person first obtains a permit.
- (2) A person may apply to the Director for a permit to apply or otherwise use pesticides on public land or private land in connection with small-scale commercial urban food production in accordance with section 9 and must pay the permit fee set out in section 10.
- (3) The Director may either:
- (a) issue a permit for the use of pesticides in connection with small-scale commercial urban food production if the Director is satisfied that it will not constitute a noxious or offensive business activity; or
 - (b) refuse to issue a permit for the use of pesticides in connection with small-scale commercial urban food production where the Director determines that paragraph (a) does not apply.
- (4) The Director may issue a permit for the use of pesticides in connection with small-scale commercial urban food production without conditions, or with conditions relating to the following:
- (a) the pest or the species of plant to which the pesticide may be applied;
 - (b) the area of land on which the pesticide may be applied; and
 - (c) the period of time in which the pesticide may be applied.
- (5) The owner or occupier of real property that is subject to a decision of the Director to issue or refuse a permit, or to impose conditions on a permit, pursuant to this section is entitled to apply to Council to have the decision reconsidered.
- (6) An application for reconsideration pursuant to subsection (5) must be made in writing to the City's City Clerk within 30 days of receiving notice of the Director's decision.

PART 5 – GENERAL

Inspections

- 14** (1) The Director or a City employee authorized by the Director may enter, in accordance with section 16 of the *Community Charter*, at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- (2) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Offences and penalties

- 15** (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) The minimum penalty for a contravention of this Bylaw is a fine of
- (a) \$250 for a first offence, and
 - (b) \$500 for a second or subsequent offence.
- (3) The maximum penalty for a contravention of this Bylaw is a fine of \$10,000.

READ A FIRST TIME the	22nd	day of	November,	2007
READ A SECOND TIME the	22nd	day of	November,	2007
AMENDED on the	13th	day of	December,	2007
READ A THIRD TIME the	31st	day of	January,	2008
ADOPTED on the	14th	day of	February,	2008

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR