

CORPORATION OF THE CITY OF NEW WESTMINSTER



NEW WESTMINSTER PESTICIDE USE BYLAW NO. 7288, 2008

EFFECTIVE DATE: March 1, 2010

CONSOLIDATED FOR CONVENIENCE ONLY
(July 4, 2023)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW
8403, 2023

EFFECTIVE DATE
June 26, 2023

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7288, 2008. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CITY OF NEW WESTMINSTER

BYLAW NO. 7288, 2008

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

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:

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accredited company means a landscaping company that holds a valid and appropriate licence issued under section 4 of the Integrated Pest Management Act.

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

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certified pesticide applicator means a person who maintains a valid and appropriate pesticide Applicator Certificate issued by the Province of British Columbia.

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

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- (f) the use of a *pesticide* to control an *infestation* only by *certified pesticide applicator* with 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.

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8. Offences for which tickets can be issued and fines imposed are prescribed in Bylaw Notice Enforcement Bylaw No. 7318, 2009 and Municipal Ticket Information Bylaw No. 8077, 2019.

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

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SCHEDULE "A"

PERMITTED PESTICIDES

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

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

¹ In accordance with the *Integrated Pest Management Regulation*, residents may apply on their own private landscapes, including lawns, flower beds, ornamental trees and plants. A licence, issued by the Province, is required to offer a service applying this pesticide.