

CONSOLIDATED FOR CONVENIENCE

CITY OF PORT MOODY

BYLAW NO. 2575

PESTICIDE USE CONTROL BYLAW

A Bylaw to regulate the use of pesticides on City Lands and on Private Lands, pursuant to sections 8(3)(j) and 9 of the *Community Charter* and *B.C. Reg. 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation)*.

The Council of the City of Port Moody in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited for all purposes as “Pesticide Use Control Bylaw, No. 2575.

2. Definitions

Amended by
BL3086

“Biological Control” means the use of natural agents such as insects, nematodes, fungi, bacteria, viruses, fish, or animals to control a pest.

Amended by
BL3086

“City Land” means lands vested in the City of Port Moody.

Amended by
BL3086

“Noxious Weed” means a weed designated as a noxious weed under the *Weed Control Regulation*, B.C. Reg. 66/85, as amended, and includes the seeds of the noxious weed.

“Permitted Pesticide” means a pesticide listed in Schedule “A.”

“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 but is not limited to:

(a) a plant growth regulator, plant defoliator or plant desiccant,

(b) a 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).

Amended by
BL3086

“Private Land” means a parcel or part of a parcel that is used for residential purposes.

3. Regulation

Amended by
BL3086

A person must not, in the maintenance of outdoor trees, shrubs, flowers, or ornamental plants or turf on Private Land or City Land, use, or permit, suffer or cause to be used, a Pesticide, other than a Permitted Pesticide.

4. Exceptions

Amended by
BL3086

- (1) The following uses are exempt from the restriction of section 3:
- (a) the application of Pesticides to manage Pests that are harmful to human or animal health, or that impact agriculture or forestry;
 - (b) the destruction of any plant that presents a danger to persons who are allergic to it;
 - (c) on the residential areas of farms;
 - (d) to buildings or inside buildings;
 - (e) the use of a Biological Control to deter or destroy insects, mice, rats, and other animal Pests; and
 - (f) the control or eradication of a Noxious Weed listed in Schedule B.

5. Implementation

Deleted by BL3086

6. Severability

If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

Amended by BL2685

7. Penalty

Amended by
BL3086

- a) Any person who contravenes or violates any provision of this Bylaw or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw, commits an offence and, upon conviction, may be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

8. Attachments

Amended by
BL3086

The following schedules are attached to and form part of Bylaw No. 2575:

Schedule A – Permitted Pesticides

Schedule B – Noxious Weeds

BYLAW 2575 ADOPTED
AMENDMENT No. 1, 2006, No. 2685
AMENDMENT No. 2, 2017, No. 3086

December 2, 2003
February 28, 2006
May 23, 2017