

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. Exemptions

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.

7. Penalty

Amended by
BL2685

Amended by
BL3086

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

Schedule A

Permitted Pesticides

The following are Permitted Pesticides for the purposes of Section 3 and this Schedule:

| Active Ingredient or Product Grouping | Class |
|--|-----------------------------------|
| acetic acid | Domestic |
| animal repellents except thiram | Domestic & Commercial |
| anti-fouling paints | Domestic & Commercial |
| antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for applying the preservatives | Commercial |
| asphalt solids used as pruning paints | Domestic & Commercial |
| <i>Bacillus sphaericus</i> (Bs) | Domestic |
| <i>Bacillus subtilis</i> | Domestic |
| <i>Bacillus thuringiensis</i> var. <i>israelensis</i> (Bti) | Domestic |
| <i>Bacillus thuringiensis</i> var. <i>kurstaki</i> (Btk) | Domestic |
| bactericides used in petroleum products | Domestic & Commercial |
| boron compounds | Domestic |
| boron compounds with up to 5% copper for insect control and wood preservation | Domestic & Commercial |
| capsaicin | Domestic, Commercial & Restricted |
| cleansers | Domestic & Commercial |
| corn cellulose | Domestic & Commercial |
| corn gluten | Domestic & Commercial |
| deodorizers | Domestic & Commercial |
| d-phenothrin | Domestic |
| d-trans-allethrin, also referred to as d-cis, trans allethrin | Domestic |
| fatty acids | Domestic & Commercial |
| ferric phosphate | Domestic & Commercial |
| ferrous sulphate | Domestic & Commercial |
| formic acid | Domestic & Commercial |
| hard surface disinfectants | Domestic & Commercial |
| insect repellents | Domestic |
| insect semiochemicals, including pheromones, kairomones, attractants and repellents | Domestic & Commercial |
| insecticides sold and used in tamper-resistant bait stations | Domestic |
| kaolin | Domestic & Commercial |
| laundry additives | Domestic & Commercial |
| material preservatives | Domestic & Commercial |
| methoprene | Domestic |
| mineral oils for insect and mite control | Domestic |
| naphthalene for fabric protection | Domestic |
| n-octyl bicycloheptene dicarboximide | Domestic |
| octenol | Domestic & Commercial |
| oxalic acid | Domestic & Commercial |

| Active Ingredient or Product Grouping | Class |
|---|-----------------------|
| paradichlorobenzene for fabric protection | Domestic |
| pesticides in aerosol containers | Domestic |
| pesticides registered under the federal Act for application to pets | Domestic & Commercial |
| piperonyl butoxide | Domestic |
| plant growth regulators | Domestic |
| polybutene bird repellents | Domestic & Commercial |
| pyrethrins | Domestic |
| resmethrin | Domestic |
| silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel | Domestic & Commercial |
| silicon dioxide, also referred to as diatomaceous earth | Domestic & Commercial |
| slimicides | Commercial |
| soaps | Domestic & Commercial |
| sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide | Domestic |
| surfactants | Domestic & Commercial |
| swimming pool algicides and bactericides | Domestic & Commercial |
| tetramethrin | Domestic |
| thymol | Domestic & Commercial |
| wood preservatives | Domestic |
| zinc strips | Domestic |

Schedule B

Noxious Weeds

The following are Noxious Weeds for the purposes of section 4(1)(f) and this Schedule:

- Knotweed – bohemiam (*Fallopia x bohemica*)
- Knotweed – giant (*Fallopia sachalinensis*)
- Knotweed – Japanese (*Fallopia japonica*)
- Knotweed – Himalayan (*Polygonum polystachyum*)