District of West Vancouver

Pesticide Use Control Bylaw
Bylaw No. 4377, 2004,
Amendment Bylaw No. 4859, 2015

Effective Date:
District of West Vancouver

Pesticide Use Control Bylaw No. 4377, 2004, Amendment Bylaw No. 4859, 2015

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District of West Vancouver

Pesticide Use Control Bylaw No. 4377, 2004,
Amendment Bylaw No. 4859, 2015

A bylaw to amend the Pesticide Use Control Bylaw No. 4377, 2004, to address the use of pesticides on certain invasive species within the District of West Vancouver.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment to the Pesticide Use Control Bylaw No. 4377, 2004;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Pesticide Use Control Bylaw No. 4377, 2004, Amendment Bylaw No. 4859, 2015.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 General Regulations

3.1 Pesticide Use Control Bylaw No. 4377, 2004 is amended by:

(a) deleting the following from section 3.1:

"Cosmetic Purposes" means the use of pesticides for non-essential use in certain situations where the application is purely for an aesthetic pursuit.
“Hard Landscapes” means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood or brick pavers.

“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.

(b) replacing definition of “Pesticide” in section 3.1 in its entirety with the following:

“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).

(c) replacing the text of section 4.1 in its entirety with the following:

Municipalities have jurisdiction to pass pesticide regulation bylaws pursuant to s.8(3)(j) of the Community Charter.

(d) replacing the text of section 5.1 in its entirety with the following:

No person may apply or otherwise use pesticides, except Permitted Pesticides, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on Private Lands or Public Lands, except on those lands listed in Schedule “B”.

(e) replacing the text of section 5.2 in its entirety with the following:

Section 5.1 does not apply to:

5.2.1 the application or other use of Permitted Pesticides as listed in Schedule “A”;

5.2.2 the application of pesticides where there is a danger to human or animal health;

5.2.3 the use of a biological control to destroy insects or noxious
animals, including rats and mice;

5.2.4 the use of pesticides in a public or private swimming pool;

5.2.5 the use of processes for the purification of water intended for the use of human beings or animals;

5.2.6 the use of pesticides on a building or inside of a building;

5.2.7 the use of pesticides to control or destroy plants which constitute a danger for human beings who are allergic to such plants;

5.2.8 the use of pesticides to treat or control the spread of those noxious weeds listed in Schedule “C” on Private Lands and Public Lands, provided the person utilizes the methods set out in Schedule “C”;

(f) replacing the text of Part 6 in its entirety with the following:

6.1 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 to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.

6.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the Offence Act.

(g) deleting the following from Schedule “B”:

Application for Exemption is attached as Appendix 1

(h) adding to Schedule “B”:

Golf courses

(i) adding new Schedule “C” – Noxious Weeds:
Schedule C – Noxious Weeds

Pesticide Use Control Bylaw 4377, 2004

The following are “noxious weeds” for the purposes of section 5.2.8 and this Schedule:

Knotweed – bohemian  \((F.\ x\ bohemica)\)
Knotweed – giant  \((F.\ sachalinensis)\)
Knotweed – Japanese  \((F.\ japonica)\)
Knotweed – Himalayan  \((P.\ polystachyum)\)

The following are permitted methods to treat or control the spread of noxious weeds listed in this Schedule:

- Chemical stem injection for knotweed, using current best practices as outlined by the District in the Invasive Plants Strategy
- Chemical leaf wiping, for knotweed plants too small to stem inject, using current best practices as outlined by the District in the Invasive Plants Strategy

Treatment must only be done by a professional holding currently valid BC Pesticide Certification credentials for the appropriate category for the location where the treatment is being applied.

(j) deleting Appendix 1 in its entirety and inserting the following as a new Schedule “D”:

Schedule D – Application for Exemption

Pesticide Use Control Bylaw 4377, 2004

| NAME: |
| ADDRESS: |
| CONTACT PERSON: |
| REASON FOR EXEMPTION |

Attachments:

DATE TO COUNCIL:
Pesticide Use Control Bylaw No. 4377, 2004, Amendment Bylaw No. 4859, 2015

READ A FIRST TIME on November 23, 2015
READ A SECOND TIME on November 23, 2015
READ A THIRD TIME on November 23, 2015

ADOPTED by the Council on [Date].

________________________________________________________  Mayor

________________________________________________________  Municipal Clerk
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Bylaw Notice Enforcement Bylaw
Bylaw No. 4368, 2004,
Amendment Bylaw No. 4862, 2015

Effective Date:
District of West Vancouver

Bylaw Notice Enforcement Bylaw No. 4368, 2004,
Amendment Bylaw No. 4862, 2015

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Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4862, 2015

A bylaw to amend Bylaw Notice Enforcement Bylaw No. 4368, 2004 to add bylaw contraventions and penalties in relation to Pesticide Use Control Bylaw No. 4377, 2004, Amendment Bylaw No. 4859, 2015

Previous amendments: Amendment Bylaws 4416, 4429, 4448, 4481, 4482, 4501, 4521, 4536, 4559, 4583, 4681, 4700, 4718, 4725, 4762

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for “Bylaw Notice Enforcement Bylaw No. 4368, 2004”;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4862, 2015.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
Part 3 General Regulations

Bylaw Notice Enforcement Bylaw No 4368, 2004 is amended by inserting into Schedule A the following new designated bylaw contraventions and penalties:

(a) Pesticide Use Control Bylaw No. 4377, 2004:

<table>
<thead>
<tr>
<th>Amendment Bylaw No.</th>
<th>Section</th>
<th>Description</th>
<th>A1 Penalty</th>
<th>A2 Early Penalty</th>
<th>A3 Late Penalty</th>
<th>A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as &quot;Yes&quot;)</th>
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</thead>
<tbody>
<tr>
<td>4862, 2015</td>
<td>5.1</td>
<td>Application or use of pesticides where not exempted</td>
<td>$500.00</td>
<td>$475.00</td>
<td>$500.00</td>
<td>No</td>
</tr>
</tbody>
</table>

READ A FIRST TIME on November 23, 2015

READ A SECOND TIME on November 23, 2015

READ A THIRD TIME on November 23, 2015

ADOPTED by the Council on [Date].

__________________________________________
Mayor

__________________________________________
Municipal Clerk