

District of West Vancouver



Pesticide Use Control Bylaw No. 4377, 2004

Effective Date – January 1, 2006

Consolidated for Convenience Only

This is a consolidation of the bylaws 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 bylaw on this subject.

Amendment Bylaw	Effective Date
Bylaw No. 4966, 2018	March 5, 2018
Bylaw No. 4859, 2015	December 7, 2015

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw: Pesticide Use Control Bylaw No. 4377, 2004. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

Pesticide Use Control Bylaw No. 4377, 2004

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Pesticide Use Control Bylaw No. 4377, 2004

A Bylaw to regulate the use of pesticides for cosmetic purposes within the District of West Vancouver.

Previous amendments: *Amendment Bylaw 4859, and 4966.*

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for regulating the use of pesticides for cosmetic purposes within the District of West Vancouver;

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

Part 1 Citation

1.1 This bylaw may be cited as “Pesticide Use Control Bylaw 4377, 2004”.

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 Definitions

3.1 In this Bylaw:

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

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

Bylaw No.
4859, 2015

“**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).

“**Private Lands**” means a parcel or part of a parcel if the parcel or part is used for residential purposes.

“**Public Lands**” means lands vested in the District of West Vancouver.

Part 4 Interpretation

Bylaw No.
4859, 2015

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

Part 5 Pesticide Use Control

Bylaw No.
4859, 2015

- 5.1 Regulation

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”.

Bylaw No.
4859, 2015

- 5.2 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”.

Part 6 Offence and Penalty

Bylaw No.
4859, 2015

- 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.

Bylaw No.
4859, 2015

- 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*.

Part 7 Effective Date

- 7.1 This bylaw shall come into effect on January 1, 2006.

Schedules

- Schedule A – Permitted Pesticides
Schedule B – Exempted Lands
Schedule C – Noxious Weeds
Schedule D – Application for Exemption

READ A FIRST TIME on January 24, 2005

READ A SECOND TIME on January 24, 2005

READ A THIRD TIME on February 07, 2005

ADOPTED by the Council on February 14, 2005

Mayor

Municipal Clerk

Schedule A – Permitted Pesticides

Pesticide Use Control Bylaw 4377, 2004

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

1. Insecticidal soaps
2. Herbicidal soaps
3. Bt (*Bacillus thuringiensis*)
4. Nematodes
5. Other biological control organisms
6. Animal repellents
7. Rodenticides
8. Injected tree treatments
9. Sticky media
10. Borax
11. Dormant Oils
12. Horticultural Oils
13. Bordeaux mixture and other sulphur compounds
14. Lime Sulphur
15. Ferric phosphate
16. Pheromone traps
17. Diatomaceous earth

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Schedule B - Exempted Lands
Pesticide Use Control Bylaw 4377, 2004

Lands (Public and Private) on which this Bylaw does not apply:

Golf courses

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

The methods used for the treatment and control of noxious weeds must be in compliance with all Federal and Provincial legislation, regulations, and guidelines. Treatment must be administered by an individual qualified in accordance with Provincial legislation and regulations.

Bylaw No.
4859, 2015

Schedule D – Application for Exemption

Schedule D – Application for Exemption	
Pesticide Use Control Bylaw 4377, 2004	
NAME:	
ADDRESS:	
CONTACT PERSON:	
REASON FOR EXEMPTION	
Attachments:	
DATE TO COUNCIL:	