

District of Squamish

BYLAW NO. 2787, 2020

A bylaw to regulate the use of pesticides on residential and municipal properties within the District of Squamish

WHEREAS the Council of the District of Squamish has the authority to pass bylaws regulating the application of pesticides pursuant to Sections 8(3)(j) and 9 of the *Community Charter* and BC Reg. 144/2004 (Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation);

NOW THEREFORE the Council of the District of Squamish, in open meeting assembled, enacts as follows:

1. CITATION

- 1.1 This bylaw may be cited as the “*District of Squamish Pesticide and Herbicide Use Bylaw No. 2787, 2020*”.

2. DEFINITIONS

- 2.1 In this bylaw:

“**Bylaw Enforcement Officer**” means a person appointed by the District to enforce its bylaws;

“**Council**” means Council for the District;

“**Director**” means the person holding the position of Director of Engineering for the District, or a person appointed to act in the place of the Director;

“**District**” means the District of Squamish, a municipality under the *Community Charter*;

“**Excluded Pesticide**” means a pesticide listed in Schedule 2 of the Integrated Pest Management Regulation, B.C. Reg. No. 604/2004

“**Invasive Species**” means any species listed in Section 1 of the Schedule to the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* under the *Community Charter*, S.B.C. 2003, c. 26 as an “alien invasive species”;

“**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

- (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 *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 in the District of Squamish.

“**Public Lands**” means land vested in the District of Squamish

3. REGULATION

- 3.1 Except as permitted in this Bylaw, no person shall use, or permit or cause to be used, a Pesticide on outdoor trees, shrubs, flowers, other ornamental plants, or turf in, under or upon any Public Lands or Private Lands within the District.

4. EXEMPTIONS

- 4.1 Section 3 of this Bylaw does not apply to the application of a Pesticide that is:
- (a) an Excluded Pesticide;
 - (b) applied for the management of pests that transmit human diseases or impact agriculture or forestry;
 - (c) applied on the residential areas of farms;
 - (d) applied to buildings or inside buildings;
 - (e) applied on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the District;
 - (f) applied to control or destroy Invasive Species in accordance with the *Integrated Pest Management Act* (B.C.) and the Invasive Species Management Bylaw (2786, 2020);
 - (g) applied by the Sea to Sky Invasive Species Council in accordance with the *Integrated Pest Management Act* (B.C.);
 - (h) used to disinfect swimming pools, whirlpools, spas, or wading pools; or
 - (i) used to purify water intended for the use of human beings or animals;

5. ADMINISTRATION and ENFORCEMENT

- 5.1 This Bylaw may be administered by the Director and may be enforced by the Director or a Bylaw Enforcement Officer.
- 5.2 No person shall obstruct or interfere with any officer, employee or agent of the District in the performance of his or her duties under this bylaw.

6. OFFENCE

- 6.1 A person who
- (a) contravenes, violates or fails to comply with any provision of this bylaw;
 - (b) permits, suffers or allows a contravention, violation or failure to comply with any

provision of this bylaw,

commits an offence, and where the offence is a continuing one, each day that the offence is continued amounts to a separate offence.

6.2 A person found to have contravened or committed an offence under this bylaw is liable to pay:

(a) a fine of up to \$10,000 if proceedings are brought under the *Offence Act* (B.C.);

(b) a fine of up to \$1,000 if issued a ticket under the District of Squamish *Municipal Ticket Information Bylaw No. 1832, 2004*; or

(c) a penalty established in the District of Squamish *Notice Enforcement Bylaw No. 2418, 2015*.

7. SEVERABILITY

7.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

8. REPEAL

8.1 District of Squamish Herbicide or Pesticide Bylaw No. 700, 1980, and all its schedules, is repealed.

READ A FIRST, SECOND and THIRD time this day of , .

ADOPTED this day of , .

Karen Elliott, Mayor

Robin Arthurs, Corporate Officer

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