

# **CORPORATION OF THE VILLAGE OF CUMBERLAND**

## **BYLAW NO. 838**

A Bylaw to regulate the use of pesticides for cosmetic purposes  
within the Village of Cumberland

**WHEREAS** the Council of the Corporation of the Village of Cumberland deems it expedient to provide for regulating the use of pesticides for cosmetic purposes within the Village of Cumberland;

**NOW THEREFORE**, the Council of the Corporation of the Village of Cumberland enacts as follows:

1. **Title**

This Bylaw may be cited as “The Corporation of the Village of Cumberland Pesticide Use Control Bylaw No. 838, 2006.”

2. **Severability**

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.

3. **Definitions**

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

**“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.

**“Integrated Pest Management Plan”** means an approach incorporated in the Pesticide Control Act (British Columbia) in 1997. Integrated pest management means a decision making process that uses a combination of techniques to suppress pests.

**“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 human or animals.

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

**“Public 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 Village of Cumberland.

#### 4. **Interpretation**

Municipalities have jurisdiction to pass pesticide regulation bylaws pursuant to Section 8(3)(i) and (j) of the *Community Charter*.

#### 5. **Pesticide Use Control 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 approved by Council and listed in Schedule “B”. Application for Exemption is attached as Appendix 1.

#### 6. **Exceptions**

This Bylaw shall not apply in respect of:

- (a) The application or other use of Permitted Pesticides as listed in Schedule “A”;
- (b) The application of pesticide where there is a danger to human or animal health;
- (c) The use of a biological control to destroy insects or noxious animals, including rates and mice;
- (d) The use of pesticides in a public or private swimming pool;
- (e) To purify water intended for the use of human beings or animals;
- (f) Inside of a building;
- (g) To control or destroy plants which constitute a danger for human beings who are allergic thereto or are listed as noxious weeds under the B.C. Weed Control Act.
- (h) The use of wood preservatives.

**7. Offence and Penalty**

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.

Every person who commits an offence is liable a fine not exceeding \$2,000.00.

**8. Schedules**

Schedule A – Permitted Pesticides

Schedule B – Exempted Lands

Appendix 1. – Application for Exemption

READ A FIRST TIME THIS 16<sup>th</sup> DAY OF OCTOBER, 2006.

READ A SECOND TIME THIS 16<sup>th</sup> DAY OF OCTOBER, 2006.

READ A THIRD TIME THIS 16<sup>th</sup> DAY OF OCTOBER, 2006.

RECONSIDERED AND ADOPTED THIS 6<sup>th</sup> DAY OF NOVEMBER, 2006.

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Mayor

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Corporate Administrator

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 838 of the Village of Cumberland, cited as the “Corporation of the Village of Cumberland Pesticide Use Control Bylaw No. 838, 2006”, as adopted by the Village Council this 6<sup>th</sup> day of November, 2006.

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Corporate Administrator

**Schedule A – Permitted Pesticides**

**Pesticide Use Control Bylaw No. 838, 2006**

The following substances are permitted pesticides and shall be excluded from this 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

**Schedule B – Exempted Lands**

**Pesticide Use Control Bylaw No. 838, 2006**

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

1. Agricultural lands
2. Commercial nurseries
3. Golf courses with an Integrated Pest Management Plan

Application for Exemption is attached as Appendix 1

NAME :
ADDRESS :
CONTACT PERSON :
REASON FOR EXEMPTION
Attachments:
DATE TO COUNCIL: