



THE DISTRICT OF NORTH VANCOUVER

PESTICIDE USE CONTROL BYLAW

BYLAW 7686

Effective Date – January 1, 2009

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending 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.

Original Bylaw	Date of Adoption
Bylaw 7686	July 7, 2008
Amending Bylaw	Date of Adoption
Bylaw 8559	May 30, 2022

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Pesticide Use Control Bylaw – Bylaw 7686). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7686

A bylaw to regulate the use of pesticides for cosmetic purposes within the
District of North Vancouver
(pursuant to the *Community Charter*, SBC 2003, c26)

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

NOW THEREFORE the Council for The Corporation of the District of North Vancouver enacts the following:

Title

1. This bylaw may be cited as the “**PESTICIDE USE CONTROL BYLAW**”.

Severability

2. 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.

Definitions

3. In this bylaw

accredited company means a landscape company certified by the “Plant Health BC: Pest Management Accreditation Program.”

biological control means the use of natural agents such as insects, nematodes, fungi, viruses, fish or animals to control *pests*.

cosmetic purpose means the use of pesticides for non-essential use, or where the application is for an aesthetic pursuit.

Integrated Pest Management is defined in the BC Integrated Pest Management Act and Integrated Pest Management Regulations as amended from time to time.

Integrated Pest Management Program means the District of North Vancouver Corporate Policy No. 12-6030-2 “Integrated Pest Management Program” or equivalent program based upon the principles of *Integrated Pest Management*.

permitted pesticide means a pesticide listed in Annex 1 to the Pesticide Control Act Regulation, B.C. Reg. 319/81 as amended, or Schedule 2 to the Integrated Pest Management Regulation, B.C. Reg. 604/2004 as amended.

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*, S.B.C. 2003, c.58.

private land means a parcel or part of a parcel if the parcel or part is used for residential purposes.

public land means lands vested in the District of North Vancouver.

Prohibition

- 4. (a) Except for permitted pesticides, no person may apply or otherwise use pesticides, on outdoor trees, shrubs, flowers, other ornamental plants and turf on Private Lands or Public Lands.
- (b) Section 4(a) does not apply to the application of pesticides to a building or inside a building.
- (c) Despite Section 4(a), a permit may be issued to authorize use and application of pesticides where there is a danger to human or animal health or damage to buildings and structures.
- (d) Despite Section 4 (a) a permit may be issued to authorize use and application of pesticides to *public land* where there is in place an *Integrated Pest Management Program* governing the applicant.

Offence and Penalty

- 5. (a) A person who:
 - i. contravenes a provision of this bylaw;
 - ii. causes, consents to, allows or permits an act or thing to be done contrary to this bylaw;
 - iii. neglects or refrains from doing anything required by a provision of this bylaw; or
 - iv. fails to comply with any order, direction or notice given under this bylaw,commits an offence and is subject to the penalties imposed by this bylaw and the *Offence Act*.
- (b) Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention occurs or continues shall constitute a separate offence.
- (c) A person found guilty of an offence under this bylaw is subject to a fine of not less than \$1,000.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it occurs or continues, plus the costs of prosecution.

(8559)

Obstruction

- 6. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

(8559)

Enforcement by Ticket

7. Pursuant to section 264 of the *Community Charter*, this bylaw is designated as a bylaw that may be enforced by means of a ticket in the form prescribed and Bylaw Enforcement Officers, Environmental Protection Officers and Environmental Control Technicians are designated to enforce this bylaw. (8559)

Ticketing

8. The words or expressions listed below in the "Designated Expression" column are authorized to be used on a ticket issued pursuant to section 264 of the Community Charter to designate an offence against the respective section of this bylaw appearing opposite in the "Section" column. The amounts appearing opposite in the "Section" column. The amounts appearing in the "Fine" column below are the fines set pursuant to section 264 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the "Section" column.

Section Number	Designated Expression (Short-Form Description)	Fine
4(a)	Unlawful use of pesticide	\$175.00

(8559)

Application for a permit

9. (a) Any owner or occupier of Public Lands or Private Lands may apply to the District of North Vancouver for a permit to apply pesticides, pursuant to Section 4 of this Bylaw.
- (b) Any application must be in the form prescribed and attached to Schedule A of this Bylaw and must provide the requested information in support of the application.

Effective Date

10. The Bylaw shall come into effect on January 1st, 2009.

“Pesticide Use Control Bylaw”

**PERMIT APPLICATION
and
INFORMATION TO ACCOMPANY AN APPLICATION**

Please Print

Name of property owner or land manager	
Signature of owner or land manager	
Address for the pesticide application	
Contact person and phone number	
Name, phone number of the company providing the diagnosis/assessment and supporting documentation	

REASONS FOR THE PERMIT APPLICATION
(Continue on reverse and include supporting documentation)

Date Issued: _____

Expiry Date: 6 MONTHS after the date of issue.

Information to Accompany a Permit Application

The reasons for the permit request must be stated on the application and include the following information:

- The target pest(s)
- The reason for controlling the pest(s). e.g.
 - Is the pest a danger to humans or animals?
 - Is the pest damaging buildings or structures?
- The trade name and common name of the pesticide(s) requested
- The turf or garden practices, pesticide alternatives and the Integrated Pest Management techniques that have been tried to reduce or eliminate the need for this pesticide
- Alternative pesticides that are available to the requested pesticide(s)
- The reasons why the alternatives and practices have failed to control this pest and why the requested pesticide is needed.
- The number of applications requested
- The location and size of the area to be treated.
- The period of time when the application will be made
- If applicable, the name of the company that will apply the pesticide(s) and the supporting documentation and diagnosis.

The process is intended to be rigorous and the applicant must demonstrate that the use of the requested pesticide is necessary and that attempts have been made to avoid the need for pesticides in the first place.

The use of pesticides (other than the *permitted pesticides*) to control weeds in a lawn or pests in a garden or on trees and shrubs for *cosmetic* purposes will not qualify for a permit.

A compelling case must be demonstrated for danger to human health, or damage to buildings or structures and, in particular, an application based on danger to humans or animals must be accompanied by a doctor's or veterinarian's (as the case may be) letter, stating that health may be detrimentally affected unless the permit is issued; and

An application based on damage to buildings or structures must be accompanied by a letter from a landscape architect, arborist, an accredited company or pest control service company stating that there is clear evidence of damage to buildings and structures making necessary the use of the pesticide applied for in the permit application.