



PESTICIDE CONTROL BYLAW, 2012

BYLAW NO. 2879

A Bylaw in relation to the application of pesticides.

WHEREAS pursuant to sections 8(3)(j) of the *Community Charter* and the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* B.C. Reg. 144/2004, council of the City of Langley has the authority to, by bylaw, regulate, prohibit and impose requirements in relation to the application of pesticides for the protection of the natural environment,

AND WHEREAS the City of Langley manages the use of pesticides on land vested in the City in accordance with the City's integrated pest management policy;

AND WHEREAS the City of Langley wished to regulate and prohibit in relation to the application of pesticides on land used for residential purposes;

NOW THEREFORE THE COUNCIL OF THE CITY OF LANGLEY, in open meeting assembled, enacts as follows:

1. **Title**

This bylaw shall be cited as the "Pesticide Control Bylaw, 2012, No.2879.

2. **Definitions**

In this bylaw:

- (1) **"alien invasive species"** has the same meaning as under the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* B.C. Reg. 144/2004.
- (2) **"biological control agent"** means a natural agent such as an insect, nematode, fungus, virus, fish or animal used to control pests.
- (3) **"certified applicator"** means an individual who holds a valid pesticide applicator certificate, for the category appropriate for the applicable pesticide application, issued under the *Integrated Pest Management Act Regulation* B.C. Reg. 604/2004.
- (4) **"City"** means the City of Langley.
- (5) **"excluded pesticides"** has the same meaning as in the *Integrated Pest Management Act Regulation* B.C. Reg. 604/2004.

- (6) **“infestation”** means the presence of a Pest in numbers or under conditions that causes an immediate risk of damage to property or significant financial loss in respect of the use of property.
- (7) **“noxious weed”** means a weed designated under the *Weed Control Regulation*, B.C. Reg. 66/1985 as a noxious weed throughout British Columbia or in a region that includes the City.
- (8) **“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.
- (9) **“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 regulation under the *Integrated Pest Management Act* (British Columbia);but does not include excluded pesticides.
- (10) **“private parcel”** means a parcel or part of a parcel used for residential purposes.
- (11) **“sensitive ecosystem”** means an area or landscape features identified as environmentally sensitive under the City’s Official Community Plan.

3. **Duty of Administration and Enforcement**

- (1) The intent of this bylaw is to set standards in the general public interest and not to impose a duty on the City or its employees to enforce its provisions and:
 - (a) failure by the City to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
 - (b) the grant by the City of any approval or permission or issuance by the City of any permit is not a representation, warranty or confirmation of

compliance with the bylaw and the issuance thereof in error is not to give rise to a cause of action.

4. Prohibition

- (1) Subject to the exceptions under this bylaw, no person shall apply or cause or permit to be applied any pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a private parcel or on City owned lands.

5. Exceptions under Integrated Pest Management Act Regulation

- (1) The prohibition under section 4 of this bylaw shall not apply to the application of pesticides:
 - (a) for the management of pests that transmit human diseases or impact agriculture or forestry;
 - (b) on the residential areas of farms;
 - (c) to buildings or inside buildings; or
 - (d) on land used for agriculture, forestry, public utilities or pipelines.

6. Additional Exceptions

- (1) Subject to the exceptions under this bylaw, no person shall apply or cause or permit to be applied any pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a private parcel or on City owned lands.
 - (a) the control or destruction of a noxious weed;
 - (b) the control or destruction of alien invasive species;
 - (c) the control or destruction of pests that threaten sensitive ecosystems;
 - (d) the prevention of deterioration to hard landscapes, such as retaining walls, paved areas and sidewalks; or
 - (e) for the purpose of responding to human or animal health issues as directed or ordered by a provincial, federal, regional or municipal authority having jurisdiction over human or animal health.
- (2) The prohibition under section 4 of this bylaw shall not apply to the application of a biological control agent for the purpose of destroying pests.

- (3) The prohibition under section 4 of this bylaw shall not apply to the application of pesticides by a certified applicator for:
 - (a) the control or destruction of a pest that has caused an infestation; or
 - (b) ensuring turf used by pedestrians is safe for pedestrian use.

7. Offence, Penalties and Enforcement

- (1) Every person who violates a provision of this bylaw, or who consents, allows or permits any act or thing to be done in violation of a provision of this Bylaw, commits an offence punishable on summary conviction and shall be liable to a fine of not less than \$100 and not more than \$2,500 or to imprisonment for not more than six months, or both.
- (2) A person who violates a provision of this bylaw, or who consents, allows or permits any act or thing to be done in violation of a provision of this Bylaw, commits a separate offence under section 9 for each day that a violation continues in the case of a continuing violation.
- (3) This bylaw is designated as a bylaw for the purpose of section 264 of the Community Charter as a bylaw that may be enforced by laying an information charge by means of a ticket for contravention of this bylaw.
- (4) City bylaw enforcement officers are designated to enforce this bylaw pursuant to section 264(1)(b) of the Community Charter.

8. Severability

- (1) The provisions of this bylaw are severable and the invalidity or unenforceability of any part of this bylaw for any reason shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this fifth day of March, 2012.

READ A SECOND TIME this fifth day of March, 2012.

READ A THIRD TIME as amended this fourteenth day of May, 2012.

ADOPTED this 9th day of July, 2012.

H.P. FASSBENDER

MAYOR

C. MUSHATA

CORPORATE OFFICER

List of Pesticides

(as of January 31, 2012)

FORMULANTS OF HEALTH OR ENVIRONMENTAL CONCERN

Column 1 Formulant Name	Column 2 CAS Registry Number
Adipic acid, bis(2-ethylhexyl) ester <i>Adipate de bis (2-éthylhexyle) de l'acide adipique</i>	103-23-1
Coal-tar creosote <i>Créosote de houille</i>	8001-58-9
Dimethyl formamide <i>Diméthylformamide</i>	68-12-2
Dioctyl phthalate <i>Phtalate de dioctyle</i>	117-84-0
Hydroquinone <i>Hydroquinone</i>	123-31-9
Isophorone <i>Isophorone</i>	78-59-1
Rhodamine B <i>Rhodamine B</i>	81-88-9

CONTAMINANTS OF HEALTH OR ENVIRONMENTAL CONCERN

Column 1 Contaminant Name	Column 2 CAS Registry Number
Dichloro diphenyl trichloroethane (DDT) <i>Dichloro diphényl trichloroéthane (DDT)</i>	50-29-3
Hexachlorobenzene <i>Hexachlorobenzène</i>	118-74-1
Pentachlorobenzene <i>Pentachlorobenzène</i>	608-93-5
Polychlorinated biphenyls (PCB) <i>Biphényles polychlorés (BPC)</i>	
Polychlorinated dibenzofurans substituted in at least the 2,3,7,8 positions <i>Polychlorodibenzofuranes substitués au moins dans les positions 2,3,7,8</i>	
Polychlorinated dibenzo-p-dioxins substituted in at least the 2,3,7,8 positions <i>Polychlorodibenzoparadioxines substituées au moins dans les positions 2,3,7,8</i>	
Tetrachlorobenzenes <i>Tétrachlorobenzènes</i>	

List of Invasive Species (as of January 31, 2012)

Plants

Annual Sow Thistle (<i>Sonchus oleraceus</i>)	Canada Thistle (<i>Cirsium arvense</i>)
Common Crupina (<i>Crupina vulgaris</i>) <i>vulgaris</i>)	Common Toadflax (<i>Linaria</i>
Dalmatian Toadflax (<i>Linaria dalmatica</i>) <i>diffusa</i>)	Diffuse Knapweed (<i>Centaurea</i>
Dodder (<i>Cuscuta spp.</i>)	Gorse (<i>Ulex europaeus</i>)
Hound's-tongue (<i>Cynoglossum officinale</i>) <i>cylindrica</i>)	Jointed Goatgrass (<i>Aegilops</i>
Leafy Spurge (<i>Euphorbia esula</i>) <i>arvensis</i>)	Perennial Sow Thistle (<i>Sonchus</i>
Purple Nutsedge (<i>Cyperus rotundus</i>) <i>juncea</i>)	Rush Skeletonweed (<i>Chondrilla</i>
Scentless Chamomile (<i>Matricaria maritima</i>) <i>maculosa</i>)	Spotted Knapweed (<i>Centaurea</i>
Tansy Ragwort (<i>Senecio jacobaea</i>)	Velvetleaf (<i>Abutilon theophrasti</i>)
Wild Oats (<i>Avena fatua</i>) <i>esculentus</i>)	Yellow Nutsedge (<i>Cyperus</i>
Yellow Starthistle (<i>Centaurea solstitialis</i>)	Wild Chervil (<i>Anthriscus sylvestris</i>)

Terrestrial Vascular Plants

Smooth brome grass	Downy brome grass
Orchard grass (coast)	Scotch broom
Spurge laurel	Common barnyard grass
English ivy	St. John's wort
Himalayan blackberry	Yellow salsify
Common Crupina	Bull thistle
Nodding thistle	Giant knotweed
Kudzu	Japanese knotweed
Giant knotweed	Giant hogweed
Poison hemlock	Yellow toadflax
Carpet burweed	Baby's breath
Parasitic Dodder	Himalayan Balsam
Saltcedar	Garlic Mustard

Fresh Water/Riparian Vascular Plants

Flowering rush

Eurasian watermilfoil

Curly pondweed

Yellow flag

Purple loosestrife

Common reed

Reed canary grass

Hydrilla

Invertebrates

Gypsy Moth

Balsam Woolly Adelgid

Japanese Beetle

Asian Long-horned Beetle

Daylily Midge

European Brown Garden Snail

Apple Maggot

Blueberry Maggot

Japanese Cedar Longhorn Beetle

Pine Shoot Beetle

Cereal Leaf Beetle

European Chafer

Oriental Fruit Moth

Plum Curculio

Vertebrates

Bullfrog (*Rana catesbeiana*)

Rock Dove (*Columba livia vulgaris*)

House Sparrow (*Passer domesticus*)

European Rabbit (*Oryctolagus cuniculus floridanus*)

Nutria (*Myocastor coypu carolinensis*)

Fox Squirrel (*Sciurus niger*)

Green Frog (*Rana clamitans*)

European Starling (*Sturnus*

North American Opossum
(*Didelphis virginiana*)

Eastern Cottontail (*Sylvilagus*

Gray Squirrel (*Sciurus*