

CITY OF BURNABY

BYLAW NO. 12465

A Bylaw to regulate the use of pesticides for cosmetic purposes

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY PESTICIDE USE CONTROL BYLAW, 2008.**

2. In this Bylaw:

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

“**hard landscape**” means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood or brick pavers;

“**infestation**” means the presence of pests in numbers or under conditions that involves an immediate risk of structural damage to property or significant financial loss in respect of the use of property;

“**permitted pesticide**” means a pesticide listed in Schedule “A”;

“**pest**” means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism;

“**pesticide**” means a microorganism 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 owned by the City.

3. Except as otherwise permitted under this Bylaw, no person shall apply or cause or permit to be applied a pesticide on private lands or public lands within the City of Burnaby.

4. This Bylaw shall not apply in respect of:

- (a) the use or application of a permitted pesticide;
- (b) the use of a pesticide in response to a danger to human or animal health;
- (c) the use of a pesticide to disinfect a swimming pool, wading pool, whirlpool or ornamental water fountain;
- (d) the use of a pesticide to purify water intended for human or animal consumption;
- (e) the use of a biological control to destroy noxious pests, including rats and mice;
- (f) the use of a pesticide to control an infestation;
- (g) the use or application of a pesticide inside of a building;
- (h) the use of a pesticide to control or destroy plants which constitute a danger for human beings who are allergic thereto; and

(i) the use of a pesticide to prevent the deterioration of hard landscapes.

5. (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 or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable to the penalties as may be imposed under the *Offence Act*, R.S.B.C. 1996, c.338.

(2) Each day that a violation continues or exists under this Bylaw is a separate offence.

6. If any section or provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

7. This Bylaw comes into force on April 1, 2009.

Read a first time this 9th day of June 2008
Read a second time this 9th day of June 2008
Read a third time this 9th day of June 2008
Reconsidered and adopted this 16th day of June 2008

Mayor

City Clerk

CERTIFIED TRUE COPY
THIS 17TH DAY OF JUNE 2008

AUTHORIZED SIGNATORY CLERK

SCHEDULE "A"

Permitted Pesticides

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

- (1) Insecticidal soaps
- (2) Algicides and bactericides used in swimming pools, wading pools, whirlpools or ornamental fountains
- (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) Pruning paint
- (17) Pheromone traps
- (18) Pyrethrum (or phrethrin)
- (19) Diatomaceous earth