

Town of Truro – Bylaws

Subject: Pesticide By-law
Bylaw Number: B1044121
Approval Date: April 7, 2008
Departments: Engineering

Title

1. This By-Law is entitled the "Pesticide By-Law".

Purpose

2. The purpose of this by-law is to encourage a reduction in the use of pesticides.

Definitions

3. In this By-Law:

- (a) "commercial pesticide applicator" means any person, firm or corporation any part of whose business involves the application and use of pesticides for monetary or other compensation;
- (b) "IPM accredited organization" means a person, firm or corporation that has been granted and that maintains IPM (Integrated Pest Management) accreditation by the Plant Health Atlantic Council, which is subscribed to by the Landscape Nova Scotia Horticultural Trades Association;
- (c) "pesticide" means any pesticide as defined under the *Environment Act*, S.N.S. 1994-95, c. 1, as amended and means:
 - (i) any substance that is intended, sold or represented for use in preventing, destroying, repelling or mitigating, directly or indirectly, any pest;
 - (ii) any substance that is a pest control product within the meaning of the *Pest Control Products Act* (Canada) or is intended for use as a pest control product;
 - (iii) any substance that is a plant growth regulator, a defoliant or a plant desiccant;
 - (iv) a fertilizer within the meaning of the *Fertilizers Act* (Canada) that contains a substance referred to in subclause (i), (ii), or (iii); or
 - (v) any other substance designated as a pesticide in the regulations to the *Environment Act*,

but does not include a substance that is intended, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the *Pest Control Products Act* (Canada);

- (d) "pesticide application" means the application of a pesticide for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on a property or part of a property used for residential purposes (including multiple unit dwellings) or on property of the municipality;
- (e) "Pesticide Coordinator" means any person designated as such by Town Council;
- (f) "registered residence" means a residence registered in the Pesticide Notification Registry pursuant to section 15 of this By-Law.

Scope of By-law

- 4. This By-Law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid Federal and Provincial statutes and regulations in force from time to time concerning the possession and use of pesticides and shall be interpreted accordingly.
- 5. This By-Law applies only to the application and use of pesticides for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on a property or part of a property used for residential purposes (including multiple unit dwellings) or on property of the municipality.
- 6. This By-Law does not apply to the application of any of the substances listed in Schedule "A" of this By-Law.

Pesticide Application only in Accordance with By-Law

- 7. Except in accordance with this By-Law, no person shall make a pesticide application, or cause or permit another person to make a pesticide application.

Permit for Pesticide Application

- 8. No person shall make a pesticide application unless a permit has been issued by the Town in accordance with this By-law with respect to the pesticide application, and is in effect for the property on which the pesticide application is to occur.
- 9. Upon completion of an application in a form provided by the Town, in a manner satisfactory to the Pesticide Coordinator, and payment of an application fee of \$5.00, the Pesticide Coordinator shall issue a permit for pesticide applications for the property.
- 10. A permit shall only be valid for pesticide applications to the property from the date the permit is issued until March 31 of the following year, and shall only be valid for the pesticide applications identified in the permit and in the manner identified in the permit.
- 11. A permit holder may apply at any time to amend a permit by submitting an application to amend in a form provided by the Town.
- 12. Upon completion of an application to amend a permit in a manner satisfactory to the Pesticide Coordinator, the Pesticide Coordinator shall amend a permit for pesticide applications for the property in accordance with the application to amend.

13. The application forms referred to in section 9 and section 11 must be signed by the owner or a tenant of a property, and, if a commercial pesticide applicator is going to make a pesticide application on the property, signed by the commercial pesticide applicator or an employee of the commercial pesticide applicator.

Posting Notice of Pesticide Application

14. At least 24 hours before a pesticide application, the applicator of the pesticide shall post a notice on the property to which the pesticide is to be applied. The notice shall:

- (a) state:
 - (i) the date and time of the pesticide application;
 - (ii) the common trade name of the pesticide and the pest control product registration number as identified on the product label; and
 - (iii) the name and telephone number of a person who can be reached for further information regarding the pesticide application;
- (b) be in a form provided by the Town, or, if a notice is required to be posted by the *Environment Act* (Nova Scotia) or regulations under that Act, in the form required by that legislation;
- (c) be posted in a prominent position on the property so it can be seen and is legible from any street abutting the property; and
- (d) not be removed for a period of 4 days after the pesticide application.

Voluntary Notification Registry

15. Any person who has a medical reason for objecting to a pesticide application in the vicinity of their residence and who wishes to receive advance notification of the pesticide application within 100 metres of their residence in accordance with section 16 and 17 of this By-Law, may register their residence in a Voluntary Notification Registry which shall be maintained by the Pesticide Coordinator, by completing and signing a registration form provided by the Town containing:

- (a) their name and civic address; and
- (b) certifying that an occupant of their residence has a medical reason for objecting to the use of pesticides,

but need not disclose particulars concerning such medical reason. Registration shall be valid from the date of registration until March 31 of the following year, after which it will expire unless renewed, or until the registration is withdrawn by the registrant.

16. Before making a pesticide application, any person applying the pesticide shall review the Voluntary Notification Registry to determine whether any registered residences are located within 100 metres of the area on which the pesticide application is to occur.

17. When a pesticide application is made on property located within 100 metres of a registered residence, a notification letter in the form provided by the Town shall be hand-delivered or sent by registered mail to each such registered residence at least 72 hours but no more than 7 days before the pesticide is applied. The person making the pesticide application shall make a record of the registered residences to whom warning letters were delivered and particulars of the date, time and means of delivery, shall keep the records for at least 6 months, and shall make the record available for inspection by the Town upon request.

Registration of Commercial Pesticide Applicators

18. Every commercial pesticide applicator that makes a pesticide application must be registered with the Town by March 31 of the year during which the pesticide application is made, by providing the following information to the Pesticide Coordinator:

- (a) the name, address, contact person and telephone number of the commercial pesticide applicator; and
- (b) commencing January 1, 2011, proof of current IPM accreditation satisfactory to the Pesticide Coordinator.

I.P.M. Accreditation

19. Commencing January 1, 2011, every commercial pesticide applicator that makes a pesticide application must be an IPM accredited organization or an employee of an IPM accredited organization at the time of the pesticide application.

Penalties

20. Any person who contravenes section 17 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$500 and not more than \$2,500 and to imprisonment of not more than 7 days in default of payment thereof.

21. Any person who contravenes section 18 or section 19 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$2,500 and not more than \$5,000 and to imprisonment of not more than 6 months in default of payment thereof.

22. Any person who contravenes any other provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$500 and not more than \$1000 and to imprisonment of not more than 7 days in default of payment thereof.

Coming into Force

23. This By-Law comes into force on January 1, 2009.

SCHEDULE "A"

Insecticidal soaps (*with or without pyrethrins*)

Herbicidal soaps (*non selective herbicides made from fatty acids*)

Horticultural vinegar or Acetic acid (*herbicide*)

Bacillus thuringiensis or B.t. (*a biological insecticide which is a bacteria that targets the caterpillar stage of many moth and butterfly species*)

Beneficial Nematodes (*a biological control of specific insect and plant pests; nematodes are microscopic soil born organisms which are applied to affected properties by watering them into lawn*)

Predatory Insects (*a biological control used to target either insect or plant pests. Lady bug larvae used to control aphids is one example*)

Other biological controls (*biological pest control products approved by the Pesticide Management Regulatory Agency division of Health Canada, in addition to B.t., beneficial nematodes, and predatory insects*)

Pheromone traps (*natural or synthetic attractants used to lure target insects into a trap containing either a sticky trap or insecticidal kill strip*)

Borax (*powdered boric acid, commonly used as an insecticide to kill ants. Active ingredient in most common ant traps and liquids*)

Ferric Phosphate (*a slug and snail control product which is less toxic to pets and wildlife*)

Diatomaceous earth (*the fossilized skeletons of microscopic hard shelled aquatic organisms used as an insecticide*)

Pyrethrins or Pyrethrum (*pyrethrins are a broad spectrum botanical insecticide produced from a variety of the chrysanthemum flower*)

Sabadilla (*a low toxicity botanical insecticide made from the seeds of the sabadilla lily*)

Dormant and Horticultural oils (*highly refined oils which are mixed with water and used as an insecticide; pests are suffocated by the coating of oil*)

Sulphur or Lime Sulphur (*used as both a fungicide and an insecticide on fruit trees, vegetables, shrubs, roses and other ornamentals; Sulphur is also used to lower pH of alkaline soils*)

Bordeaux mixture (*a traditional mixture of copper sulfate and lime used as both a fungicide and an insect repellent*)

Sodium bicarbonate or Baking soda (*used as a mild fungicide*)

Corn gluten meal (*often used as an herbicide as it will prevent dandelion seed from germinating in a lawn; also used as an organic fertilizer due to its high nitrogen content*)

Injected Tree Treatments (*fungicides, insecticides, growth regulators, fertilizers which are injected directly into the vascular tissue of the tree in a closed system creating little or no exposure to the products being used*)

Sticky traps (*including products such as flypaper, spider traps, tanglefoot, etc*)

Rodenticides (*pesticides, including baits, used in the control of rodent pests such as mice and rats*)

Animal repellants (*products designed to deter animals such as cats, dogs, deer, squirrels from gardens, plants, bird feeders, etc*)

Zinc strips (*used to prevent fungus and moss growth on roofs*)

Copper strips or barrier products (*copper mesh or thin strips used as a slug and snail repellent*)

Neem (*botanical pesticide made from the seeds of the neem tree of India; used as both an insecticide and a fungicide*)