

**RESORT MUNICIPALITY OF WHISTLER
PESTICIDE USE REGULATION BYLAW NO. 1822, 2007**

**A Bylaw to Regulate the Nonessential and Cosmetic Use of Pesticides
Within the Resort Municipality of Whistler**

WHEREAS The Council of the Resort Municipality of Whistler has the authority pursuant to Section 8(3) of the *Community Charter* to enact bylaws which provide for the protection of the “health, safety and well-being” of residents;

AND WHEREAS Council desires to respond to the concerns expressed by residents about the risks to ecological integrity and biodiversity associated with the use of pesticides;

AND WHEREAS the application of pesticides contributes to the cumulative chemical load absorbed by the natural environment, and avoiding unnecessary exposure to pesticides conforms to the precautionary principle;

AND WHEREAS regulating the non-essential and cosmetic use of pesticides will help to promote and protect the public health of Municipal residents and visitors.

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. TITLE

1.1. This bylaw may be cited for all purposes as “Pesticide Use Regulation Bylaw No.1822, 2007”.

2. DEFINITIONS

2.1. In this bylaw:

Bylaw No. 2001

alien invasive species means a species not indigenous to the area whose introduction or spread does or is likely to cause economic or environmental harm or harm to human health.

Approved Applicator means a Person who has been exempted pursuant to Section 3.1 of Pesticide Use Regulation Bylaw No. 1822, 2007.

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

cosmetic purposes means for the purpose of maintaining outdoor trees, shrubs, flowers, ornamental plants, or turf;

Integrated Pest Management means an ecologically based pest-control strategy that relies on natural mortality factors, such as natural enemies, weather, cultural control methods, and carefully applied doses of pesticides with an emphasis on methods that are least injurious to the environment and human health and most specific to the particular pest;

permitted pesticide means a pesticide listed in Schedule 2 of the *Integrated Pest Management Regulation*, included for reference as Schedule A of this Bylaw;

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, and
- b. a control product as defined in the *Pest Control Products Act (Canada)*,
- c. a substance that is classified as a pesticide by the *Integrated Pest Management Act (British Columbia)*;

private land means a parcel of land that is used partially or entirely for residential purposes and includes any parcel where a residential use is permitted pursuant to the Parking and Zoning Bylaw or a Land Use Contract, and for greater clarity includes all common property in a strata development with a residential component;

public land means all property held entirely or in part by the Resort Municipality of Whistler;

3. **PROHIBITION**

- 3.1. Unless permitted or exempted in accordance with this bylaw, no person shall apply or cause or permit the application or use of a pesticide on *private lands* or *public lands* for *cosmetic purposes* within the boundaries of the Resort Municipality of Whistler.

4. **EXCEPTIONS**

- 4.1. Notwithstanding section 3, it is permitted to apply or use a *pesticide* in the following cases:

4.1.1. The use or application of *permitted pesticides*;

4.1.2. In a public or private swimming pool;

4.1.3. To purify water for human or animal use;

4.1.4. To buildings or the inside of buildings;

4.1.5. To control, destroy, reduce or repel, directly or indirectly, an animal, plant, alien invasive species, or other organism which is harmful to human health or the environment;

4.1.6. Where permitted pursuant to s. 2(2) of *BC Regulation 144/2004*; and

4.1.7. To golf courses, only where the principals of *Integrated Pest Management* have been applied by a certified *Integrated Pest Management* practitioner with a valid pesticide applicators certificate and the pesticide application is a last resort to avoid the loss of use of the facility.

4.2. **APPLICATION FOR EXEMPTION**

A person may apply to the Resort Municipality of Whistler General Manager of Resort Experience or a designate for an exemption from Section 3.1. of "Pesticide Use Regulation Bylaw No. 1822, 2007", in the form prescribed for that purpose by the General Manager of Resort

Experience or a designate. The General Manager of Resort Experience or a designate shall grant such an exemption and designate the applicant as an *Approved Applicator*, so long as the applicant provides all of the information required in the Pesticide Exemption Application form and satisfies the General Manager of Resort Experience or a designate that the applicant, and all individuals employed by the applicant and designated to apply pesticides, maintain a valid Pesticide Applicator Certificate issued pursuant to *the Integrated Pest Management Act* (British Columbia) and the Integrated Pest Management Regulation, BC Regulation No. 604/2004, as amended from time to time.

- 4.2.1. An application for exemption may be made by an applicant using the form attached to this bylaw as Appendix 1. An application may be issued or refused.
- 4.2.2. An application may impose one or more conditions relating to:
 - (a) the species of plant or pest to which the pesticide may be applied;
 - (b) the area of land on which the pesticide may be applied; and
 - (c) the period of time in which the pesticide may be applied.
- 4.2.3. A person who has obtained approval of an application to use a pesticide pursuant to section 4.2.1 must provide written notice of the use of the pesticide in accordance with sections 4.2.4 and 4.2.5.
- 4.2.4. Written notice must be posted on public or private land where the pesticide will be used and must comply with the following requirements:
 - (a) The notice must be posted on the public or private land at least 48 hours before the pesticide will be used;
 - (b) The notice must remain on the public or private land until the later of 72 hours after the application of the pesticide or the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (c) Notices must be posted in locations that are clearly visible from each highway or public pathway adjoining the public or private land, and:
 - (i) within three metres of each of the property lines intersecting each highway or public pathway; and
 - (ii) at driveways, walkways, and other usual entrances to the public or private land;
 - (d) The notice must be made of material that is weather resistant;
 - (e) The notice must measure at least 12 centimetres by 17 centimetres;
 - (f) The notice must include the following information:
 - (i) the location, date and approximate time of the pesticide use;
 - (ii) in the event of inclement weather, an alternate date or dates on which the pesticide use may occur;
 - (iii) the brand name and registration number of the pesticide that will be used;

- (iv) the pest for which the pesticide is being used;
- (v) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application; and
- (vi) the following phrase: "Permission to undertake this activity was obtained from the Resort Municipality of Whistler. Further details may be viewed at the Municipal Hall, Resort Experience Department, 4325 Blackcomb Way".

4.2.5. Written notice must be delivered to residents of lots that are adjacent to the public or private land where the pesticide will be used and must contain the information set out in section 4.2.4 (f).

4.2.6. In section 4.2.5, "lots that are adjacent" include lands separated by a highway or public pathway.

5. ENFORCEMENT

- 5.1. This bylaw is designated under the provisions of Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this bylaw.
- 5.2. Bylaw Enforcement Officers are designated to enforce this bylaw pursuant to Section 264(1)(b) of the *Community Charter*.

6. OFFENCE AND PENALTY

- 6.1. Any person who contravenes this bylaw is guilty of an offence and, upon conviction, is liable to a minimum penalty of \$250 and a maximum fine of \$5,000.
- 6.2. Each day a person applies or causes or permits the application of a *pesticide* within the boundaries of the Resort Municipality of Whistler that is not otherwise exempted shall constitute a separate offence.
- 6.3. Offences for which tickets can be issued and fines imposed are prescribed in the Ticket Information Utilization Amendment Bylaw No. 1453, 2000.

7. EFFECTIVE DATE

- 7.1. This bylaw comes into force and effect:
 - 7.1.1. on *public lands* as of the date of adoption; and
 - 7.1.2. on *private lands* as of December 31st, 2008.

8. SEVERANCE

- 8.1. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed.

9. **SCHEDULES AND APPENDICES**

Schedule "A" – Permitted Pesticides as of November 2007

Bylaw
No.
2001

Appendix "1" – Pesticide Exemption Application

READ A FIRST TIME this 19th day of November, 2007.

READ A SECOND TIME this 19th day of November, 2007.

READ A THIRD TIME this 19th day of November, 2007.

DEPOSITED with the Minister of Health this 20th day of December 2007.

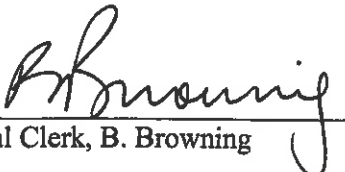
ADOPTED this 18th day of February, 2008.

Ken Melamed,
Mayor

Shannon Story,
Corporate Officer

This copy of "Pesticide Use Regulation Bylaw No. 1822, 2007" has been consolidated and printed by the authority of the Municipal Clerk of the Resort Municipality of Whistler, pursuant to Section 139 of the *Community Charter* and "Bylaw Consolidation and Revision Bylaw No. 1957, 2010".

Dated this 5 day of December 2017


Municipal Clerk, B. Browning



Schedule A

Permitted Pesticides
as of November, 2007

As per Schedule 2 of British Columbia's Integrated Pest Management Regulation, the following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

1	acetic acid (DOMESTIC)	23	laundry additives (DOMESTIC and COMMERCIAL)
2	animal repellents (DOMESTIC and COMMERCIAL) except thiram	24	material preservatives (DOMESTIC and COMMERCIAL)
3	anti-fouling paints (DOMESTIC and COMMERCIAL)	25	methoprene (DOMESTIC)
4	antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)	26	mineral oils for insect and mite control (DOMESTIC)
5	asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)	27	n-octyl bicycloheptene dicarboximide (DOMESTIC)
6	bacillus thuringiensis kurstaki (Btk) (DOMESTIC)	28	naphthalene for fabric protection (DOMESTIC)
7	bactericides used in petroleum products (DOMESTIC and COMMERCIAL)	29	paradichlorobenzene for fabric protection (DOMESTIC)
8	boron compounds (DOMESTIC)	30	pesticides in aerosol containers (DOMESTIC)
9	boron compounds with up to 5% copper for insect control and wood preservation (COMMERCIAL)	31	pesticides registered under the federal Act for application to pets (DOMESTIC and COMMERCIAL)
10	capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)	32	piperonyl butoxide (DOMESTIC)
11	cleansers (DOMESTIC and COMMERCIAL)	33	plant growth regulators (DOMESTIC)
12	corn gluten meal (DOMESTIC and COMMERCIAL)	34	polybutene bird repellents (DOMESTIC and COMMERCIAL)
13	d-phenothryn (DOMESTIC)	35	pyrethrins (DOMESTIC)
14	d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)	36	resmethrin (DOMESTIC)
15	deodorizers (DOMESTIC and COMMERCIAL)	37	rotenone (DOMESTIC)
16	fatty acids (DOMESTIC)	38	silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC and COMMERCIAL)
17	ferric phosphate (DOMESTIC and COMMERCIAL)	39	silicon dioxide, also referred to as "diatomaceous earth" (DOMESTIC and COMMERCIAL)
18	ferrous sulphate (DOMESTIC and COMMERCIAL)	40	slimicides (COMMERCIAL)
19	hard surface disinfectants (DOMESTIC and COMMERCIAL)	41	soaps (DOMESTIC and COMMERCIAL)
20	insect bait stations (DOMESTIC)	42	sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
21	insect pheromones (DOMESTIC and COMMERCIAL)	43	surfactants (DOMESTIC and COMMERCIAL)
22	insect repellents (DOMESTIC)	44	swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
		45	tetramethrin (DOMESTIC)
		46	wood preservatives (DOMESTIC)

APPENDIX 1 – PESTICIDE EXEMPTION APPLICATION

Name and address of applicant:
Phone number:
Email address:
Address where pesticide will be applied:
Area (m2) of proposed application:
Name(s) and consenting signature of landowner(s):
Name of pesticide to be used:
Name of pest or plant targeted:
Name of certified pesticide applicator:
Reason for Application for Permit based on the principles of integrated pest management as defined in this bylaw:
DATE:
For Staff Use:
Comments:
Conditions:
Species of plant or pest to which the pesticide may be applied:
Area of land on which the pesticide may be applied:
Period of time in which the pesticide may be applied

