



RESORT MUNICIPALITY OF WHISTLER

CONSOLIDATED “PESTICIDE USE REGULATION BYLAW NO. 1822, 2007”

This document has been produced for convenience of reference and is a consolidation of the following bylaws:

Bylaw No.	Bylaw Name	Date Adopted
1822	PESTICIDE USE REGULATION BYLAW	FEBRUARY 18, 2008
2001	PESTICIDE USE REGULATION AMENDMENT BYLAW	FEBRUARY 5, 2013
2403	PESTICIDE USE REGULATION AMENDMENT BYLAW (REMOVAL OF EXEMPTIONS)	AUGUST 1, 2023

Individual copies of any of the above bylaws are available from the Resort Municipality of Whistler.

This copy of “Pesticide Use Regulation Bylaw No. 1822, 2007” has been consolidated and printed by the authority of the Corporate Officer 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 20th day of March, 2024



Corporate Officer, P. Lysaght

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. DEFINITION

2.1. In this bylaw:

Amended by
Bylaws No.
2001, 2011;
2403, 2023.

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.

Amended
by Bylaw
No. 2403,
2023

Repealed by Bylaw No. 2403, 2023.

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;

Amended
by Bylaw
No. 2403,
2023.

permitted pesticide means a pesticide listed in Schedule 2 of British Columbia's *Integrated Pest Management Regulation* [B.C. Reg. 604/2004], as amended periodically;

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)*;

Amended
by Bylaw
No. 2403,
2023.

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 "Zoning and Parking Bylaw No. 303, 2015", 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;

Amended
by Bylaw
No. 2403,
2023.

4.1.5. To control, destroy, reduce or repel, directly or indirectly, a pest or invasive species which is harmful to human health or the environment, when used in accordance with the *Integrated Pest Management Act*, SBC 2003, c. 58;

Amended
by Bylaw
No. 2403,
2023.

4.1.6. Where permitted pursuant to *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* [B.C. Reg 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.

Amended
by Bylaw
No. 2403,
2023.

4.2 *Repealed by Bylaw 2304, 2023.*

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

Amended
by Bylaw
No. 2403,
2023.

6.1. A person who:

6.1.1. contravenes or violates any provision of this Bylaw;

6.1.2. permits, suffers or allows a contravention of a provision of this Bylaw; or

6.1.3. fails to comply with a requirement of this Bylaw;

commits an offence and on being found guilty is liable to a fine not exceeding \$50,000.

Amended
by Bylaw
No. 2403,
2023.

6.2. Each day that a violation continues or exists under this Bylaw is a separate offence.

Amended
by Bylaw
No. 2403,
2023.

6.3 *Repealed by Bylaw No. 2403, 2023.*

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.

Amended by
Bylaw
No. 2403,
2023.

9. Repealed by Bylaw No. 2403, 2023.

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.

Jack Crompton,
Mayor

Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a
true copy of " Pesticide Use
Regulation Bylaw No. 1822, 2007".
