



**Town of Barkmere
BY-LAW 277**

**BY-LAW 277
ON THE USE OF PESTICIDES**

WHEREAS	sections 4 and 19 et seq. of the <i>Municipal Powers Act (R.L.R.Q. c. C-47.1)</i> provide that municipalities have jurisdiction over the environment;
WHEREAS the City	Council wishes to preserve the quality of life on the territory of the Town and to ensure that quality of life, the environment and public health are not disturbed by the use of pesticides;
WHEREAS there	are well-documented harmful consequences arising from the use of pesticides and particularly from their misuse;
WHEREAS the	Town of Barkmere wishes to encourage all citizens to reduce the use of pesticides thus promoting environmentally responsible practices;
CONSIDERING THAT	the use of pesticides poses risks to both human and ecosystem health;
WHEREAS the	Council wishes to adopt regulations concerning the use of pesticides;
WHEREAS	a notice of motion was given at the sitting of March 11 th , 2023;
CONSIDERING that a	draft regulation was tabled at the sitting of the March 11 th , 2023, a copy of the draft regulation also being made available to the public at that sitting;
WHEREAS the	Mayor mentions that the purpose of this by-law is to regulate the use of pesticides throughout the territory of the Town of Barkmere;

FOR THESE REASONS, THE COMMISSION ORDERS THAT:

ARTICLE 1.- GENERAL

The preamble to this Regulation shall form an integral part thereof.

ARTICLE 2.-PURPOSE OF THE REGULATION

The purpose of this by-law is to regulate the use of pesticides and to restrict the use of high-impact pesticides with a long residual life in the environment.

ARTICLE 3.- SUBJECT TERRITORY

This Regulation, the provisions of which apply to all natural or legal persons, shall apply to the entire territory of the Town of Barkmere.

ARTICLE 4 . - ARTICLE INDEPENDENCE

All articles of these rules are independent of each other and the nullity of one or some of them cannot entail the nullity of the entire regulation. Each of the non-invalidated articles continues to produce its effects.



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ARTICLE 5.- DEFINITIONS

For the purposes of this by-law, unless the context indicates otherwise, the following terms and expressions indicate:

« *Application* » : The application of a pesticide, whether by watering, spraying, dusting or any other form of deposit or spill.

« *Restricted Application* » Restricted application means treating trees, shrubs, surfaces or areas in a way that reduces pesticide use to the essentials.

« *Biopesticides* » : Reduced-risk or low-impact pesticides. These pesticides must be registered by the *Pest Management Regulatory Agency (PMRA)* as biopesticides, be a mineral oil, be a natural form of azadirachtin or be authorized under Schedule II of the Pesticide Management Code (R.L.R.Q., c. P-9.3, r. 1) with the exception of acetamiprid.

« *Watercourse* »: All watercourses, with regular or intermittent flow, including those created or modified by human intervention, except:

1. A public or private road ditch;
2. A common ditch within the meaning of Article 1002 of the Civil Code;
3. A drainage ditch that meets the following requirements:
 - (i) Used for drainage and irrigation purposes only;
 - (ii) Exists solely as a result of human intervention;
 - (iii) With a catchment area of less than 100 hectares.

The portion of a watercourse that serves as a ditch remains a watercourse.

« *Intermittent flow watercourse* » : A watercourse or part of a watercourse whose flow depends directly on precipitation and whose bed is completely dry at certain times of the year. Does not apply to a watercourse whose flow channel is less than thirty (30) centimetres deep and less than sixty (60) centimetres wide and the area of the watershed feeding the watercourse is less than one (1) square kilometre.

« *Regular flow watercourse* »: Watercourse that flows in all seasons.

« *Entrepreneur* » : Any person, natural or legal, who carries out applications for remuneration.

« *Designated Employee* » : Any employee of the Urban Planning and Environment Department of the Town.

« *Infestation* » : There is infestation when the presence of noxious weeds, insects, moulds or other pests, regardless of extent, creates a threat to safety, human health, the survival of trees and shrubs or animal life.

« *High water mark* »: A line used to delimit the shoreline and shoreline of lakes and watercourses. This high-water mark is located at the natural high-water mark, i.e.:

1. Where there is a shift from a predominance of aquatic plants to a predominance of terrestrial plants, or, if there are no aquatic plants, where terrestrial plants stop in the direction of the body of water;



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2. Where there is a water retention structure, the line is at the maximum operating level of the hydraulic structure for the upstream part of the water body;
3. In the case where there is a legally erected retaining wall, the line corresponds to the top of the structure;

«*Wetland*» : All sites saturated with water or flooded for a period long enough to influence the nature of the soil and the composition of the vegetation. The presence of water can be caused by the seasonal fluctuation of a body of water adjacent to the wetland or result from insufficient drainage, when the environment is not in contact with a permanent body of water.

«*Neonicotinoids*» : Class of pesticides with the active ingredient of acetamiprid, clothianidin, imidacloprid, thiacloprid or thiamethoxam.

«*Pesticides*» : Any substance, material or micro-organism intended to control, destroy, diminish, attract or repel a pest, harmful or injurious organism to humans, wildlife, vegetation, crops or other property, or intended to serve as a vegetation growth regulator, excluding a vaccine or medicinal product, unless it is topical for external use on animals.

«*Reach*» : A strip of land that borders streams, lakes and wetlands and extends inland. The shoreline is measured from the high water mark for rivers and lakes and is measured from the boundary of a wetland.

«*User*» : Any natural or legal person other than a contractor who carries out an application on a property.

ARTICLE 6: PROHIBITION

It is prohibited to use or apply pesticides in the territory of the Town of Barkmere.

ARTICLE 7 : EXCEPTIONS

Despite section 6, a restricted application of pesticides may be made, with the exception of neonicotinoids and glyphosate, if:

- (a) To purify water for human or animal consumption;
- (b) Inside a building;
- (c) To preserve timber used in exterior construction;
- (d) As personal repellents against biting insects;
- e) The use of a shampoo, collar or flea medal for dogs and cats;
- (f) The restricted application by the owner or occupier of domestic insecticides for the purpose of destroying a wasp nest;
- g) In the event of infestation and conditional on obtaining a certificate of authorization provided for in Article 8; Neonicotinoids and glyphosate may not be applied under any circumstances on the territory of the city of Barkmere.



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SECTION 8: CERTIFICATE OF AUTHORIZATION FOR RESTRICTED APPLICATION

A certificate of authorization is required for restricted pesticide application. Each new pesticide application must be subject to a new certificate of authorization. In order to apply for a certificate of authorization for the application of a restricted application, the owner of the immovable concerned must complete and submit to the designated person the form for that purpose and all information relevant to the analysis of the certificate of authorization.

Restricted pesticide application may be permitted under the following conditions:

1. A pesticide cannot be applied to prevent an infestation, an infestation must first be present;
2. The pesticide must be applied according to the manufacturer's recommendations;
3. Pesticide application must be carried out in the absence of wind speeds exceeding 15 km/h;
4. Pesticide application cannot be carried out if it has rained at any time during the last 4 hours or when the weather forecast predicts rain in the next 4 hours, unless otherwise stated by the manufacturer on the product label;
5. The application of pesticides must not be carried out in the shore of a watercourse, lake or wetland;
6. Pesticide application shall not be carried out within 15 metres of a well, water intake or ditch;
7. Sufficient demonstration of a biopesticide prevention or use strategy has been conducted with the town. For this purpose, photos of the infestation, evidence of biopesticide use or strategy not requiring the use of pesticides may be required;
8. The applicant must complete and submit the form available for this purpose, as well as all information necessary for the issuance of the certificate of authorization to the designated employee; The reference weather conditions for the application of pesticides in this article are those recorded by Environment Canada's Meteorological Service of Canada for the area covering the town. No fee is payable by the applicant when applying for a certificate of authorization. The certificate of authorization is valid for a maximum of one month following the date of issue.

ARTICLE 9: INSPECTION WORK

The person designated by the Town is authorized to visit and examine, between 7 a.m. and 7 p.m. every day of the week, any immovable to ensure compliance with this by-law. Every owner or occupant of the immovable must receive it and answer any question and provide any document relating to the application of this by-law.

ARTICLE 10: PENAL PROVISIONS

Every person who contravenes any provision of this by-law, hinders the work of an officer designated for the purposes of this by-law, makes a false or misleading statement to the officer or refuses to provide the officer with information or a document that the officer is entitled to obtain under the by-law is guilty of an offence and is liable:

1. for an offence, to a fine of \$200 in the case of a natural person and \$400 in the case of a legal person;



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2. for a second or subsequent offence, to a fine of \$300 in the case of a natural person and \$500 in the case of a legal person;

3. for any subsequent offence, to a fine of \$500 in the case of a natural person and \$1,000 in the case of a legal person. In all cases, the costs of the lawsuit are extra. If an offence lasts more than one day, the offence committed on each day constitutes a separate offence and the penalties prescribed for each offence may be imposed for each day during which the offence lasts in accordance with this section. The designated officer is authorized to issue, on behalf of the Town, statements of offence for any offence under this by-law.

ARTICLE 11: ENTRY INTO FORCE

These Regulations shall enter into force in accordance with the law.

Luc Trépanier
Mayor

Martin Paul Gélinas
Secretary-Treasurer

Notice of Motion	March 11th 2023
Tabling of draft regulations¹	March 11th 2023
Adoption	1
Entry into force	1