



**Town of Barkmere  
Bylaw 277**

**Bylaw 277  
ON THE USE OF PESTICIDES**

- WHEREAS** articles 4 and 19 et seq. of the Municipal Powers Act (R.L.R.Q. c. C-47.1) provide that municipalities have jurisdiction over environmental matters;
- WHEREAS** the municipal council is keen to preserve the quality of life on the town's territory and to ensure that this quality of life, the environment and public health, are not disrupted by the use of pesticides;
- WHEREAS** there are well-documented harmful consequences of pesticide use, and particularly of pesticide misuse;
- WHEREAS** the Town of Barkmere wishes to encourage all citizens to reduce their use of pesticides, thus promoting environmentally responsible practices;
- WHEREAS** the use of pesticides presents risks to human health and ecosystems;
- WHEREAS** the Council wishes to adopt regulations governing the use of pesticides;
- WHEREAS** a notice of motion was given at the meeting of march 11, 2023;
- WHEREAS** a draft by-law was tabled at the meeting of March 11, 2023, with a copy of the draft by-law also being made available to the public at that meeting;
- WHEREAS** the mayor mentions that the purpose of this bylaw is to regulate the use of pesticides on the entire territory of the Town of Barkmere;

**FOR THESE REASONS, THE COUNCIL DECREES AS FOLLOWS:**

**ARTICLE 1.- GENERAL INFORMATION**

The preamble to the present by-law forms an integral part thereof.

**ARTICLE 2.- OBJECT OF THE BYLAW**

The purpose of this by-law is to define the regulations governing the use of pesticides and to restrict their use.



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### ARTICLE 3.- ASSIGNED TERRITORY

The present by-law applies to all individuals or legal entities and to the entire territory of the Town of Barkmere.

### ARTICLE 4.- ARTICLE INDEPENDENCE

All the articles of the present rules are independent of one another and the invalidity of one or some of them shall not invalidate the whole of the rules. Each of the articles not invalidated continues to produce its effects.

### ARTICLE 5.- DEFINITIONS

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

- « *Application* » :           Synonymous with spreading; any use or method of application, including spraying, vaporizing, injecting into a plant, watercourse, air or soil, gaseous, granular, powder or liquid application and any other form of deposit or discharge.
- « *Restricted application* » :       Restricted application means treating trees, shrubs, surfaces or areas in such a way as to reduce pesticide use to an absolute minimum.
- « *Watercourses* » :       All watercourses, regular or intermittent, including those created or modified by human intervention.
- The portion of a watercourse used as a ditch remains a watercourse.
- « *Designated employee* » :       Any employee of the Town of Barkmere Urban Planning and Environment Department.
- « *Infestation* » :           An infestation occurs when the presence of noxious weeds, insects, molds or other harmful organisms, regardless of their extent, creates a threat to safety, human health, the survival of trees and shrubs or animal life.
- « *Neonicotinoids* » :       Category of pesticides with acetamiprid, clothianidin, imidacloprid, thiacloprid or thiamethoxam as active ingredient.
- « *Pesticides* » :           Any substance, material or micro-organism manufactured or sold for the specific purpose of controlling, destroying, reducing, attracting or repelling, directly or indirectly, an organism that is



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harmful, noxious or troublesome to humans, wildlife, vegetation, crops or other property. Pesticides include, but are not limited to, all herbicides, fungicides, insecticides and other biocides.

### ARTICLE 6 : PROHIBITION

The use or application of pesticides on the territory of the Town of Barkmere is prohibited.

### ARTICLE 7 : EXCEPTIONS

Notwithstanding Article 6, a restricted application of pesticides may be carried out, with the exception of neonicotinoids and glyphosate, in the following cases:

- a) Inside a main building;
- b) To preserve lumber used in exterior construction, provided it is not located on the shoreline or littoral, as defined in Bylaw 204 on permits and certificates;
- c) As a personal insect repellent;
- d) The use of a shampoo, collar or flea tag for dogs and cats;
- e) The restricted application, by the owner or occupant, of household insecticides for the purpose of destroying a wasp nest or protecting a building and its occupants from insect infestation;

### ARTICLE 8 : POWER OF INSPECTION

The person designated by the Town of Barkmere is authorized to visit and examine, between 7 a.m. and 7 p.m. every day of the week, any building to ensure compliance with the present by-law. Any owner or occupant of this building must receive him and answer any questions and provide any documents relating to the application of the present by-law.

### ARTICLE 9 : DISPOSITIONS PÉNALES

Any person who contravenes any of the provisions of this by-law, hinders the work of an official designated for the application of this by-law, makes a false or misleading statement or refuses to provide him with any information or document that he is entitled to obtain under the by-law commits an offence and is liable :

1. for a first offence, to a fine of \$200 in the case of a natural person, and \$400 in the case of a legal person;
2. for a first repeat offence, to a fine of \$300 in the case of a natural person, and \$500 in the case of a legal person;



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

<b>ARTICLE 10 : ENTRY INTO FORCE</b>
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These regulations come into force in accordance with the law.

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Luc Trépanier  
Maire

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Martin Paul Gélinais  
Secrétaire-trésorier

<b>Notice of motion</b>	<b>11 mars 2023</b>
<b>Filing of the draft by-law</b>	<b>11 mars 2023</b>
<b>Adoption</b>	<b>8 avril 2023</b>
<b>Entry into force</b>	<b>15 avril 2023</b>