

PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-114

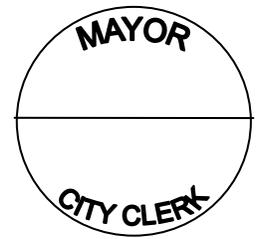
BY-LAW CONCERNING THE USE OF PESTICIDES

CONSOLIDATED

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(BEAC-114-1) 2018-03-26

Adopted at the regular Council meeting
held on June 19, 2017



PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

**BY-LAW BEAC-114
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At the regular meeting of the Municipal Council of the City of Beaconsfield, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Québec, on Monday, June 19, 2017 at 8:00 p.m.

WERE PRESENT: His Honour the Mayor Georges Bouelle, Councillors David Pelletier, Karen Messier, Wade Staddon, Pierre Demers, Roger Moss and Peggy Alexopoulos

WHEREAS Council has the right to enact by-laws for the peace, order and good government;

WHEREAS the City of Beaconsfield wishes to regulate and reduce the use of pesticides used on its territory in a vision of environmental protection;

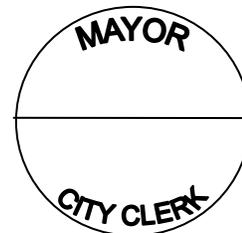
WHEREAS the Council has the right to enact by-laws to regulate the use of pesticides and to impose fines upon persons who may infringe, continue to infringe or allow infractions to the present by-law;

WHEREAS the existing by-law concerning the use of pesticides is outdated and it is in the interest of the City and of its citizens that a new by-law be enacted for the above-mentioned reasons;

WHEREAS a notice of motion of the present by-law was given at the regular Municipal Council meeting held on Tuesday, May 23, 2017;

On motion given by Councillor K. Messier seconded by Councillor W. Staddon and UNANIMOUSLY RESOLVED:

THE COUNCIL OF THE CITY OF BEACONSFIELD DECREES AS FOLLOWS:



SECTION 1: DEFINITIONS

In the present By-law, the following expressions mean:

Biological control agent (*agent de lutte biologique*): Any living organism used to control pests (insects, spiders, micro-organisms and weeds). Often classified in categories according to their mode of action or target, these aids or biological control agents include, but are not limited to, predators, parasitoids, nematodes, micro-organisms such as viruses, bacteria and fungi, and phytophagous organisms that attack weeds.

Application (*application*): Any method of applying a pesticide including, but not limited to, spreading, watering and spraying, vaporizing, applying gas, granules, powder or liquid and any other method of depositing or discharging a pesticide.

Competent authority (*autorité compétente*): The person occupying the position, fulfilling the duties or acting as a Director of one of the City's Departments, his representative or an employee authorized to act in his name in conformity with the powers, orders and specific duties which have been assigned to him as well as any person appointed by the Council, by resolution, for the enforcement of the present by-law, wholly or in part.

Biopesticide (*biopesticide*): A product made from natural sources such as bacteria, animals or plants that is used for pest control. They tend to have less of an impact on the environment and human health because they are less toxic than conventional pesticides and usually affect only one specific pest instead of being broad-range. They can also work in low amounts, they break down quickly and when used properly, they can reduce the use of conventional pesticides while maintaining crop yields.

Contractor annual registration permit: (*permis d'enregistrement annuel de l'entrepreneur*): Permit issued to a contractor in accordance with this by-law.

Contractor (*entrepreneur*): Any person, natural or legal, who proceeds or plans to proceed with remunerated horticultural work on behalf of another party, for the application of pesticides, including low-impact pesticides and biological control agent.

Infestation (*infestation*): The presence of insects, mildew or other toxic agents, except noxious weeds, on more than 50% of a lawn area or on more than 5 m² of a plant bed area. There is also infestation where the presence of noxious weeds, insects, mildew or other toxic agents, whatever their extent, constitutes a safety hazard, a tree or a shrub hazard, or an animal health hazard.

Neonicotinoid (*néonicotinoïdes*): Category of pesticides that contain active ingredients such as acetamipride, clothianidin, imidacloprid, thiacloprid, thiamethoxam.

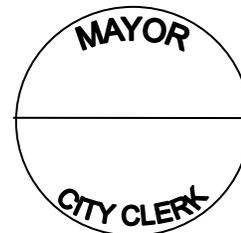
Temporary application permit (*permis temporaire application*): Temporary permit issued on an ad hoc basis to resolve an infestation or public health problem.

Pesticide (*pesticide*): Any substance, matter or micro-organism intended to directly or indirectly control, destroy, mitigate, attract or repel an organism that is injurious to or noxious or troublesome for humans, animal life, vegetation, crops or other goods, or intended for use as a plant growth regulator, except a drug product or a vaccine, as defined in the *Pesticides Act* (R.S.Q., c. P-9.3).

Low-impact pesticide (*pesticide à faible impact*): Biopesticides, as designated by the Pest Management Regulatory Agency (PMRA), approved horticultural oils as well as active ingredients authorized under Schedule II of the Pesticides Management Code (CQLR, c. 9.3, r.1).

City (*Ville*): City of Beaconsfield.

Sensitive area (*zone sensible*): Childcare centres, day care centres, stop over centres, nursery schools or home childcare centres governed by *the Act Respecting Childcare Centres and Childcare Services* (CQLR, c. C-8.2); institutions providing preschool education services, or elementary or secondary school instructional services governed by the *Education Act* (CQLR, c. I-13.3) or by the *Act respecting Private Education* (CQLR, c. E 9.1); institutions providing instructional services at the college level governed by the *Act respecting Private Education* (CQLR, c. E 9.1) or by the *General and Vocational Colleges Act* (CQLR, c. C-29); educational institutions at the university-level referred to in subsections (1) to (10) of section 1 of the *Act Respecting Educational Institutions at the University Level* (CQLR, c. E-14.1); health and social service institutions governed by the *Act respecting Health Services and Social Services* (CQLR, c. S 4-2); places of worship, residences for senior citizens, and municipal park play areas and sports grounds used by children under 14 years of age.



SECTION 2: APPLICATION FIELD

2.1 This by-law applies to the entire City territory.

SECTION 3: PRESCRIPTIVE PROVISION

3.1 The use or application of pesticides is prohibited outside buildings.

SECTION 4: EXCEPTIONS

4.1 Despite section 3.1, pesticides, other than neonicotinoids, may be used in the following case:

- 1° if it is a biopesticide, as designated by the Pest Management Regulatory Agency (PMRA), mineral oil, azadirachtin or an active ingredient authorized under schedule II to the Pesticides Management Code (2003, 135 G.O. II 1653), provided that the application guidelines on the safety data sheets and product label are followed;
- 2° in the event of an infestation, unless it is a sensitive area, subject to the issuance of a permit under section 5;
- 3° in pools and decorative ponds or self-contained artificial basins;
- 4° for the maintenance of bowling greens, and on a property used for agricultural or horticultural purposes, in accordance with this by-law;
- 5° within a 5 m radius of food warehouses, food processing plants and pharmaceutical manufacturing plants to ensure vermin control, subject to the issuance of a permit under section 5;
- 6° on the base of a building and on a 30 cm strip around the building, for ant control, subject to the issuance of a permit under section 5.

No product referred to in subparagraph 1° may be used if it has been fortified with another active antiparasitic agent.

SECTION 5: TEMPORARY PESTICIDE APPLICATION PERMIT

5.1 Any person wishing to use a pesticide for one of the exceptions referred to in subparagraphs 2°, 5° or 6° of the first paragraph of section 4.1 must first be issued a permit for that purpose.

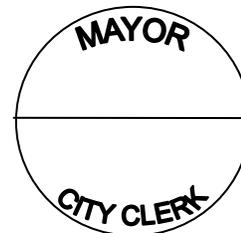
5.2 A temporary pesticide application permit may be issued to the owner, to the occupant with the owner's permission or to the user with the owner's permission, subject to the following conditions:

- 1° pay the fees mentioned in the by-law on tariffs to obtain the permit;
- 2° the application must fall under subparagraphs 2°, 5° or 6° of the first paragraph of section 4.1;
- 3° the area to be treated is not in a sensitive area;
- 4° the area to be treated is more than 100 m from a water intake.

Every person who, for the benefit of others and for valuable consideration, performs work involving the use of pesticides, must, to be granted a temporary permit, in addition to meeting the conditions in the first paragraph, hold any permit or certificate required under a law or a provincial or federal regulation.

5.3 To obtain a temporary permit, the owner or occupant must provide the following documents, upon request by the City:

- 1° description of the noxious organism for which a pesticide application request is being made and any other required information for the purposes of issuing a temporary permit;



2° name of the contractor who will be carrying out the work;

3° name of the product (trade name and active ingredient) that will be used.

5.4 To determine whether there is an infestation in accordance with subparagraph 2° of the first paragraph of section 4.1, the City may require that one of its employees conducts a site inventory before issuing a permit. The percentage of the total grassy area and the plant bed area are established by calculating the sum of the parts of infested area.

5.5 A temporary pesticide application permit issued under this section is valid for 10 days from the date of issue.

SECTION 6: BOWLING GREENS

6.1 Pesticides, other than neonicotinoids, may be used for the maintenance of bowling greens subject to the conditions in this section.

6.2 Every operator of a bowling green must register, under a written declaration to the City, the products stored or to be stored, and that he intends to use during the year.

The declaration required under the first paragraph must be filed at the Public Works Department, between March 1 and 31 of every year.

6.3 Pesticides must be stored in a fireproof location, with embankment, ventilation, and steel shelves. A flameproof sign must be put up at the storage area's entrance. The sign must indicate the presence of chemical pesticides.

6.4 Every operator of a bowling green must post, immediately after a pesticide application, at each course entrance, a sign specifying the date and the time of application, the active ingredient, the product's brand name and qualification number, the name and telephone number of the person who performed the work, the certificate number of the applicator, as the case may be, and the telephone number of Québec Poison Control Centre.

The sign must be posted for 72 hours after an application.

6.5 The conditions relating to the use of pesticides referred to in section 8 apply to the application of pesticides on bowling greens.

A strip of 5 m must separate the pesticide application area from properties adjoining the bowling greens.

Despite the first paragraph, the condition under subparagraph 1° of the first paragraph of section 8.1, and the conditions under section 8.4 do not apply to the application of pesticides on bowling greens.

6.6 Every operator of a bowling green must keep a register showing the date and the reason for application, a description of the treated areas, the quantity and the name of the pesticide used, as well as the pesticide's type and registration number, per hectare, per application.

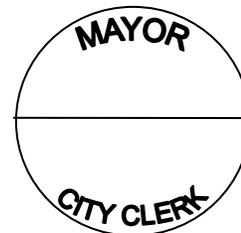
A copy of the register must be filed at the Public Works Department, between November 1 and 30 of every year.

6.7 Every operator of a bowling green must, from the year following the adoption of this by-law and every 3 years thereafter, submit to the Public Works Department a pesticide reduction plan containing the information referred to in section 73 of the Pesticides Management Code (2003,135 G.O. II, 1653).

Every operator must also submit, every year, between November 1 and 30, a progress report regarding its pesticide reduction plan to the Public Works Department.

SECTION 7: AGRICULTURAL AND HORTICULTURAL PRODUCTION

7.1 Pesticides, other than neonicotinoids, may be used on a property operated for agricultural or horticultural purposes, under the conditions provided in this section.



7.2 Every operator must, by written declaration to the City, register the products stored or to be stored, and that he intends to use during the year.

The declaration required under the first paragraph must be filed at the Public Works Department, between March 1 and 30 of every year.

7.3 Pesticides must be stored in a fireproof location, with embankment, ventilation, and steel shelves. A flameproof sign must be put up at the storage area's entrance. The sign must indicate the presence of chemical pesticides.

7.4 Every operator must keep a register showing the date and the reason for application, a description of the treated areas, the quantity and the name of the pesticide used, as well as the pesticide's type and registration number, per hectare, per application. A copy of the register must be filed at the Public Works Department, between November 1 and 30 of every year.

7.5 The conditions relating to the use of pesticides referred to section 8 apply to the application of pesticides on land operated for agricultural or horticultural purposes.

Despite the first paragraph, the condition under subparagraph 1° of the first paragraph of section 8.1, do not apply to the application of pesticides on land operated for agricultural or horticultural purposes.

SECTION 8: CONDITIONS OF APPLICATION

8.1 The application of pesticide referred to in subparagraphs 2°, 4°, 5° or 6° of the first paragraph of section 4.1 must be carried out as follows:

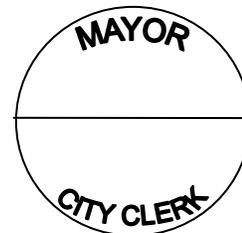
- 1° between 7 a.m. and 4 p.m., Monday through Friday;
- 2° more than 3 m from a watercourse or body of water where the land has a slope of less than 30%, and more than 15 m from a watercourse or body of water where the land has a slope equal to or greater than 30%;
- 3° more than 3 m from a ditch;
- 4° when it is not raining;
- 5° where winds do not exceed 11 km/h, if the pesticide is applied by spraying;
- 6° where the temperature is less than 25°C, if the pesticide is applied by spraying;
- 7° where no smog is forecast by the Meteorological Service of Canada of Environment Canada;
- 8° in accordance with the product manufacturer's specifications.

The reference weather conditions for the purposes of subparagraphs 4° or 6° of the first paragraph are those issued by the Meteorological Service of Canada of Environment Canada, for Montréal.

8.2 For any pesticide application referred to in subparagraphs 2°, 4°, 5° or 6° of the first paragraph of section 4.1, the pesticide user must ensure that:

- 1° all toys, bicycles, wading pools or other equipment used by children are removed;
- 2° vegetable gardens and pools are protected from contamination.

8.3 For any pesticide application referred to in paragraphs 2°, 4°, 5° or 6° of the first paragraph of section 4.1, a written notice must be distributed, between 48 and 72 hours before a pesticide application, to the occupants of every immovable in the area to be treated, including the occupants of adjacent immovables. This notice must provide the area which will be treated, the date and time scheduled for the application, the name and telephone number of the person applying the pesticide, as well as the name, type and registration number of the pesticide that will be used.



For the purposes of the first paragraph, in the case of a multi-unit building with only one main entrance, instead of sending a notice to each occupant, the written notice may be posted in the entrance in plain view of all occupants. The notice must contain the information set forth in the first paragraph.

For any pesticide application referred to in subparagraphs 2°, 4°, 5° or 6° of the first paragraph of section 4.1, an easy-to-read sign must also be put up between 48 and 72 hours before the scheduled time of the pesticide application in the area surrounding the area to be treated. The sign must specify the proposed pesticide application and the time of the application.

Where it is not possible for the pesticide to be applied at the time specified in the notice that is sent or posted, and where it is postponed to a later date, a new notice must be sent or posted in accordance with this section.

8.4 For any application of a Class 3 pesticide within the meaning of the Regulation respecting permits and certificates for the sale and use of pesticides (CQLR, c. P-9.3, r.2), immediately after the pesticide application and for the next 72 hours, at least two signs or one sign every 10 m must be put up around the treated area and be easy to read without having to walk on the treated surface. The signs must comply with section 72 of the Pesticides Management Code, (CQLR, c. P-9.3, r. 1).

SECTION 9 : OBLIGATIONS OF THE CONTRACTOR

9.1 No one may apply pesticides, including biopesticides, low-impact pesticides, or biological control agents on behalf of another party without a valid annual registration certificate issued by the City for this purpose. The certificate is valid for the period of January 1 to December 31 of the same calendar year. It is non-transferable.

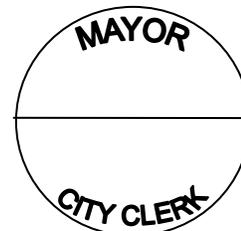
9.2 To obtain the permit mentioned in subsection 9.1, the contractor must complete an application containing the following information and documents:

1. Provide proof that the contractor holds a permit issued under the *Pesticides Act* (RLRQ, chapter P-9.3) by the Ministry of Sustainable Development, the Environment and the Fight Against Climate Change for each class of pesticide used;
2. Provide proof that the persons tasked with the application hold a certificate of competence recognized by the Ministry of Sustainable Development, the Environment and the Fight Against Climate Change;
3. Provide the proof that the contractor has civil and professional liability insurance of \$2,000,000;
4. Provide make, model, year, serial number and copy of the registration certificate for any road vehicle to be used by the contractor and serving as a means to transport pesticides, staff and equipment on the City's territory;
5. Provide all other information required on the form for this purpose;
6. Pay the fees mentioned in the in force By-Law on tariffs of the City of Beaconsfield for obtaining the certificate.

9.3 Any person who applies pesticides, including biopesticides, low-impact pesticides or biological control agents, for a contractor must have in his possession at all times during the application a copy of the contractor's annual registration certificate and, if necessary, a copy of the temporary permit issued under the present by-law.

If a certificate is lost or stolen, it will be replaced at the contractor's cost, in accordance with the required tariff.

9.4 The contractor or company requesting an annual registration certificate agrees not to transfer the contract, customer or service to another company or individual. Hiring subcontractors is prohibited and constitutes a violation of the present by-law.



9.5 In order to inform the public, immediately following the application of pesticides, low-impact pesticides, fertilizers, supplements, amendments or biological control agents, the contractor who carried out the work must install a minimum of two signs, one of which must be located at the front, with subsequent signs placed every 20 m in a line around the treated area. The lettering on the signs must be in indelible ink and the information must be legible and easy to read without having to walk on the treated surface or handle the signs. No advertisement must appear on the signs.

1. In the case of work involving the exclusive application of biological control agents, the contractor must install signs bearing a pictogram with a green circle on the front and the following information on the back: type of product applied (e.g. "Application of fertilizers" or "Application of nematodes"), name and contact information of the contractor, name of the technician responsible for the pesticide application, common name of the active ingredient and trade name of the products used, date and time of the application and the telephone number of the Centre Anti-Poison du Québec.
2. In the case of work involving the application of pesticides or low-impact pesticides, the contractor must install signs on the treated property, in compliance with the standards prescribed in section 72 of the *Pesticides Management Code* (CQLR, chapter P-9.3, r.1). In the case of a **synthetic pesticide** application, the circle and **slash on the pictogram are red**. In the case of exclusive application of **biological control agents or low-impact pesticides**, the circle and **slash on the pictogram are yellow or red**.

9.6 It is prohibited to discharge rinsates or excess product in a watercourse, ditch, sewer, septic tank or on another person's property.

9.7 Pesticides must be safely stored, at all times, in clearly marked containers that are clean, in good condition, hermetically sealed and waterproof.

9.8 If the contractor or person acting on his behalf contravenes one or other of the provisions of the present by-law, the competent authority may revoke an annual registration certificate that has already been issued or refuse to issue a certificate to the contractor.

9.9 The failure of a contractor to comply with the conditions stipulated in the by-law and on the request form for an annual registration certificate constitutes an offence.

SECTION 10 : OBLIGATION OF PROPERTY OWNERS

10.1 A property owner who retains the services of a contractor must make sure that the latter holds a valid certificate for the current year, duly issued by the City.

(BEAC-114-1, sec. 1)

SECTION 11: INFRACTIONS ET PENALTIES

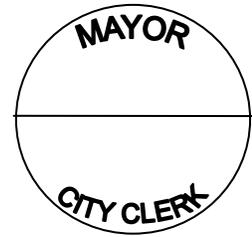
11.1 Any person who contravenes a provision of this by-law, tolerates or permits any such contravention, including but not limited to an owner or a contractor, commits an offence and is liable:

1^o in the case of a natural person:

- a) for a first offence, to a fine of \$100 to \$1,000, plus fees;
- b) for a second offence, to a fine of \$300 to \$2,000, plus fees;
- c) for a subsequent offence, to a fine of \$500 to \$2,000, plus fees.

2^o in the case of a legal person:

- a) for a first offence, to a fine of \$300 to \$2,000, plus fees;
- b) for a second offence, to a fine of \$600 to \$4,000, plus fees;
- c) for a subsequent offence, to a fine of \$1,000 to \$4,000, plus fees.



SECTION 12: APPLICATION OF THE BY-LAW

12.1 For the purposes of this by-law, City employees may visit and examine any immovable or movable property, as well as the interior and exterior of houses, buildings or structures to determine whether they meet by-law requirements, to check any information or to note any fact relating to the exercise of the power to issue permits, to grant an authorization, or any other type of permission under this by-law.

The owners or occupants of properties, buildings and structures referred to in the first paragraph must provide city employees with access to premises.

SECTION 13: REPEAL

13.1 This by-law repeals and replaces the Ordinance in virtue of By-law concerning pesticide use (04-041) and By-law 783 concerning the application of pesticides and their amendments and comes into force in accordance with the law.

SECTION 14 : COMING INTO FORCE

14.1 The present By-law shall come into force according to law.

(BEAC-114-1, sec. 2)

MAYOR

CITY CLERK