

The Corporation of the Town of Gananoque
Bylaw Number 2006-23

**BEING A BY-LAW TO REGULATE AND CONTROL THE APPLICATION OF
PESTICIDES ON PUBLIC AND PRIVATE PROPERTY IN THE TOWN OF
GANANOQUE**

WHEREAS Section 130 of the *Municipal Act*, S.O. 2001, allows municipalities in Ontario to “*regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality*”, and such authority has been unanimously confirmed by the Supreme Court of Canada on June 28, 2001 in its decision of *114957 Canada LTEE (Spraytech, societe D’Arrosage) and services fes espaces verts Itee/Chemlawn, vs. the municipality of Hudson, Quebec*;

AND WHEREAS the Town of Gananoque has not applied pesticides on any municipal or public property for over 5 years;

AND WHEREAS a comprehensive medical study has revealed serious health risks to the exposure of such pesticides;

NOW THEREFORE the Council of The Corporation of the Town of Gananoque enacts as follows:

SECTION 1 – DEFINITIONS

For the purposes of this by-law, the following words and phrases shall have the following meanings:

“Pesticide” means any substance, matter, or micro-organism, within the meaning of the Pest Control Products Act (Canada) intended to control, destroy, reduce, attract or repel, directly or indirectly, an organism, which is noxious, harmful, or annoying for a human being, fauna, vegetation, crops or other goods, or intended to regulate the growth of vegetation, excluding medicine or vaccine;

“Farmer” means a commercial food or fibre producer or horticulturist;

“Inspector” or “Designated Officer” means any person designated for this purpose by the Municipality of Gananoque.

“Municipality” means the Corporation of the Town of Gananoque and “Municipal” shall have a corresponding meaning.

“Person” means any legal person and includes a corporation.

“Public & Private Property” means the real property including tree’s, shrubs, plants, turf and other places outside including solid surfaces such as, but not limited to, asphalt and concrete.

SECTION 2 – SCOPE OF BY-LAW

- a) This bylaw regulates and controls the application of a pesticide on public and private property throughout the territory of the Municipality of Gananoque.

SECTION 3 – PROHIBITION

- a) Except as provided in Section 4, the Application of a Pesticide is prohibited throughout the territory of the Municipality.
- b) This bylaw shall also apply to the Municipality, its employees and any other person carrying out work at its request.

SECTION 4 – EXCEPTIONS

- 4.1 Notwithstanding Section 3, it is permitted to use a pesticide in the following cases:

Chemical treatment of pools, purification of water, within a building, to control termites, to control or destroy a health hazard, to comply with the Weed Control Act, as an insect repellent for personal use, and as a wood preservative.

- 4.2 Additional substances deemed permitted pesticides and shall be excluded from provisions of this by-law are contained within Schedule A attached.

SECTION 5 – RULES CONCERNING THE PERMITTED APPLICATION OF A PESTICIDE

- 5.1 That for the purpose of SECTION 4:

Any pesticide will be applied in accordance with the written instructions of the manufacturer and the label on the container.

SECTION 6 – ENFORCEMENT

- 6.1 The municipality shall be responsible for the enforcement of this bylaw and its agents and Designated Officers shall be authorized to issue statements of offense.
- 6.2 Any Inspector or Designated Officer of the Municipality may:
 - a) Visit and examine any property to ascertain whether there has been compliance with the provisions of this bylaw.
 - b) During the application of a pesticide, examine all products and equipment used in the application of the pesticide
 - c) Take all reasonable steps to determine if the provisions of this bylaw are being respected
- 6.3 The Municipality can take any legal action before the appropriate court of justice in order to obtain compliance with this bylaw.

SECTION 7 – PENALTY

- 7.1 Any person who contravenes a provision of this bylaw or who engages another person to contravene a provision of this bylaw commits an infraction and is liable to the following fine:
 - a) For a first infraction, a minimum of one hundred dollars (\$100) and a maximum of one thousand dollars (\$1,000) if the offender is a natural person or a minimum of two hundred dollars (\$200) and a maximum of two thousand dollars (\$2,000) if the offender is a corporation or other legal entity;

- b) For a repeat infraction, a minimum of two hundred dollars (\$200) and a maximum of two thousand dollars (\$2,000) if the offender is a natural person or a minimum of five hundred dollars (\$500) and a maximum of four thousand dollars (\$4,000) if the offender is a corporation or other legal entity.

7.2 If an infraction continues for more than one (1) day, it shall constitute a separate offense for each day during which it continues.

SECTIONS 8 – COMING INTO FORCE

8.1 This bylaw will come into force according to law.

- a) The provision of this by-law will come into force with respect to all public and private lands within the Municipality as of November 1, 2008.

READ A FIRST TIME THIS 18th DAY OF APRIL, 2006.

Mayor

Clerk

READ A SECOND AND THIRD TIME THIS AND FINALLY PASSED THIS 3rd DAY OF OCTOBER, 2006.

Mayor

Clerk

SCHEDULE "A" TO BY-LAW 2006-23

As per Section 4 – Exceptions, the following substances are deemed permitted pesticides and shall be excluded from provisions of this by-law:

- A) Sticky media
- B) Dormant oils
- C) Lime Sulphur
- D) Horticultural oil
- E) Diatomaceous earth
- F) Beneficial Nematodes
- G) Horticultural Vinegar
- H) Insecticidal Soap
- I) Herbicidal Soap
- J) Animal repellants
- K) Borax