

BY-LAW NO. 732

**BY-LAW CONCERNING THE
APPLICATION OF PESTICIDES**

SECTION 1:

DEFINITIONS:

In this by-law, the following words shall have the following meanings respectively, unless the context otherwise requires:

- 1.1 **"SPREADING"**: The action of outdoor application of a pesticide, either by spraying, pulverization, dusting, pouring or any other form of application.
- 1.2 **"GENERAL APPLICATION"** means and includes the Application of Pesticide on more than 4 square meters of the Landscaped Area or on any tree greater than 1.5 meters in height.
- 1.3 **"RESTRICTED APPLICATION"** means and includes the Application of a Pesticide on less than 4 square meters of the Landscaped Area or on any tree less than 1.5 meters in height.
- 1.4 **"CONTRACTOR"** means and includes any person, company or body that proceeds with the Application of Pesticides, for commercial purposes.
- 1.5 **"LANDSCAPED AREA"** means and includes any part of a property which is landscaped such as, but not limited to, lawns, gardens, trees, driveways, walkways, decks and exteriors of buildings. However, this definition shall not include the treatment of water for swimming or decorative pools.
- 1.6 **"PERSON IN CHARGE"** means and includes any member of the M.U.C. Police Department, Public Security Officers, Building Inspector or other officials appointed as such by resolution of Council.
- 1.7 **"PESTICIDE"**: Any substance, material, or micro-organism, used to control, destroy, weaken, attract or repel, directly or indirectly, a harmful organism, noxious or annoying to human beings, flora, fauna, harvests or any other goods. Also included in the definition are any other products used to regulate the growth of flora, with the exception of medications or vaccines, including Class 1, 2, 3 and 4 pesticides as described in Annex 1 in the by-law related to pesticides (Gazette officielle du Québec, 1988).
- 1.8 **"USER"** means and includes any person, company or body which proceeds or intends to proceed with the Application of Pesticides, for commercial or any other purpose.

1.9 "EXTREME INFESTATION BY WEEDS" means and includes the presence of weeds within a lawn or other Exterior Area that meets the following conditions:

40% or more of the entire lawn surface has a weed density greater than 40%;
or
60% or more of the entire lawn surface has a weed density greater than 25%

1.10 "INFESTATION BY INSECTS OR DISEASES" means and includes a visible presence of insects or disease symptoms that meets the following conditions:

the damaged area represents at least 50% of the total lawn area, or
the damaged area is at least 5 square metres in size.

The Method used by the city for measuring the degree of infestation is outlined in Annex B of this By-Law. "

SECTION 2:

SCOPE OF APPLICATION

- 2.1 This by-law regulates the Application of Pesticides to exterior Landscaped Areas of both private and public properties by a Contractor or User.
- 2.2 Other than as relates to Section 3.2, this by-law shall not apply to the Restricted Application of Pesticides, as defined in Section 1.3 of this by-law.
- 2.3 This by-law shall not apply to the interior of buildings.
- 2.4 This by-law shall not apply to the preventive application of dormant oil on ornamental trees.
- 2.5 This by-law shall apply to the Town, its employees and any person carrying out works at its request.

SECTION 3:

REGULATORY PROVISIONS

- 3.1 Except as provided in Section 4, the General Application of Pesticides is prohibited at all times.

- 3.2 Notwithstanding any provisions to the contrary, all pesticide applications, both General and Restricted, shall be prohibited between June 15th and September 1st, excluding infestation that is a threat to public health.

SECTION 4:

EXCEPTIONS

- 4.1 Notwithstanding Section 3 and Section 8, the General Application of a Pesticide shall be permitted when there is an infestation of the Landscaped Area by destructive insects, weeds, fungus or other destructive agents that cannot be effectively treated by a Restricted Application.
- 4.2 A General Application described in Section 4.1 shall be carried out only after the User has obtained the required Permit from the Town, all as outlined in Section 5 of this by-law.
- 4.3 Notwithstanding the provisions of Section 3 of this by-law, a General Application or Restricted Application by a Contractor shall be permitted prior to June 15th or after September 1st for cases of Extreme Infestation as defined in Sections 1.5B and 1.5C of this by-law.

SECTION 5:

GENERAL APPLICATION LICENSE AND SPECIAL PERMIT

- 5.1 A general application license shall be valid for the period of one (1) year and shall be obtained from the Town for a fee of \$100.00.
- 5.2 Only those with general application licenses may apply for a special permit to carry out a General Application on an individual property.
- 5.3 A separate special permit shall be required for each individual property where a General Application or Restricted Application is to be carried out.
- 5.4 UNDER NO CIRCUMSTANCES may a User proceed with a General Application of a pesticide until the required special permit is obtained from the Building Inspector of the Town as per Section 5.3.
- 5.5 To apply for a special permit, all Users must fill out a permit application form provided by the Town. Each completed form must include:

- i) the name, address and telephone number of the User and the name of the Contractor for notification purposes;
- ii) the address and name of the owner of the property where the General Application will be carried out;
- iii) proof that the Contractor has public liability insurance of at least \$1,000,000.;
- iv) the list of the products that will be used for the General Application, including their commercial names;
- v) the reasons why the General Application is necessary;
- vi) proof that the User has the necessary permit and/or certificate issued by the Minister of the Environment as required by the Pesticides Act (R.S.Q. 1977, chapter 29), if required;
- vii) proof that the owner has obtained permission from his neighbour if the tree or hedge to which a Pesticide is to be applied is situated on the two properties.

5.6 A Permit for a General Application of a Pesticide shall be valid for a period of ten (10) working days from the date of issuance.

SECTION 6:

NOTIFICATION OF NEIGHBOURING PROPERTIES

- 6.1 Prior to proceeding with a General Application, the User shall notify, in writing, at least 24 hours before the application, all residents that have adjoining lots, including lands divided by a street, to the property where the Pesticide will be applied.
- 6.2 The notice must be deposited in the mail box or given by hand and must include:
 - i: the anticipated date of the application;
 - ii) the type of pesticide to be applied;
 - iii) the name and telephone number of the User;

- iv) a summary of the requirements concerning warning signs as detailed in Annex "A".

SECTION 7:

PRECAUTIONS PRIOR TO USAGE

- 7.1 Any person who uses a Pesticide on grass, a tree or a shrub, must take the necessary measures to reduce any potential danger. Any Pesticide to be used must be registered according to the "Loi sur les produits antiparasitaires (S.C.1985, c.P.9)."
- 7.2 Prior to proceeding with a General Application of a Pesticide, the User shall ensure that:
 - i) The preparation area is well lit and well ventilated;
 - ii) if mixed on location, only the necessary quantity of Pesticide for the Application at that specific property is prepared;
 - iii) the employees of the Contractor are wearing the required protective clothing;
 - iv) written information, on the Pesticide to be applied, containing recommended precautions and first aid treatment in the event of an accident, is available from the owner of the property where said application is taking place, and at Town Hall once a special permit is issued;
 - v) any surplus Pesticide that has not been used is properly stored and/or removed from the site, if so required.
- 7.3 Any User who intends to proceed with either a General or Restricted application of Pesticides, must:
 - i) remove from the site all toys, bicycles and wading pools;
 - ii) remove from the site any container which may contain food intended for human or animal consumption;
 - iii) verify that the equipment that will be used for the application has no leak and is in good working order;
 - iv) take all measures necessary to avoid contamination of pools, gardens and sand boxes;

- v) ensure that no one will smoke, drink or eat on the site, during the application;
- vi) ensure that no domestic animal circulates or stays on site, during the application.

SECTION 8:

PRECAUTIONS DURING USAGE

- 8.1** The application of Pesticides is prohibited:
- i) when the winds are strong enough to cause the Pesticide to be blown onto adjacent properties regardless of the method of application (or in any event when winds are in excess of 15 km./hour);
 - ii) on trees during their blooming period;
 - iii) when the air temperature exceeds 30 degrees Celsius;
 - iv) between nightfall and dawn, unless an approval has been given by the Town;
 - v) when it has not rained in 7 consecutive days;
 - vi) when it is raining;
 - vii) between June 15 and September 15, except for the care of fruit trees, and except for an application limited to infested plants or where there is an infestation as set forth in Section 4.1.
- 8.2** Anyone who proceeds with an application must maintain a protection zone of at least five (5) meters from a bus stop, schoolyard, day-care facility, community building, or park.
- 8.3** When a Pesticide must be used, the User must select a product and a preparation that will be most effective while having the least harmful effect possible on human health and the natural environment, including the absence of bio-accumulation potential of the chosen product.
- 8.4** Motorized spraying equipment or any other tools or devices used for the application of Pesticides on or around buildings must be constructed for this specific task and adhere to the following standards:
- a) high pressure equipment constructed to treat tall trees shall not be used for the treatment of buildings;

- b) the equipment shall not function at a pressure greater than 100 lb./square/inch;
- c) the rate of flow shall not exceed 1,50 gals/min.;
- d) the equipment shall be constructed to allow for the most efficient application of the product. Application of the product in an arbitrary way is strictly forbidden.

8.5 The General Application of Pesticides is prohibited on the grounds:

- of a nursing home;
- of a school;
- of a day care;
- of a senior citizen's residence;
- of a place of worship as defined by the Town's zoning by-law;
- of a park;

unless and until a Special Permit for said General Application has been specifically approved by the Building Inspector of the Town.

**SECTION 9:
WARNING SIGNS**

9.1 Upon completion of the General Application of a Pesticide, warning signs shall be placed or installed:

- i) within 2 meters of, and, be clearly visible from, any street, sidewalk or public place adjacent to the property where the Pesticide has been applied; and

- ii) every 20 meters along the side of the property in question adjacent to the said street, sidewalk or public place;
- iii) bear the inscription "APPLICATION OF/DE PESTICIDES";
- iv) be made of weather-resistant material.

9.2 The warning signs described in Section 9.1 of this by-law shall:

- i) measure at least 20 centimetres in height by 20 centimetres in width; and
- ii) be installed within 1 meter above natural ground; and
- iii) describe the name and type of Pesticide applied;
- iv) indicate the date and time the Pesticide was applied; and
- v) mention the telephone number of the nearest Poison Control Center.

9.3 The warning signs placed in accordance with the provisions of this by-law shall remain in place for at least 72 hours following the completion of the General Application of the Pesticide and no person shall remove said warning signs during this period.

9.4 Section 9 shall apply to the Restricted Application of Pesticides by a Contractor.

SECTION 10:

ENFORCEMENT

10.1 The Person in Charge as defined in Section 1.6 is responsible for the enforcement of this by-law.

10.2 The Person in Charge has the powers conferred upon him by this by-law, and amongst other things, shall have the authority to:

- i) at all reasonable hours, examine any property with a view to ascertain whether or not there has been compliance with the provisions of this by-law;
- ii) during the application of Pesticides, examine all products and equipment, take samples and install measuring devices;

- iii) issue a notice to the User, the owner, the tenant or the occupant requesting said person to correct any situation which constitutes an infraction to this by-law;
- iv) issue a statement of offence if the notice as specified in paragraph iii) has not complied with;
- v) when necessary, recommend to Council to take all measures necessary to stop an infraction to this by-law.

SECTION 11

PENALTY

11. Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to the following fine:
- a) for a first infraction: a minimum of FIFTY DOLLARS (\$50.) and a maximum of ONE THOUSAND DOLLARS (\$1,000.) if the offender is a physical person or a minimum of ONE HUNDRED DOLLARS (\$100.) and a maximum of TWO THOUSAND DOLLARS (\$2,000.) if the offender is a moral person;
 - b) for a repeat infraction: a minimum of ONE HUNDRED DOLLARS (\$100) and a maximum of TWO THOUSAND DOLLARS (\$2,000.) if the offender is a physical person or a minimum of TWO HUNDRED DOLLARS (\$200.) and a maximum of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a moral person.

SECTION 12:

Annexes A, B and C shall form an integral part of this by-law.

REPEALING OF OLD BY-LAW AND COMING INTO FORCE:

SECTION 13:

This by-law hereby repeals by-law 697.

SECTION 14:

This by-law shall come into force according to law.

(SIGNED)

Irving L. Adessky, Q.C.
Mayor

Jonathan Shecter
Town Clerk and Prosecutor

CERTIFICATION

I, the undersigned, Jonathan Shecter, Town Clerk, do hereby certify that by-law 732 was enacted at a meeting of the Town Council held on Monday, October 15th, 2001 at 8 :00 P.M. The by-law was enacted on Wednesday, October 17th, 2001 said date being when the by-law was published. Consequently therewith, the by-law is now in full force and effect.

Witness by my hand this 17th day of October, 2001 year two-thousand.

AND I HAVE SIGNED.

Jonathan Shecter – Town Clerk

ANNEXE «A»

RÉSUMÉ DES EXIGENCES POUR LES ÉCRITEAUX AVERTISSEURS

Après une application généralisée de pesticides ou une application restreinte de pesticides par un entrepreneur, des écriteaux avertisseurs doivent être installés sur le terrain où le pesticide a été appliqué et gardés en place pendant au moins 72 heures. Ces écriteaux doivent comporter le nom et le type de pesticide appliqué, la date et l'heure de son application et le numéro de téléphone du Centre Anti-Poison le plus rapproché.

ANNEX "A"

SUMMARY OF REQUIREMENTS FOR WARNING SIGNS

After a general application of pesticides or a restricted application of pesticides by a contractor, warning signs have to be installed on the property where the pesticide has been applied and must remain in place for at least 72 hours. These signs must describe the name and type of pesticide applied, the date and time the pesticide was applied and the telephone number of the nearest Poison Control Center.

ANNEX B:

METHOD USED TO EVALUATE WEED INFESTATIONS ON LAWNS OR OTHER EXTERIOR AREAS:

Infestation is determined by two parameters:

- the *density of weeds* within any patch of lawn; and
- the *percentage of the total surface area affected by weeds*.

The *density of weeds* is established by using a comparative method that relies on standardized diagrams of different weed densities as illustrated in Figures 1 through 6 of Annex C.

The *percentage of the total surface area affected by weeds* is based on the sum of only those lawn surface areas with a weed density great than 25%.

The lawn is considered *extremely infested* and a permit will be issued if:

- 40% or more of the entire lawn surface has a weed density greater than 40%; or
- 60% or more of the entire lawn surface has a weed density greater than 25%

METHOD USED TO EVALUATE DAMAGE DUE TO INSECTS OR DISEASES ON A LAWN OR OTHER EXTERIOR AREA:

Infestation is determined by a minimum surface area that shows visible damage caused by insects or diseases.

The percentage of the total surface area affected by insects or diseases is based on the sum of the surface areas with visible evidence of damage.

The lawn is considered *infested* and a permit will be issued if:

- the damaged area represents at least 50% of the total lawn area; or
- the damaged area is at least 5 square metres in size.

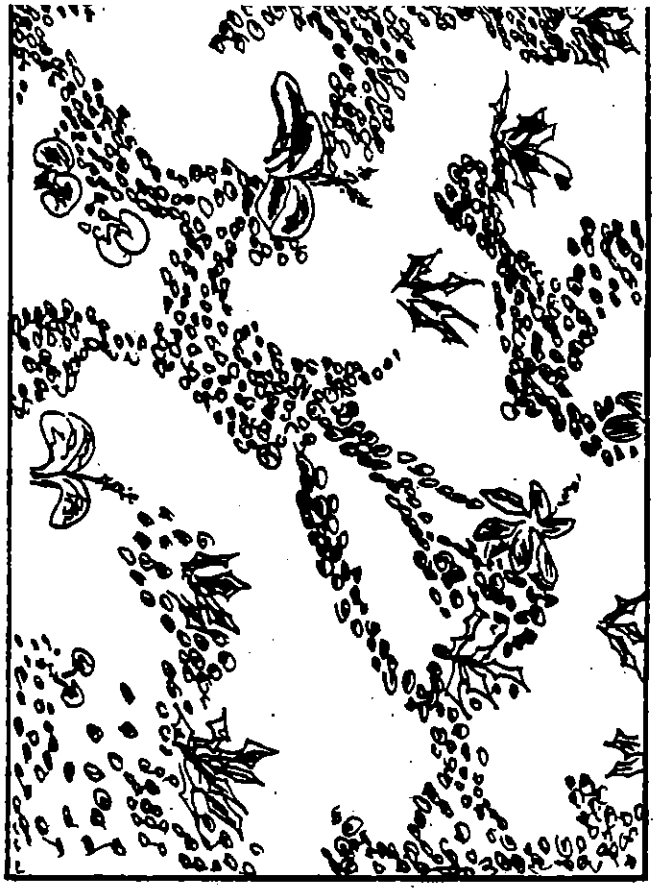
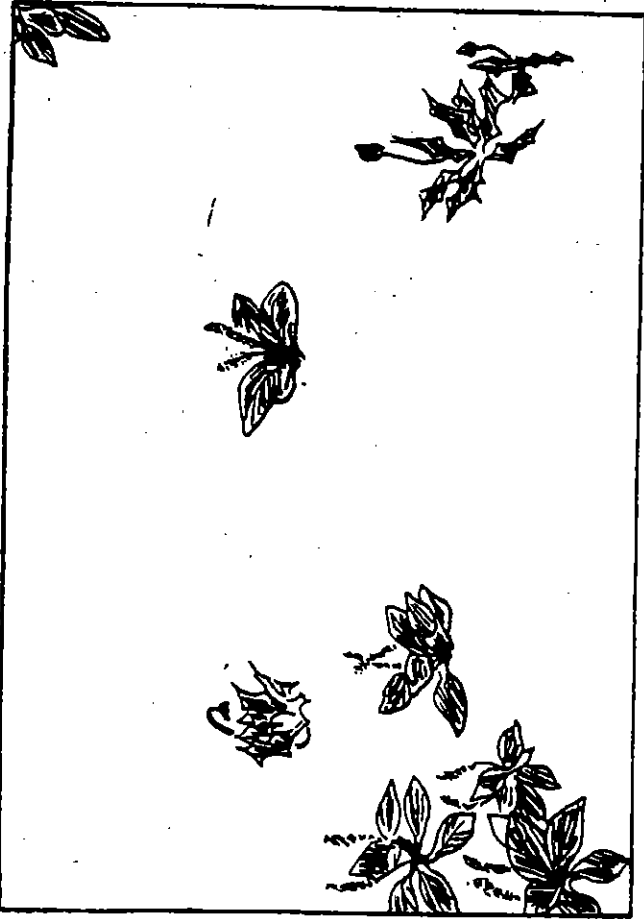


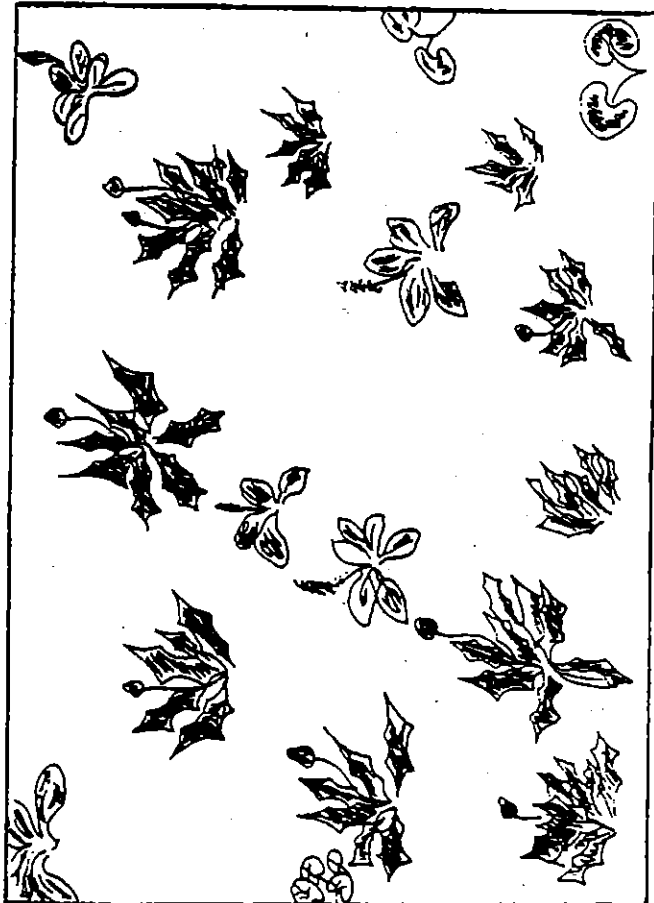
FIGURE 5 - 35% COUVERTURE DE DENSITE DE MAUVAISES HERBES
FIGURE 5 - 35% WEED COVER



FIGURE 6 - 40% COUVERTURE DE MAUVAISES HERBES
FIGURE 6 - 40% WEED COVER



CROQUIS 1 - 10% COUVERTURE DE DENSITE DE MAUVAISES HERBES
FIGURE 1 - 10% WEED COVER



CROQUIS 3 - 25% COUVERTURE DE DENSITE DE MAUVAISES HERBES
FIGURE 3 - 25% WEED COVER



CROQUIS 2 - 20% COUVERTURE DE MAUVAISES HERBES
FIGURE 2 - 20% WEED COVER



CROQUIS 4 - 30% COUVERTURE DE MAUVAISES HERBES
FIGURE 4 - 30% WEED COVER