

# THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## BYLAW NO. 5972

### **A proposed Bylaw regulating the Notification and Signage of Pesticide Applications in the City of North Vancouver.**

1. This Bylaw may be cited as "**The Application of Pesticide Notification Bylaw, 1989, No. 5972**".

2. DEFINITIONS

In this Bylaw:

- (a) "Medical Health Officer" means the Medical Health Officer appointed under the Health Act and includes any person duly delegated by him to provide any duties imposed on him under this or another enactment;
- (b) "Multiple Dwelling" means any building with three or more dwelling units, as defined in the City of North Vancouver Zoning Bylaw 1967, occupied or intended to be occupied as residential accommodation for periods exceeding one week, but does not include any area in a building which is not normally readily accessible to the general public or to the residential occupants of the building;
- (c) "Premises" means land, buildings or structures or any combination or part thereof which is defined by boundaries or by a description of the area for which there is a right to occupy;
- (d) "Pesticide" means any substance or mixture of substances intended for killing, controlling or managing insects, fungi, weeds and other forms of life that are considered to be pests, but does not include rodenticides, avicides or those substances listed as EXEMPTED pesticides in the Pesticide Control Act Regulations (B. C.);
- (e) "Public Facility" means a building or facility which is operated, wholly or in part, by or for the City of North Vancouver and into which the public is invited;
- (f) "Public Land" means land, whether covered by water or not, which is owned or controlled by the City of North Vancouver, the Greater Vancouver Regional District, the Greater Vancouver Sewerage and Drainage District, the North Vancouver School Board, a College or College Council, a Hospital or a Crown Corporation and which is generally accessible to the public.
- (g) "Spot Treatment" means an application of spray to localized or restricted areas as differentiated from broadcast or complete coverage.

### 3. NOTIFICATION REQUIREMENTS

- (a) No person shall apply a pesticide to public land or the grounds of a multiple dwelling without having first posted notices on the site at least 72 hours in advance of the application. Such notices shall remain posted for not less than 72 hours after application and shall conform with the provisions of Section 4 (a).
- (b) No person shall apply a pesticide in a public facility or to a common public area unless he has, at least 72 hours prior to the intended date of application, posted a notice at the site of application. Such notice shall remain posted for not less than 72 hours after application and shall conform with the provisions of Section 4 (a) and be prominently displayed and easily visible. At least one additional notice shall be posted in the work place areas of the building where the pesticide is to be applied.
- (c) where a pesticide is applied to the grounds of a multiple dwelling, the notices referred to in Section 4 (a) shall be posted at intervals not exceeding 25 metres around the perimeter of the treated area. Where a pesticide is applied to public land where the treated area is greater than .8 hectare (two acres) in size, the notices referred to in Section 4 (a) shall be posted at all major public entry points and where the treated area is less than .8 hectare (two acres) in size, around the perimeter of the treated area. All notices referred to herein shall be posted in conspicuous locations so as to be visible from both within and outside of the treated area.
- (d) No person shall apply pesticide to any dwelling unit occupied as residential accommodation in a multiple dwelling unless the occupants of such dwelling unit or units have been notified in writing at least 72 hours prior to the intended date of application. Such notice shall conform with the provisions of Section 4 (b).
- (e) The following spot treatments shall be exempted from the provisions of the Pesticide Notification Bylaw:
  - (i) application of pesticides to an area covering less than 10% of public land; and
  - (ii) applications of pesticides to baseboards, cracks and crevices in locker rooms, storage rooms, electrical rooms and garbage chutes in multiple dwellings when applied as part of a contractual preventative service performed by a licensed pest control company.

### 4. DESCRIPTION OF NOTICES

- (a) The notice referred to in Sections 3 (a), (b) and (c) shall contain the following information:
  - (i) the word "WARNING" in bold face, red colour, at least 2.5 cm in height, and followed by "This area will be (has been) chemically treated on or after (date)" or words of equal effect;
  - (ii) the common trade name, active ingredient and concentration of the pesticide used;
  - (iii) the date and time of the pesticide application;

- (iv) the name and telephone number of the person applying the pesticide;
- (v) the words "AVOID CONTACT WITH TREATED AREAS"; and
- (vi) the words "If you require emergency medical information, the Poison Control Centre telephone numbers are 682-5050 and 682-2344";

and shall be constructed in the following manner:

- (vii) rectangular in shape;
  - (viii) at least 28 cm by 43 cm in size;
  - (ix) made of durable, rain resistant material; and
  - (x) designed such that the lettering is at least 1.5 cm high, in capitals and in a contrasting colour to the background.
- (b) The notice referred to in Section 3 (d) shall contain the following information:
- (i) a description of the area to be treated and the common name of the pest;
  - (ii) the common trade name, active ingredient and concentration of the pesticide;
  - (iii) the date and time of the proposed application;
  - (iv) the name and telephone number of the person who will apply the pesticide;
  - (v) the words "For more information contact the "pesticide Hotline", Agriculture Canada's National Pesticide Information Service; or the North Shore Health Department during office hours";
  - (vi) advice and precautions for the occupants; and
  - (vii) the words "If you require emergency medical information, the Poison Control Centre telephone numbers are: 682-5050 and 682-2344";

## 5. ENACTMENT

The Medical Health Officer is empowered to administer this Bylaw, and, for that purpose, may:

- (a) where a person has failed to comply with the provisions of Sections 3 and 4 of this Bylaw, issue to such person a written notice requiring them to comply with the requirements of this Bylaw in respect of which they are in default by a date given in the notice; or
- (b) enter at all reasonable times on any premises to ascertain whether the requirements of this Bylaw are being observed.

6. OFFENCE AND PENALTIES

Every person who:

- (a) violates any of the provisions of this Bylaw; or
- (b) causes or suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this Bylaw; or
- (c) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw;

and if found guilty upon summary conviction of an infraction of this Bylaw, is liable to a fine and penalty of not more than \$2,000.00 and to the cost of prosecution, each day that an infraction is permitted to exist constituting a separate offence.

READ a first time by the Council on the 10<sup>th</sup> day of April 1989.

READ a second time by the Council on the 10<sup>th</sup> day of April 1989.

READ a third time and passed by the Council on the 10<sup>th</sup> day of April, 1989.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 17<sup>th</sup> day of April 1989.

“John E. Loucks, Mayor”

“Bruce A. Hawkshaw, City Clerk”

*Approved by Provincial Health officer “M. Richards” on June 30, 1989.*