



CANADA
PROVINCE OF QUEBEC
COUNTY OF ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF GORE

BY-LAW NUMBER 228

REGARDING THE USE OF PESTICIDES AND
FERTILIZERS

WHEREAS article 85 of the Municipal Powers Act (CQLR, c.C-47.1) allows the municipality to adopt any by-law ensuring the general wellbeing of its population;

WHEREAS the municipality wishes to protect the health of the population and the environment by regulating the use of pesticides and fertilizers within its territory;

WHEREAS a notice of motion and the presentation of the present by-law was given by Councillor Anik Korosec at the regular meeting of February 3, 2020;

WHEREAS a copy of the by-law was given to the members of council 72 hours prior to the meeting where this by-law is presented for adoption;

WHEREAS copies of the by-law were made available to the public at the beginning of the meeting;

WHEREAS the Mayor presented the by-law in accordance with the Municipal Code of Quebec (C-27.1).

CONSEQUENTLY,

IT IS **MOVED** BY: Councillor Alain Giroux

SECONDED BY: Councillor Donald Manconi

AND **RESOLVED** unanimously by Councillors (6):

THAT the by-law be adopted as follows:

ARTICLE 1: PREAMBLE

The preamble forms integral part of the present by-law.



ARTICLE 2: TITLE

The title given to this by-law is "By-law 228 regarding the use of pesticides and fertilizers".

ARTICLE 3: TERMINOLOGY

Unless the context indicates differently, the expressions and words mentioned below have the following meaning:

- 3.1. **Biological control agent:** A method of controlling a pest or a weed by means of natural organisms that are antagonistic to them, such as phytophages (ex. nematodes), predators, pathogens, etc.
- 3.2. **Application:** Any method used to apply pesticides including spreading, watering, spraying, using vapor, gassing, granular, powder or liquid treatments and any other form of depositing or dispersal methods.
- 3.3. **Competent authority:** Personnel from the Environment Department of the Municipality of the Township of Gore and any other person mandated by the Municipality.
- 3.4. **Protected margin:** A surface, on which it is prohibited to apply any substance, which separates a treated area from an area which deserves special protection and on which the risk of contamination by pesticides is to be minimized.
- 3.5. **Pesticide management code:** The Code (chapter P-9.3, r. 1) applied with regards to the Pesticides Act (chapter P-9.3, r. 1).
- 3.6. **Fertilizer:** A substance or mixture of substances containing nitrogen, phosphorus, potassium or any other plant nutrient, manufactured, sold or represented as such.
- 3.7. **Contractor:** Any legal or physical person who proceeds, or plans to apply fertilizers, supplements, biological control agents, pesticides, including low impact pesticides, for others.
- 3.8. **Green space:** Any lawn or landscaped area of a public or private nature.
- 3.9. **Immovable:** A property that, by its nature, cannot be transported or moved, for example a lot, land or building.
- 3.10. **Infestation:** Signifies and includes the presence of insects, of weeds, of pathogens or other destructive or harmful agents that pose a threat to the safety, health and integrity of buildings, animal life or vegetation.



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- 3.11. **Parasite Management:** Control of certain populations of insects, arachnids, rodents, etc. that are considered harmful to humans or cause structural damage or inconvenience.
- 3.12. **Cultivation methods or practices:** All practices that prevent the use of pesticides, such as mowing, irrigation, aeration, stubble cultivation, sodding, seeding, etc.
- 3.13. **Municipality:** The Municipality of the Township of Gore.
- 3.14. **Occupant:** A person occupying an immovable other than the owners.
- 3.15. **Pesticide:** Any substance intended to control, destroy or fight off a pest to humans, wildlife or vegetation. Pesticides generally include, but are not limited to, all herbicides, fungicides, insecticides and other biocides.
- 3.16. **Biopesticides:** Biopesticides, or "**Low Impact Pesticides**", as designated by the Pest Management Regulatory Agency (PMRA), horticultural oils, and active ingredients in Schedule II of the Pesticide Management Code.
- 3.17. **Property:** Signifies and includes any portion of land that is landscaped or undeveloped, including, but not limited to lawns, gardens, trees, shrubs, entranceways, walkways, terraces and the exterior of buildings and immovables, excluding swimming pools and ornamental ponds.
- 3.18. **Supplement:** A substance or mixture of substances, other than a fertilizer, manufactured or sold to enrich the soil or promote the growth of plants, or sold as an activator or stimulant of biological reactions (growth, defense, immunity, etc.), or represented as being suitable for these purposes. Supplements include, but are not limited to, amendments, biostimulants, plant extracts, compost extracts, humic acids, mycorrhizae and other microorganisms, adjuvants, wetting agents, surfactants, etc.
- 3.19. **User:** Any physical or legal person who proceeds or plans to carry out one or many spreadings.

ARTICLE 4: APPLCATION

- 4.1. This by-law is applicable within the entire territory of the Municipality of the Township of Gore.



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- 4.2.** The present by-law applies to any person, contractor or organization that applies or intends to apply pesticides, low-impact pesticides, biological control agents, fertilizers or supplements.

ARTICLE 5: PROHIBITION

- 5.1.** Unless specifically permitted by this by-law, it is prohibited for any user to apply pesticides within the territory of the Municipality.
- 5.2.** It is prohibited to carry out any external application of pesticides and/or fertilizers, with the exception of supplements and biological control agents, within 30 m of the high water line of any lake, watercourse or wetland and within 15 m of a drinking water source within the territory of the municipality.

ARTICLE 6: EXCEPTIONS

- 6.1.** The use of a biopesticide is allowed without a certificate of authorization.
- 6.2.** Despite section 5 of the present by-law, the use of pesticides is permitted in the following cases or places:
- a) To grow new lawn
 - b) In a public or private pool;
 - c) To purify water for human or animal consumption;
 - d) For pest control (extermination) within a building;
 - e) For domestic insect repellent and sealed bait boxes used to kill ants;
 - f) As an insect repellent or insecticide in an animal collar;
 - g) For localized use to destroy wasp nests;
 - h) For use by the federal and provincial governments and their agents for safety, public health and preventative reasons.
- 6.3.** Only after receiving a certificate of authorization, for cases of infestation as defined in Article 3 of the present by-law, after all environmentally safe and healthy alternatives have been tried unsuccessfully (including low impact pesticides).
- 6.4.** The municipality can, with the consent of the owner of an immovable, dispense pesticides on an immovable.



ARTICLE 7: CERTIFICATE OF AUTHORIZATION

- 7.1. A certificate of authorization is required for the exclusions stipulated in articles 6.2 a) and 6.3.
- 7.2. The application for a certificate of authorization must be presented to the Municipality by the owner or the occupant and must include the following:
- a) Identification of the owner:
 - Name
 - Address of the immovable targeted by the request
 - Telephone number of the owner
 - b) Identification of the applicant
 - Name
 - Telephone number
 - c) A written prescription from a duly qualified expert giving the details of the treatment, which includes:
 - The diagnostic
 - The proposed treatment
 - A list of products that need to be used with their corresponding data sheets
 - The frequency of applications
 - The duration of the treatment
 - A confirmation that alternative solutions, whether they are manual, mechanical or biological have or would not have the desired effect on the infestation
- 7.3. Any certificate of authorization is valid for the pesticide, the period and the infested areas described in the application only.
- 7.4. Any owner or occupant must post their certificate in a visible area located in the front of the property concerned before 4 p.m. the day preceding the treatment and for the whole period of its validity. The certificate must be removed at the end of its validity.
- 7.5. The application of the pesticide must comply with the requirements of the present by-law.



ARTICLE 9: CONDITIONS REGARDING THE USE OF PESTICIDES AND FERTILIZERS

- 8.1. With exception, following the issuance of the certificate of authorization, the application of pesticides and/or fertilizers is permitted from Monday to Thursday from 8:30 a.m. to 5 p.m. and on Friday from 8:30 a.m. to 12 noon. No applications are permitted on holidays.
- 8.2. It is prohibited to proceed with an application of pesticides and/or fertilizers if it is raining, if it has rained within four (4) hours of the scheduled application or if the weather forecast calls for rain in the following four (4) hours of the scheduled application, unless otherwise indicated on the product label.
- 8.3. It is prohibited to apply pesticides and/or fertilizers when the wind velocity exceeds fifteen (15) km/h, as observed by Environment Canada's weather service or Météo Media.
- 8.4. It is prohibited to apply pesticides and/or fertilizers when the temperature exceeds 25 degrees Celsius, as observed by Environment Canada's weather service or Météo Media.
- 8.5. It is prohibited to apply pesticides and/or fertilizers to trees and shrubs owned by two (2) or more owners unless all owners give their written permission.
- 8.6. It is the user's responsibility to take the necessary measures in order to avoid contaminating swimming pools, vegetable gardens, sandboxes, garden furniture and any removable gaming equipment. It must avoid any situation where pesticides could contaminate people and pets. In all cases, the user must cease all pesticide treatments when there are people or pets on the premises.
- 8.7. Applications are prohibited on land adjacent to a school, a playground, rest area, park or public lot during opening hours.
- 8.8. The application of pesticides and/or fertilizers must, in no way, drift onto neighboring properties.
- 8.9. It is prohibited to pour rinse water or leftover products, diluted or not, into a watercourse, lake, wetland, ditch, sewer, septic tank or on other private or public property.
- 8.10. All users must comply with the standards set out in the Pesticide Management Code regarding distance margin requirements according to the type of water collection facility.



ARTICLE 9: SIGNAGE

- 9.1. When the user is a physical person, a sign indicating the use of pesticides must be posted and visible from the street. The contractor who is hired to apply pesticides for others must install, on the property or at the place where an external application has been executed, a minimum of 2 signs that conform to the standards established by the Pesticide Management Code.
- 9.2. Signs must be placed around the perimeter of the affected area at a distance of 20 linear meters apart and at a maximum distance of 2 meters from the adjacent public or private property line.
- 9.3. When the application involves fertilizers only, the circle and the slash of the sign's pictogram is green on the front and the following information must be found on the back: the name and telephone number of the company, its address, which products were applied, the date and time of application, and the Quebec Poison Control Center's telephone number.
- 9.4. Signs must remain for a minimum of 72 hours after application.

ARTICLE 10: PERSON RESPONSIBLE FOR ENFORCING THE BY-LAW

- 10.1. The municipal inspector, as well as all other persons duly mandated by the Municipal Council, are responsible for the enforcement of the present by-law.

The person responsible for the enforcement of the present by-law is authorized, at any reasonable hour, to visit and examine any immovable or movable property including the interior or exterior of a building or other construction in order to verify if the regulation is being respected.

The person responsible is also authorized to issue any notice of offense or sign any other document in order to apply and give effect to this by-law.

- 10.2. The owner, the tenant or the occupant of an immovable must allow the person responsible to have access to the premises in order to conduct the inspection and must also answer any questions concerning the application of this by-law.
- 10.3. When applying pesticides, the person responsible is authorized to take photographs, examine products or equipment, take samples of any solid, liquid or gaseous material, install measuring equipment and carry out analyses.



- 10.4. Constitutes an offense to the present by-law and is prohibited to inconvenience, abuse, forbid or otherwise impede or obstruct access to any person responsible who is enforcing the present by-law.

ARTICLE 11: PENALTIES

The Council authorizes the person responsible for the enforcement of the present by-law to undertake proceedings against whomsoever contravenes any provision of the by-law and authorizes the person to issue the relevant notices of offense and proceed with the application of this by-law.

- 11.1. Whomsoever contravenes any provision provided for in this by-law is guilty of an offense and is liable to a fine of no less than three hundred dollars (\$ 300) and no more than one thousand (\$ 1 000) for a first offense, if the offender is a physical person. If the offender is a corporation, it is fined no less than six hundred dollars (\$ 600) and no more than two thousand (\$ 2 000) for a first offense.

Whomsoever commits a second offense under the same provision within two (2) years of the first offense is liable to a fine of no less than six hundred dollars (\$ 600) and no more than two thousand dollars (\$ 2 000) in the case of a physical person, and no less than one thousand two hundred dollars (\$ 1 200) and no more than four thousand dollars (\$ 4 000) in the case of a corporation.

Whomsoever commits any subsequent offense to the same provision within two (2) years of the first offense is liable to a fine of no less than nine hundred dollars (\$ 900) and no more than three thousand dollars (\$ 3 000) in the case of a physical person, and no less than one thousand eight hundred dollars (\$ 1 800) and no more than three thousand six hundred (\$ 3 600) in the case of a corporation.

- 11.2. If the same application or successive applications use more than one pesticide (active ingredient), there are as many distinctive offenses as there are distinct pesticides (active ingredients) identified.
- 11.3. Anyone who advises, encourages, orders or incites another person to do anything that constitutes an offense or who commits or fails to do something that has the effect of aiding another person in committing an offense, commits himself or herself an offense and is liable to the same penalty as the offender, whether or not the offender has been prosecuted or convicted.



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- 11.4.** When a corporation commits an offense against this by-law, every director, member, officer, employee or agent of that corporation who authorized or prescribed the execution of the offense or who has consented to, or acquiesced or participated in the offense is deemed to be a party to the offense and is liable to the same penalty as that provided for the corporation, whether or not the corporation was prosecuted or convicted.
- 11.5.** In the event that the court imposes a penalty for an infraction against the present by-law for which the Municipality incurs fees, the court may, in addition to the penalty and the anticipated expenses, condemn the offender to pay the said fees, the incurred cost of analyses or impose more than the minimum penalty by taking into consideration the cost of the resources used by the Municipality for the analysis and expertise of the infraction.
- 11.6.** Any contractor who has been the subject of an offense relating to the provisions of articles 5.1, 6.2 a) and 6.3 of the present by-law may have their certificate of authorization revoked.
- 11.7.** If an offense lasts more than one day, the offense committed on each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day of the offense, in accordance with this section.
- 11.8.** In all cases, prosecution costs are extra. The time limits for the payment of fines and fees imposed under this section and the consequences of failure to pay such fines and fees within the prescribed time are established in accordance with the Quebec Code of Penal Procedure (RSQ, c C-25).

ARTICLE 12: REPEAL AND REPLACEMENT


The present by-law repeals and replaces By-law number 132 regarding the use of pesticides and fertilizers of the municipality of the Township of Gore.

ARTICLE 13: EFFECTIVE DATE

The present by-law comes into effect in accordance with the law.



Scott Pearce,
Mayor



Sarah Channell,
Secretary-Treasurer



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NOTICE OF MOTION:	2020-02-03
ADOPTION OF THE BY-LAW:	2020-03-02
PUBLICATION NOTICE:	2020-03-31 <i>fe</i>
EFFECTIVE DATE:	2020-03-31 <i>fe</i>

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