



BY-LAW CONCERNING THE USE OF PESTICIDES AND FERTILIZERS

NUMBER 732-1
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25-10-2024
Version 1.2

BY-LAW NO. 732-1

BY-LAW NO. 732-1 CONCERNING THE USE OF PESTICIDES AND FERTILIZERS.

WHEREAS the use of pesticides can represent a health risk and lead to the contamination of water, air and soil;

WHEREAS pesticides are harmful products, and it is in the general interest to limit the use of pesticides on the Town's territory and, moreover, when their use is essential, to do so in a way that respects health and the environment;

WHEREAS under the Municipal Powers Act (R.S.Q., chapter C-47.1), any local Municipality may, by By-law, regulate the use of pesticides;

WHEREAS notice of motion of By-law no. 732-1 was given at the regular Council meeting held on June 3rd, 2024;

WHEREAS all Council members received a copy of the present Draft By-law and declare having read it;

ON AUGUST 26, 2024, THE COUNCIL DECREES AS FOLLOWS:

CHAPTER I GENERAL PROVISIONS

ARTICLE 1

Terminologies

For the purposes of the present By-law, the following words and expressions mean:

- "Infestation": In the presence of insects, molds or other harmful agents, with the exception of noxious weeds, on more than 50% of the space bounded by a lawn or on more than 5 m² of the space bounded by a plant bed. Infestation also occurs when the presence of noxious weeds, insects, molds or other harmful agents, regardless of their extent, creates a threat to safety, human health, the survival of trees and shrubs, or animal life;
- "Spreading, treatment or application": Any method of pesticide application, including, but not limited to, spraying, vaporization, gaseous, granular, powder or liquid application.
- "Pesticide": Any substance, material or microorganism intended to control, destroy, diminish, attract or repel, directly or indirectly, an organism that is harmful, injurious or troublesome to humans, wildlife, vegetation, crops or other property, or intended to serve as a vegetation growth regulator, but does not include a drug or vaccine unless applied topically for external use on animals. Pesticides include, but are not limited to, all herbicides, fungicides, insecticides, and other biocides, within the meaning of the Pesticides Act (RLRQ, chapter P-9.3).

"Sensitive area":

Childcare centers, daycares, drop-in daycares, kindergartens, or home childcare services governed by the Act respecting childcare centers and other childcare services (CQLR, chapter C-8.2); establishments providing preschool education or primary and secondary education governed by the Education Act (CQLR, chapter I-13.3) or the Private Education Act (CQLR, chapter E-9.1); places of worship, playgrounds in municipal parks, sports fields in municipal parks used by children under 14 years old, municipal parks, as well as a 5-meter-wide strip beyond the boundary of each of these areas.

ARTICLE 2

Scope of application

The present By-law applies to the entire territory of the Town.

CHAPTER II PROVISIONS ON THE USE OF PESTICIDES

ARTICLE 3

Use of pesticides

The use and application of pesticides is prohibited throughout the Town's territory.

ARTICLE 3.1

Pesticide management

The use of pesticides is governed by the Quebec Pesticide Management Policy. Pesticides may only be applied by a person holding an applicator's permit or certificate from the Ministère du Développement Durable, de l'Environnement et des Parcs.

The person responsible for the application of the present By-law may require the user to provide a copy of any permit or certificate from the Ministère du Développement durable, de l'Environnement et des Parcs attesting to his or her competence.

ARTICLE 4

Exclusion

Notwithstanding article 3 of the present By-law, the use of pesticides is permitted in the following cases:

- 4.1 in a public or private swimming pool;
- 4.2 in the event of infestation, unless the area concerned is a sensitive zone, subject to obtaining the permit provided for in article 5;
- 4.3 to control or eliminate the presence of animals that constitute a danger to humans;
- 4.4 on property used for horticultural purposes, in accordance with the conditions set out in this By-law;
- 4.5 To control or eradicate plants that are a danger to humans who are allergic to them;
- 4.6 To control or destroy insects infesting a property;

However, for the purposes of the present article, the use of a pesticide whose active ingredient is *glyphosate* is prohibited.

ARTICLE 5

Temporary application permit

- 5.1 Anyone wishing to use a pesticide for one of the exceptions provided for in paragraph 4.2, 4.3, 4.5 and 4.6 of Article 4 must first obtain a permit provided for this purpose.
- 5.2 A temporary pesticide use permit is issued to the owner, the occupant with the owner's consent or the user with the owner's consent, under the following conditions;
 - a) upon payment of the amount stipulated in the tariff's By-law;
 - b) in the case of a request covered by paragraph 4.2, 4.3, 4.5 and 4.6 of Article 4, when the area to be treated is not a sensitive area;
 - c) when the area to be treated is more than 100 m from any water intake.

When the applicant is a person who, for others and for remuneration, carries out work involving the use of pesticides, the latter must obtain a temporary permit, in addition to meeting the conditions set out in the present article, and hold any permit or certificate required under a provincial or federal law or regulation.

In order to determine whether an infestation has occurred, as provided for in paragraph 4.2 of Article 4, the Town may require one of its employees to inspect the site before issuing the permit. The percentage of the total turf area and the area of the bed affected are established by summing the parts of the infested area.

- 5.3 A temporary pesticide use permit issued under this section is valid for 10 days from the date of issue.

ARTICLE 6

Horticultural production

Notwithstanding Article 3 of this By-law, the use of pesticides is permitted on a property operated for horticultural purposes, whether in a greenhouse or outdoors. The use of pesticides is subject to the following rules:

- 6.1 The use of pesticides, other than neonicotinoids, is authorized on property used for agricultural or horticultural purposes, subject to the conditions set out in this article.
- 6.2 The operator must register, by written declaration to the Town, the products he stores or will store and intends to use during the year.
The declaration required under the first paragraph must be filed with the Town's technical services between March 1st and 31st of each year.
- 6.3 Pesticides must be stored in a fireproof area, with containment, ventilation and steel shelving. A fireproof sign must be posted at the entrance to the storage area. This sign must indicate the presence of chemical pesticides.
- 6.4 The operator must keep a register showing the date and reason for application, a description of the areas treated, the quantity and identification by name of the pesticide used, as well as its type and registration number, per hectare, for each application. A copy of this register must be deposited with the Town's Urbanisme department between November 1st and 30th of each year.
- 6.5 The conditions for pesticide use set out in article 7 of this By-law apply to the application of pesticides to land used for horticultural purposes.

ARTICLE 7

Application conditions

- 7.1 Any spreading referred to in paragraphs 4.2, 4.3, 4.5, and 4.6 of Article 4 of the present By-law must take place :
- a) when it is not raining;
 - b) when the temperature is below 25°C, if application is by spray;
 - c) when there is no smog situation declared and recognized by Environment Canada's Meteorological Service of Canada;
 - d) in accordance with the instructions issued by the manufacturer of the product used;
 - e) when winds do not exceed 11 km/h, if application is made by spraying;
 - f) between 9 a.m. and 4 p.m., Monday to Saturday.
- 7.2 For all spraying operations covered by article 4, paragraphs 4.2, 4.3, 4.5 and 4.6, the pesticide user must ensure that:
- a) toys, bicycles, paddling pools or other equipment used by children are removed;
 - b) vegetable gardens and swimming pools are protected to prevent contamination.
- 7.3 For all spraying operations covered by paragraphs 4.2, 4.3, 4.5 and 4.6 of Article 4, a written notice must be distributed, between 72 and 48 hours before spraying, to the occupants of any building located in the area to be treated and to the occupants of adjacent buildings. This notice must specify the area to be treated, the date and time of spraying, the name and telephone number of the person who will be spraying, and the name, type and registration number of the pesticide to be used.

For the purposes of the first paragraph, in the case of a multiple unit dwelling with only one main entrance, a written notice may, instead of being distributed to each occupant, be posted in that entrance so that it can be seen by each occupant. This notice must contain the information listed in the first paragraph.

For all spraying operations covered by paragraphs 4.2, 4.3, 4.5 and 4.6 of Article 4, a sign must also be posted between 72 and 48 hours before the scheduled time of spraying at the accessible perimeter of the area to be treated in such a way that it can be easily read. This sign must indicate the intended application and the time at which it is to take place.

When spreading cannot be done at the time indicated on the notice distributed or posted, and is postponed to a later date, a new notice must be distributed or posted in accordance with this section.

CHAPTER III INFRACTIONS, PENALTIES AND REMEDIES,

ARTICLE 8

Administration and penalties

Council authorizes any Public Security Officer and Building Inspectors to issue a statement of offence for any violation committed by the owner, occupant, or user to the present By-law. These individuals are responsible for enforcing the present By-law.

The individuals responsible for enforcing the present By-law are authorized to visit and inspect, at any reasonable hour, any movable property, as well as the interior and exterior of any house,

building, or structure to ensure compliance with the present By-law. Any owner, tenant or occupant of such property, house, building or structure, must allow them access and cooperate.

ARTICLE 9

Penalties

Anyone who contravenes or allows the contravention of any of the provisions of the present By-law commits an offence and is liable to a fine as follows:

	NATURAL PERSON		CORPORATION	
	Minimum	Maximum	Minimum	Maximum
First Offense	100 \$	1 000 \$	200 \$	2 000 \$
Subsequent Offense	2 000 \$		4 000 \$	

If the offence lasts more than one day, the offence committed on each day constitutes a separate offence and the penalties enacted for each of the offences may be imposed for each day that the offence lasts in accordance with the present article.

ARTICLE 10

This By-law repeals By-law number 732.

The present by-law will come into force in accordance with the law.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Poovadee Permal-Vardin
Poovadee Permal-Vardin, Town Clerk