

CANADA
PROVINCE OF QUEBEC
DISTRICT OF HULL

MUNICIPALITY OF CHELSEA

MRC DES COLLINES-DE-L'OUTAOUAIS

BY-LAW N^o 621-04

BY-LAW CONCERNING PESTICIDES

WHEREAS Council judges it necessary and in the best interest of the public to regulate the use of pesticides on its territory to protect the health of its citizens and the environment;

WHEREAS a Notice of Motion of the present By-law was duly given at a regular meeting of Council on April 20, 2004;

WHEREAS owners and users of golf courses located within the Municipality of Chelsea have indicated that they require an extension to eliminate the use of pesticides entirely;

WHEREAS Council has agreed to permit the limited use of pesticides on golf course greens to control insects and mould, subject to the following;

IT IS THEREFORE ordered and decreed by the Council members of the Municipality of Chelsea, and said Council orders and decrees by the following By-Law, to wit:

SECTION 1 - DEFINITIONS

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

- (a) "Municipality" refers to the Municipality of Chelsea and "Municipal" corresponds accordingly;
- (b) "Act" refers to the Pesticides Act (R.S.Q, Chapter P-9.3);
- (c) "Regulation respecting permits and certificates for the sale and use of pesticides (D.305-97, (1997 129 G.O. II, 1575) [Chapter P-9.3, s. 0.1]" refers to the regulation adopted pursuant to the provisions of the Pesticides Act and its amendments;
- (d) "Pesticides Management Code Chapter [Q-2, s.2.3]" refers to the pesticides management code enacted by regulation pursuant to the provisions of the Pesticides Act and its amendments;
- (e) "Guide to pesticides and maintenance of green spaces: Common sense and good practice (in French)" produced jointly by MEF (Environment Quebec) and MSSS (Health and Social Services Quebec, 1994 Edition; and its amendments and updates; attached to this By-law at Appendix A and part and parcel thereof;
- (f) "Pesticides" refers to and includes any and all substances listed in classes 1, 2, 3, 4, and 5, as established in sections 2 through 7 inclusively, section II of the Regulation respecting permits and certificates for the sale and use of pesticides (D.305-97 , (1997 129 G.O. II, 1575) [Chapter P-9.3, s. 0.1] ;
- (g) "Application" refers to any and all methods of pesticide application, particularly and without limitation, spraying, crop dusting, or

application in gaseous, granular, powder, or liquid form; "Apply" corresponds accordingly;

SECTION 2 - SCOPE OF BY-LAW

2.1 This By-law regulates the Application of a Pesticide on both private and public property in the Municipality, except:

- (a) application of a pesticide in the interior of buildings.
- (b) application of a pesticide as a wood preservative.
- (c) application of pesticides in the form of a mechanical or physical mechanism such as, by way of example: sticky fly paper strips, ant or roach traps, etc.
- (d) application of a pesticide on an immovable which is exploited for purposes of agriculture or horticulture.

SECTION 3 - PROHIBITION

3.1 Except as provided in Section 5, the Application of a Pesticide is prohibited throughout the territory of the Municipality.

SECTION 4 - EXCEPTIONS

4.1 Notwithstanding Section 4, the Application of Pesticides on the Greens of commercial golf courses will be permitted, in accordance with Section 6, for a period of five years beginning on the effective date of this By-law.

4.2 Notwithstanding Section 4, the Application of Class 5 Pesticides listed in the Regulation respecting permits and certificates for the sale and use of pesticides is permitted for the control or destruction of plants or insects where these constitute a danger to humans with allergies, and the provisions of Section 7 of this By-law do not apply insofar as:

- (a) Any such Application shall be limited to the plant or insect which constitutes the danger;
- (b) The directions on the label or packaging of such Pesticide shall be followed;
- (c) The area upon which a Pesticide has been Applied shall be clearly identified by a sign as an area upon which a Pesticide has been Applied and which should be avoided, for a period of at least twenty-four (24) hours following such Application.

4.3 Notwithstanding Section 4, the following Applications of a Pesticide are permitted and the provisions of Section 6.1 do not apply to these exclusions:

- (a) Dormant oil on fruit trees as a preventive measure only;
- (b) *Bacillus thuringiensis* Berliner var *Kurstaki*
- (c) Diatomic earth
- (d) Fatty acid (soap)

SECTION 5 - GOLF COURSES

- 5.1 In this section, "Green" refers to the prepared space surrounding each hole on a golf course, at which the grass is maintained shorter than on the fairway.
- 5.2 As of the effective date, the provisions of this By-law shall apply to the Application of Pesticides on any or all of the commercial golf courses operating within the Municipality, as well as to all public and private property within the Municipality.
- 5.3 Notwithstanding paragraph 6.2, as of the effective date of this By-law and up to and including 31 December 2008, Pesticides may be Applied on Greens to deal with an insect infestation or mould, this without the prior consent of an inspector or designated official, subject to the following conditions:
- a) The Pesticides must be Applied solely by an MEF-certified person holding a permit from that organization and said individual must respect all of the provisions of the "Guide to pesticides and maintenance of green spaces: Common sense and good practice," its amendments and updates.
 - b) The provisions of the Pesticides Management Code (Q-2, s.2.3), excluding reduction goals, expected to take effect in the near future, will be deemed applicable immediately with the consent of the golf course owner or operator.
 - c) The golf course owner or operator shall advise the Municipality within 72 hours following Application of Pesticides on a Green. The golf course owner or operator will inform the Municipality of the product used, its composition, place of Application, reasons for the Application of Pesticides, quantity of Pesticides Applied, when the Pesticide was Applied and provide any other information required by the Municipal inspector or designated officer to enforce this By-law.
 - d) In January of each year, a golf course owner or operator who has Applied Pesticide on the golf course during the previous year or who intends to Apply Pesticide during the coming year shall submit a written report (annual report) to the Municipality detailing all steps taken to control or limit the Application of Pesticides, along with a calendar detailing the dates and times of Pesticide Application, along with any and all initiatives involving anticipated use of Pesticides during the coming year. The annual report shall include the brand names of any and all Pesticides that have been Applied or are stored at the golf course, the dates, times and reasons for Application, and any other information that the Municipality could reasonably request.

SECTION 6- PERMITS

- 6.1 Requests for permit: The requests for permits noted in Section 5 must be submitted on a special permit application form. This application shall be dated, completed, and signed by the owner, entrepreneur or his representative and accompanied by the following information and documentation:
- 6.1.1 Name, address, and telephone number of the user and, as required, of the entrepreneur or his representative; said person may be contacted at any time by a duly authorized official.
 - 6.1.2 The address, lot number, range and roll number of the property at which the Pesticides will be Applied.
 - 6.1.3 A list of Pesticides used and their brand names. Technical data sheets for each product shall also be available upon request of the inspector.
 - 6.1.4 Where an owner or entrepreneur Applies a Pesticide, said person shall provide a copy of his employee's Certificate of Competence and the entrepreneur's MEF Permit.
 - 6.1.5 A sketch identifying the property lines, the area affected by the noxious plant or plants and/or insects that constitute a danger to humans, along with dimensions of the area, the name(s) of said plant(s) or insect(s), location(s) and type(s) of well(s) on the property, homes, buildings, or any other structures, waterways (rivers, lakes, streams, ponds, or other water), basin created by the berm or high ground shown that could collect water, all canals or conduits that could collect runoff from adjacent land, swamps, bus stops, school playgrounds or nearby parks.
- 6.2 Any permit issued pursuant to this By-law shall be valid solely for the Pesticides described in the permit application. Should the entrepreneur or user, as applicable, wish to use any Pesticide other than that specifically mentioned in the permit application for which said Permit was issued, said individual shall apply for and obtain a new permit.
- 6.3 The entrepreneur, his representative, or, as applicable, the user shall display any and all permits required pursuant to this By-law upon request from a duly-authorized official.

SECTION 7 – REGULATIONS RESPECTING THE AUTHORIZED USE OF PESTICIDES

- 7.1 Unless otherwise specified, any person intending to Apply Pesticides pursuant to the provisions of this By-law must comply with the following:
- (a) Obtain a permit from the Municipality before Applying the Pesticide;
 - (b) Follow all of the provisions of the "Guide to pesticides and maintenance of green spaces: Common sense and good practice," its amendments and updates.
 - (c) No Pesticide shall be Applied within an area of two (2) metres from any property line without prior written consent from the owner of the adjacent lot;
 - (d) No Pesticide shall be Applied within an area of five (5) metres from a bus stop, school playground, or park;
 - (e) No Pesticide shall be Applied when outside temperature exceeds 27C, unless the instructions on the Pesticide label specifically indicate otherwise;
 - (f) No Pesticide shall be Applied to trees during flowering season.

SECTION 8 – ADMINISTERING THE BY-LAW

- 8.1 Inspectors or other officers shall be authorized to issue Notices of Infraction pursuant to this By-law.

- 8.2 Inspectors or other officers designated to enforce this By-law shall be authorized to visit and examine, between 7 a.m. and 7 p.m., any property or building, including the interior or exterior of any and all houses, buildings, or other structures to enforce this By-law, and any owner, tenant, or occupant of said properties, homes, buildings, or other structures shall allow the inspector or duly-appointed officer to enter and shall respond to all questions asked in regard to enforcement of this By-law.
- 8.3 The Municipality may institute any and all legal procedures in any court of law having jurisdiction to ensure enforcement of this By-law.

SECTION 9 - PENALTY

- 9.1 Any person who contravenes a provision of this By-law or who engages another person to contravene a provision of this By-law commits an infraction and is liable to the following fine, plus costs:
 - (a) For a first infraction, a minimum of FIVE HUNDRED DOLLARS (\$500) and a maximum of ONE THOUSAND DOLLARS (\$1,000) if the offender is a natural person or a minimum of ONE THOUSAND DOLLARS (\$1,000) 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 ONE THOUSAND DOLLARS (\$1,000) and a maximum of TWO THOUSAND DOLLARS (\$2,000) if the offender is a natural person or a minimum of TWO THOUSAND DOLLARS (\$2,000) and a maximum of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a corporation or other legal entity.
- 9.2 If an infraction continues for more than one (1) day, it shall constitute a separate offence for each day during which it continues.
- 9.3 The deadline for payment of fines and costs imposed pursuant to this section, and the consequences of default and prescribed costs are established in accordance with the Quebec Code of Criminal Procedures (R.S.Q., Chapter C-25.1).

SECTION 10 - GENERAL

- 10.1 Any word denoting the masculine shall include the feminine and vice-versa. Any word denoting the singular shall include the plural and vice-versa when the context so requires.

SECTION 11 - COMING INTO FORCE

- 11.1 The By-law will come into force according to law.

Given at Chelsea, Quebec, this 7th day of June 2004.

.....
 Paul St-Louis Jean Perras
 Director General/ Secretary-Treasurer Mayor

NOTICE OF MOTION DATE: April 20, 2004

ADOPTION DATE: June 7, 2004

RESOLUTION NUMBER:

PUBLICATION DATE

