



## ***CORPORATION OF THE CITY OF SUMMERSIDE***

**BYLAW NAME:** COSMETIC PESTICIDE AND INTEGRATED PEST MANAGEMENT

**BYLAW #:** # CS-19

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**BE IT ENACTED** by the Council of the City of Summerside as follows:

### **1. Title**

- 1.1. This Bylaw shall be known and cited as the "Cosmetic Pesticide and Integrated Pest Management Bylaw".

### **2. Duty of Administration and Enforcement**

- 2.1. This Bylaw shall be administered and enforced by the Chief Administrative Officer of the City or by persons or organizations designated by the Chief Administrative Officer.

### **3. Resolution**

- 3.1. Council may, by simple resolution, do any of the following for the better administration of this bylaw:
- (a) Designate Non-Domestic Allowable Pesticides;
  - (b) Designate Non-Domestic Restricted Pesticides; and
  - (c) Set Permit Fees.

### **4. Definitions**

- 4.1. In this Bylaw:
- (a) "Certified Applicator" means a person who holds a valid pesticide applicator certificate issued by the Government of Prince Edward Island and is IPM Certified by Plant Health Atlantic Council;
  - (b) "Agricultural Land" means land zoned Agricultural by the City of Summerside;
  - (c) "Infestation" means the presence of a pest in numbers or under conditions that involves an immediate risk of damage to property or significant financial loss in respect of the use of property;

- (d) "Pest" means an injurious, noxious or troublesome living organism, but does not include a virus, bacteria, fungus, or internal parasite that exists on or in humans or animals;
- (e) "Pesticide" means a micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a Pest, and includes:
  - i. A plant growth regulator, plant defoliator or plant desiccant.
  - ii. A control product as defined in the *Pesticides Control Act*, RSPEI 1988, c P-4.
- (f) "Non-Domestic Pesticide" means a pesticide registered as commercial, industrial, agricultural, or restricted pesticide by the Regulations made pursuant to the *Pest Control Products Act*, SC 2002, c 28;
- (g) "Non-Domestic Allowable Pesticide" means any pesticide designated under Section 3.1.(a) of this Bylaw;
- (h) "Non-Domestic Restricted Pesticide" means a pesticide which is restricted from use under the provisions of this Bylaw designated under Section 3.1.(b) of this Bylaw;
- (i) "Public Lands" means lands vested in, owned by or controlled by the City of Summerside, the Province of PEI or the Government of Canada; and
- (j) "Private Lands" means lands wholly or in part within the City of Summerside designated as a separate and distinct parcel on a legally recorded subdivision plan or deed filed in the records of the Land Title Office.

## 5. Prohibition

- 5.1. Subject to the exceptions under this Bylaw, no person, including a Certified Applicator, shall apply or cause or permit to be applied any Non-Domestic Restricted Pesticide for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on any private or public lands. This Bylaw does not apply to persons applying domestic grade products sold through retail outlets.

## 6. Exceptions

- 6.1. Under the conditions stated within this Bylaw, Certified Applicators may use Non-Domestic Allowable Products and may apply for a permit to use Non-Domestic Restricted Products.
- 6.2. Section 5 of this Bylaw shall not apply to the application of a pesticide used for:

- (a) agriculture and any other form of crop production on Agricultural Land;
- (b) forestry operations;
- (c) controlling a pest on buildings or structures, or inside buildings or structures;
- (d) managing of outbreaks of an introduced invasive exotic or foreign pest;
- (e) on land used for public utilities or pipelines unless;
- (f) purifying water used for human or animal consumption;
- (g) responding to human or animal health issues;
- (h) managing of ants, wasps and termites; and
- (i) golf courses.

**6.3.** Despite Section 5, a Non-Domestic Restricted Pesticide may be applied to private lands or public lands for:

- (a) controlling or destroying a pest which has caused an infestation providing the infestation thresholds are met in Section 8 or if damage dictates; or
- (b) the application of pesticides meets at least one (1) of the exceptions listed above in Section 6.2 of this Bylaw.

**6.4.** Infestation thresholds may only be determined by a Certified Applicator or by the City, and are subject to spot inspections by the City's bylaw enforcement designate.

**6.5.** The application of a Non-Domestic Restricted Pesticide may be carried out providing:

- (a) a permit is obtained from the City by the Certified Applicator at a fee as determined from time to time by simple resolution and set out in Schedule "A" to this Bylaw; and
- (b) application of any Restricted Pesticide must be in accordance with the *Pesticides Control Act*, RSPEI 1988, c P-4.

**6.6.** The application of any Non-Domestic Allowable Pesticide may be carried out providing:

- (a) the application is done by a Certified Applicator; and
- (b) application of any pesticide must be in accordance with the *Pesticides Control Act*, RSPEI 1988, c P-4.

**6.7.** Certified Applicators who spray Non-Domestic Allowable and/or Restricted Pesticides within the City of Summerside are required to provide a copy of the Plant Health Atlantic Council annual desktop audit by December 31 to the City of Summerside.

## **7. Enforcement and Penalties**

- 7.1. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provision of this Bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.
- 7.2. Any person who violates any of the provisions of this Bylaw shall, upon summary conviction, be liable to a penalty of not less than \$1,000.00 and not more than \$5,000.00 plus the cost of the prosecution, or to a term of imprisonment not exceeding six (6) months, or both.

## **8. Insect Infestation Thresholds**

- 8.1. The following are the minimum thresholds for an insect infestation:
- (a) Hairy Chinch Bug: Flotation method - Greater than 200 per 0.1 m<sup>2</sup> , Quadrat Method - Greater than 20 per 0.1 m<sup>2</sup>
  - (b) White Grubs: Greater than 5 per 0.1 m<sup>2</sup>
  - (c) Sod Webworms: Greater than 10 per 0.9 m<sup>2</sup>
  - (d) European Crane Fly: Greater than 25 per 0.9 m<sup>2</sup>
- 8.2. In the event there are clear symptoms of an infestation, however due to environmental conditions infestation thresholds may not be met, the City may issue a permit.
- 8.3. These minimum insect infestation threshold levels are extracted from "Sustainable Turf – Construction, Maintenance, and Integrated Pest Management Guidelines for Atlantic Canada" which is published by the Landscape New Brunswick Horticultural Trades Association. Pesticide applicators are referred to that document for the recommended treatment approach and the sampling methods cited.

## **9. Repeal of Existing Bylaw**

- 9.1. Bylaw Number SS-30, the Summerside Cosmetic Pesticide and Integrated Pest Management Bylaw which was adopted on February 22, 2017 is hereby repealed.

## **10. Effective Date**

- 10.1. The effective date of this Bylaw is November 18<sup>th</sup>, 2019.

**First Reading:**

This Bylaw, Bylaw# CS-19, was read a first time at the Council meeting held on the 22nd day of October, 2019.

This Bylaw, Bylaw# CS-19, was approved by a majority of Council members present at the Council meeting held on the 22nd day of October, 2019.

**Second Reading:**

This Bylaw, Bylaw# CS-19, was read a second time at the Council meeting held on the 18th day of November, 2019.

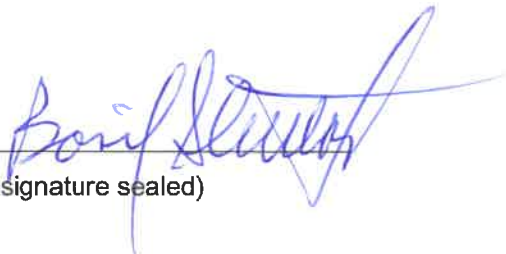
This Bylaw, Bylaw# CS-19, was approved by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.


**Approval and Adoption by Council:**

This Bylaw, Bylaw# CS-19, was adopted by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.


This Bylaw is declared to be passed on the 18th day of November, 2019


**Signatures**

  
\_\_\_\_\_  
Mayor (signature sealed)

  
\_\_\_\_\_  
Chief Administrative Officer (signature sealed)

This Bylaw adopted by the Council of the City of Summerside on the 18th day of November, 2019 is certified to be a true copy.

  
\_\_\_\_\_  
Chief Administrative Officer Signature

  
\_\_\_\_\_  
Date



## ***CORPORATION OF THE CITY OF SUMMERSIDE***

**SCHEDULE:** SCHEDULE "A"  
**BYLAW NAME:** COSMETIC PESTICIDE AND INTEGRATED PEST MANAGEMENT  
**BYLAW #:** # CS-19

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### **1. Permit Fee**

1.1. The Permit Fee for any application for a permit required under Bylaw CS-19 shall be \$50.00.