

TOWN OF STRATFORD

COSMETIC PESTICIDE BYLAW

Bylaw Number 35

This bylaw is made under the authority of the *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1 and it relates to the application of non-domestic pesticides for the control of landscape pests.

BE IT ENACTED by the Council of the Town of Stratford as follows:

1. *Name*

This Bylaw may be referred to as the "Stratford Cosmetic Pesticide Bylaw."

2. *Scope*

2.1 This Bylaw shall apply to the application of Non-Domestic Pesticides for the control of Pests on all property in the Town of Stratford but does not apply to the application of Non-Domestic Pesticides:

- (a) for the management of Pests that transmit human diseases or affect agriculture or forestry;
- (b) on golf courses
- (c) to buildings or inside buildings
- (d) on land used for agriculture, forestry or transportation; or
- (e) on land used for public utilities or pipelines unless the public utility is vested in the Town.

3. *Definitions*

In this Bylaw:

3.1 "**Town**" means the Town of Stratford established pursuant to the *Charlottetown Area Municipalities Act*;

3.2 "**Cosmetic Pesticide Applicator**" means any person, firm or corporation, any part of whose business involves the application and use of Non-Domestic Pesticides;

3.3 "**Council**" means the Stratford Town Council;

3.4 "**Non-Domestic Pesticide**" means a pesticide registered as commercial, industrial, agricultural, or restricted by the Regulations made pursuant to the *Pest Control Products Act* (Canada) R.S.C. 1985, Chap. P-9 as amended from time to time;

3.5 **“Insect Infestation”** means the presence of insect pests in numbers which pose a risk of substantial loss or damage as specified in Appendix B: Insect Infestation Thresholds.

3.6 **“Pest”** means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism;

3.7 **“Property Owner”** means a land owner as listed in the assessment roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto.

4. *Administration*

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

5. *Application of Non-Domestic Pesticides*

5.1 No person, including a Cosmetic Pesticide Applicator, shall apply, cause, allow, carry out, permit or suffer to be carried out the application of Non-Domestic Pesticides on any property which is wholly or partially within the boundaries of the Town, unless:

- (a) The Non-Domestic Pesticide contains only active ingredients that are listed in Appendix A: Allowable Pesticides, of this Bylaw; or
- (b) A Cosmetic Pesticide Applicator has received permission for the application of a Non-Domestic Pesticide pursuant to section 6.1 of this Bylaw.

6. *Exceptions*

6.1 A Cosmetic Pesticide Applicator may apply for a permit to apply a Non-Domestic Pesticide that is not included in Appendix A: Allowable Pesticides of this Bylaw but that is permitted by the Province of Prince Edward Island for the following purposes or activities:

- (a) to destroy, prevent or control a species of plant that is poisonous to humans by touch;
- (b) to destroy, prevent or control an alien invasive plant species that may negatively affect the health of humans, the environment or the economy;
- (c) in a scientific experiment or for research purposes; or
- (d) to treat an insect infestation where the number of insects exceed the threshold level specified in Appendix B: Insect Infestation Thresholds of this Bylaw .

6.2 The application referenced in Section 6.1 must be signed by the Property Owner and must be submitted with a \$50 administration fee.

6.3 The application of a Non-Domestic Pesticide that is not included in Appendix A shall be carried out in compliance with the Regulations regarding same made pursuant to the *Pesticides Control Act*, R. S. P.E.I. 1988, Cap. P-4.

7. *Penalties and Enforcement*

7.1 Any person, who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and liable on summary conviction to a minimum fine of not less than \$1,000 and not more than \$2,500 for a first offence and a minimum fine of not less than \$2,500 and not more than \$5,000 for any subsequent offence.

7.2 This Bylaw may also be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of Prince Edward Island in accordance with subsection 39(3) of the Charlottetown Area Municipalities Act.

8. *Effective Date*

The effective date of this Bylaw is January 1, 2016.

This Bylaw received first reading and formal approval at the Town Council meeting of July 8, 2015.

This Bylaw received second reading and formal approval at the Town Council meeting of August 12, 2015.

This bylaw was formally adopted by Council at a meeting held on August 12, 2015.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this _____ day of _____

Witness the corporate seal of the Town.

Mayor

Chief Administrative Officer

APPENDIX A: Allowable Pesticides

A pesticide that contains only the following active ingredients is prescribed as an allowable pesticide:

ACETIC ACID

AMMONIUM SOAPS OF FATTY ACIDS

BACILLUS SUBTILIS MBI 600

BACILLUS SUBTILIS QST 713

BACILLUS THURINGIENSIS KURSTAKI

BACILLUS THURINGIENSIS TENEBRIONIS

BORAX

BORIC ACID

CAPSAICIN

CHONDROSTEREUM PURPUREM STRAIN PFC2139

CITRIC ACID*

COPPER AS ELEMENTAL, PRESENT AS TRIBASIC COPPER SULPHATE

COPPER AS ELEMENTAL, PRESENT AS COPPER OXYCHLORIDE

CORN GLUTEN MEAL

DRIED BLOOD

ENTOMOPATHOGENIC NEMATODES

FATTY ACID

HYDROGEN PEROXIDE

IRON (FERROUS OR FERRIC) PHOSPHATE

IRON (FERROUS OR FERRIC) SODIUM

IRON (FERROUS OR FERRIC) SULFATE

IRON, IF PRESENT AS FEHEDTA

LACTIC ACID*

LIME SULPHUR OR CALCIUM POLYSULPHIDE

LIQUID CORN GLUTEN

METARHIZIUM ANISOPLIAE STRAIN F52

MONOSODIUM, DIBASIC SODIUM, POTASSIUM, OR AMMONIUM PHOSPHITES

MINERAL OIL

NUCLEAR POLYHEDROSIS VIRUS OF DOUGLAS FIR TUSSOCK MOTH

OIL OF BLACK PEPPER

PHOMA MACROSTOMA STRAIN 94-44B

PIPERINE

PUTRESCENT WHOLE EGG SOLID

SCLEROTINIA MINOR

SILICON DIOXIDE (DIATOMACEOUS EARTH)

SOAP (ALKANOLAMINE SALTS OF FATTY ACID)

SOAP (POTASSIUM SALTS OF FATTY ACID)

SODIUM CHLORIDE

SPINOSAD

STREPTOMYCES ACIDISCABIES STRAIN RL-110T

SULPHUR

TYPHULA PHACORRIZA STRAIN 94671

VERTICILLIUM ALBO-ATRUM STRAIN WCS850

*present as fermentation products of *Lactobacillus rhamnosus* strain R-11, *Lactobacillus casei* strain R215, *Lactococcus lactis* ssp. *cremoris* strain M11/CSL, *Lactococcus lactis* ssp. *lactis* strain LL102/CSL, and *Lactococcus lactis* ssp. *lactis* strain LL64/CSL

APPENDIX B: Insect Infestation Thresholds

The following are the minimum thresholds for an insect infestation:

- Hairy Chinch Bug (*Blissus leucopterus hirtus*): Flotation method – greater than 200 per 0.1 m² ,
Quadrat method – greater than 20 per 0.1 m²
- White Grubs: greater than 5 per 0.1 m²
- Sod Webworms: greater than 10 per 0.9 m²
- European Crane Fly (*Tipula pludosa*): greater than 25 per 0.9 m²

These minimum insect infestation threshold levels are extracted from “Sustainable Turf – Construction, Maintenance, and IPM Guidelines for Atlantic Canada Integrated Pest Management” which is published by the Landscape New Brunswick Horticultural Trades Association, NB Canada. Cosmetic Pesticide Applicators are referred to that document for the recommended treatment approach and the sampling methods cited.