

COSMETIC PESTICIDES BYLAW

EFFECTIVE JANUARY 1, 2017

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN PURSUANT TO SECTIONS 21 AND 64 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I. 1988, CAP. C-4.1:

PART I: TITLE

1. 1.1 This Bylaw may be known and may be cited as the “Charlottetown Cosmetic Pesticides Bylaw”.

PART II: SCOPE

2. 2.1 This Bylaw shall apply to the application of Non-Domestic Pesticides on all property in the City of Charlottetown with the exception of:
 - (a) golf courses
 - (b) buildings or inside buildings
 - (c) land used for agriculture, forestry or transportation; or
 - (d) land used for public utilities or pipelines unless the public utility is vested in the City.

PART III: DEFINITIONS

In this Bylaw:

3. 3.1 **"City"** means the City of Charlottetown established under Section 3 of 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 for controlling landscape pests;
- 3.3 **"Council"** means the Council of the City;
- 3.4 **"Insect Infestation"** means the presence of insect pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage as specified in Appendix B: Insect Infestation Thresholds.
- 3.5 **"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;
- 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;

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- 3.7 **“Pesticide”** means:
- (i) any product, device, organism, substance or thing intended, sold or represented for use in destroying or repelling any insect, nematode, rodent, predatory animal, bacterium, fungus, weed or other form of plant or animal life or virus, except bacteria or fungi living in man or animals, and
 - (ii) includes any product, device, organism, substance or thing required to be registered under the *Pest Control Products Act*, R.S.C. 1985, Chap. P-9;
- 3.8 **“Property Owner”** means a land owner as listed in the Assessment Role 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, which printed Assessment Role is issued to the City at the beginning of each year (with printed updates throughout the year), tenant, lessee or other person in possession or occupancy of a Property.

PART IV: ADMINISTRATION

4. 4.1 This Bylaw shall be administered and enforced by the City.

PART V: APPLICATION OF NON-DOMESTIC COSMETIC PESTICIDES

5. 5.1 As of January 1, 2017 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 City, unless:
- (a) The Non-Domestic Pesticide contains only active ingredients that are listed in Appendix A: Allowable Pesticides, of this Bylaw; or
 - (b) The application of Non-Domestic Pesticides meets at least 1 (one) of the exceptions listed in section 6.1 of this Bylaw; or
 - (c) A Cosmetic Pesticide Applicator has received permission for the application of a Non-Domestic Pesticide pursuant to section 6.1 of this Bylaw.

PART VI: EXCEPTIONS

6. 6.1 A Cosmetic Pesticide Applicator may apply a Non-Domestic Pesticide, at the request of a Property Owner, if the prior written approval of the Sustainability Officer for the City, or such other person as may be appointed by the Council, is obtained, and the Non-Domestic Pesticide is permitted for application under the Pesticides Control Act, R. S.P.E.I. Cap P-4, and has an active ingredient that is not included in Appendix A, which permission may only be granted for the following purposes or activities:
- (a) to destroy, prevent or control a species of plant that is poisonous to humans by

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touch or to control a species of pest that can transmit human disease;

- (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
 - (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.
 - (e) to carry out a tree infusion treatment to control insects or diseases that threaten the health of a species of tree by using a product not included in the “Allowable Pesticides” list.
- 6.2 The application referenced in Section 6.1 must be signed by the Property Owner and must be submitted with a \$50 fee.
- 6.3 The application of a Non-Domestic Pesticide 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.

PART VII: PENALTIES FOR NON-COMPLIANCE

7. 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.

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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
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
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
PYRETHRINS; WITHOUT THE ADDITION OF PIPERONYL BUTOXIDE
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 (PELLET ONLY)

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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

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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.