

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2004-02

**BEING A BY-LAW TO CONTROL
THE USE OF PESTICIDES AROUND THE
TROUT LAKE WATERSHED**

WHEREAS prohibiting the application of pesticides in certain areas will reduce public exposure to pesticides and protect the City of North Bay's water resources;

AND WHEREAS under section 130 of the *Municipal Act, 2001*, by-laws may be passed by a municipality to provide for the protection of the health, safety and well-being of residents in the municipality;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- (a) "application" or "apply" means spreading of a substance, whether by spraying or by any other method of depositing or discharging a substance.
- (b) "health hazard" means a function which has or is likely to have an adverse effect on the health of any person.
- (c) "infestation" means the presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage to property or the health of persons.
- (d) "pest" means an animal, a plant or other organism that is injurious or noxious, whether directly or indirectly, to any person.
- (e) "pesticide" means a product, organism or substance which is a registered control product within the meaning of the federal *Pest Control Products Act* but does not include a product that is or contains any of the following as an active ingredient:
 - (i) a soap;
 - (ii) a mineral oil, also called dormant or horticultural oil;
 - (iii) silicon dioxide, also called diatomaceous earth;
 - (iv) BT (*Bacillus thuringiensis*), nematodes and other biological control organisms;
 - (v) boric acid or boracic acid;
 - (vi) acetic acid;
 - (vii) pyrethrum or pyrethrins;
 - (viii) fatty acids; or
 - (ix) sulphur.
- (f) "qualified person" means a person with all of the following qualifications:
 - (i) training in Integrated Pest Management,
 - (ii) the Exterminator Certification Licence, and
 - (iii) the Landscape Certification Licence.

PROHIBITION

2. No person shall apply or cause or permit the application of any pesticide within fifty (50) metres in perpendicular distance of the high water mark of Trout Lake or any of the following water courses:
- (a) Camelot Lake;
 - (b) Four Mile Lake;
 - (c) Hillside Lake;
 - (d) High Lake;
 - (e) Armstrong Creek;
 - (f) Lees Creek;
 - (g) Dorans Creek;
 - (h) Hogans Creek;
 - (i) Four Mile Creek;
 - (j) High Creek;
 - (k) Creek "A";
 - (l) Creek "B"; and
 - (m) Creek "C"

and as more particularly shown in the shaded areas of the attached Schedule "A".

EXEMPTIONS

3. (1) Section 2 shall not apply to prohibit the application of a pesticide where the pesticide is being applied for any of the following purposes:
- (a) an agricultural purpose;
 - (b) to disinfect a swimming pool, whirlpool, spa or wading pool;
 - (c) to purify water intended for consumption by human beings;
 - (d) to control or destroy a pest which has caused infestation to a property or to prevent an infestation to a property;
 - (e) to control or destroy a pest which constitutes a health hazard;
 - (f) as an insecticide bait which is enclosed in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans;
 - (g) to maintain a safe sports playing field in accordance with Integrated Pest Management practices;
 - (h) to preserve wood;
 - (i) to comply with the *Weed Control Act* and the regulations made thereunder;
 - (j) as an insect repellent for personal use.
3. (2) Section 2 shall not apply to prohibit the application of any pesticide inside of an enclosed building.

3. (3) (a) In this section “agricultural purpose” means the business of cultivating land or raising stock.
- (b) In this section “enclosed building” means a building closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, which openings are equipped with doors which are kept closed except when actually in use for ingress or egress.
- (c) In this section “Integrated Pest Management” means a decision making process that uses a combination of techniques to suppress pests and that includes but is not limited to the following elements:
- (i) planning and managing ecosystems to prevent organisms from becoming pests;
 - (ii) identifying potential pest problems;
 - (iii) monitoring populations of pests and beneficial organisms, pest damage and environmental conditions;
 - (iv) using injury thresholds in making treatment decisions;
 - (v) reducing pest populations to acceptable levels using strategies that may include a combination of biological, physical, cultural, mechanical, behavioural and chemical controls;
 - (vi) evaluating the effectiveness of treatments.
3. (4) In section 3(1)(d) the pest involved and the infestation must be identified in writing by a qualified person prior to the application of a pesticide.
4. (a) The Applicator shall give advance notice in writing to the City prior to the application of a pesticide in the locations defined in section 2.
- (b) In this section “Applicator” means any person who applies a pesticide.

ENFORCEMENT

5. Any police officer, provincial offences officer or employee of the City whose duties include the enforcement of this by-law is authorized to enforce this by-law pursuant to the provisions hereof and of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof.

OFFENCES

6. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof.

READ A FIRST TIME IN OPEN COUNCIL THE 9TH DAY OF FEBRUARY, 2004.

READ A SECOND TIME IN OPEN COUNCIL THE 9TH DAY OF FEBRUARY, 2004.

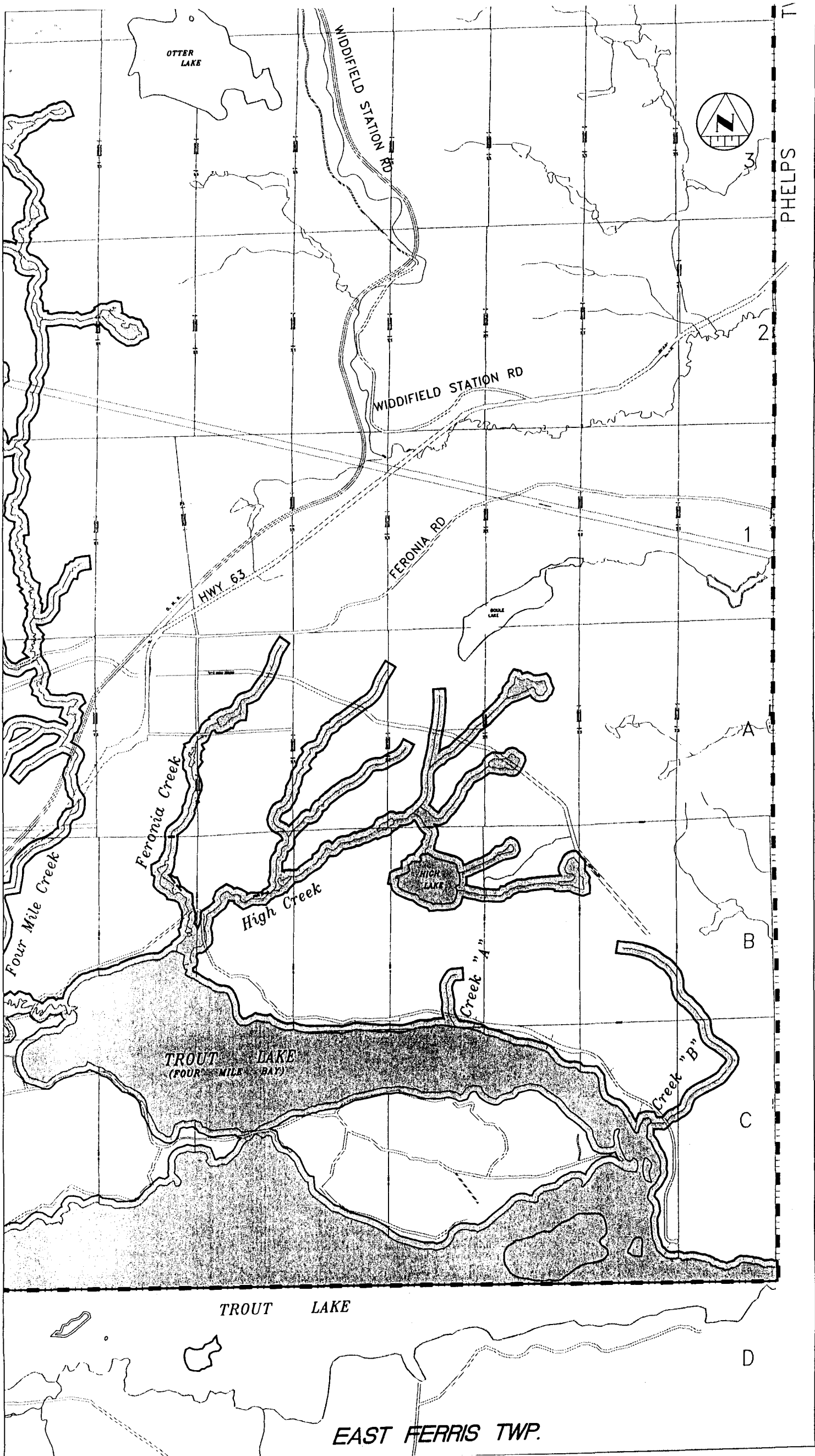
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 9TH DAY OF FEBRUARY, 2004.



 MAYOR



 CITY CLERK

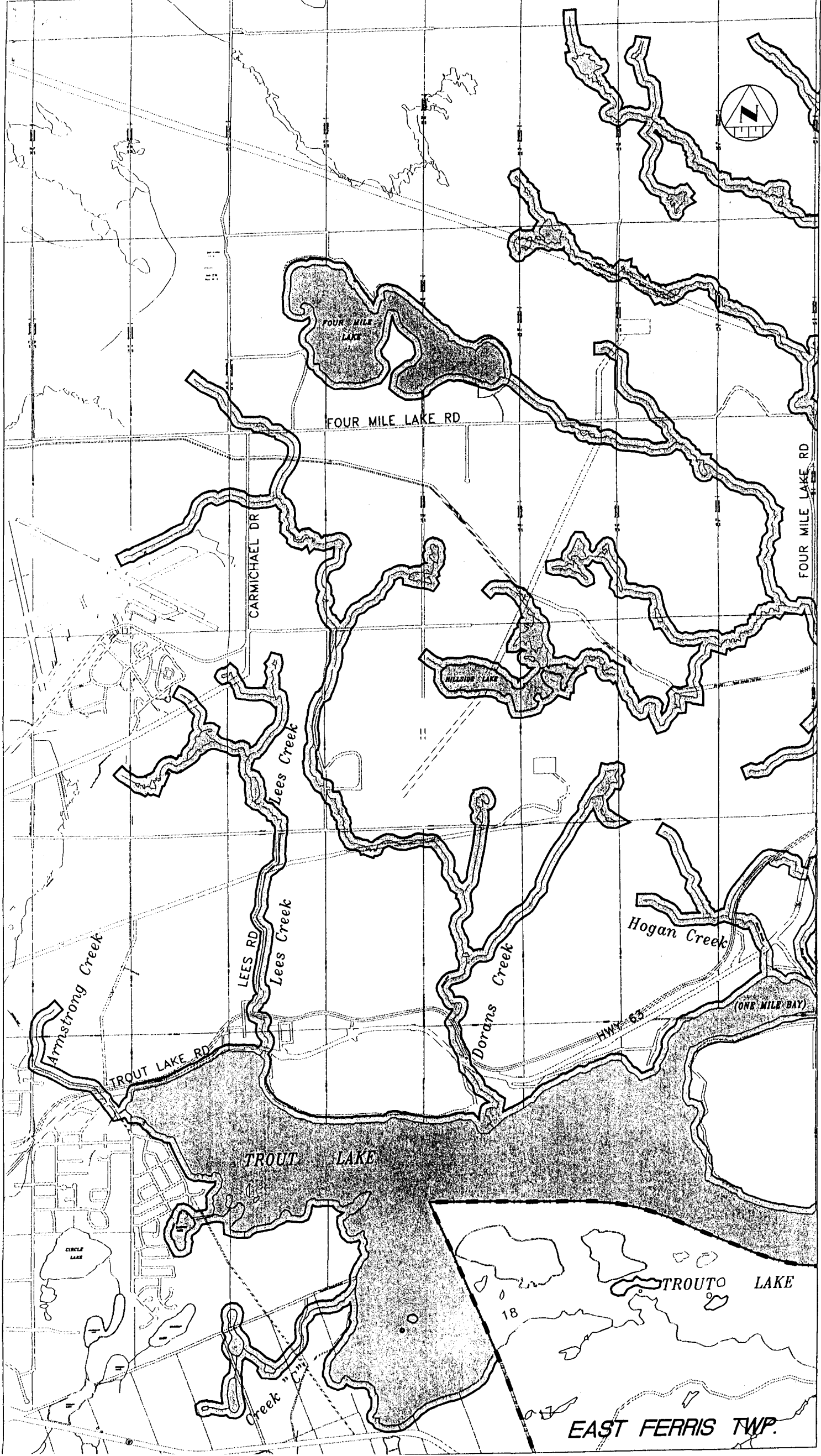


PHELPS TWP

TROUT LAKE
(FOUR MILE BAY)

TROUT LAKE

EAST FERRIS TWP.



FOUR MILE LAKE

FOUR MILE LAKE RD

CARMICHAEL DR

FOUR MILE LAKE RD

HILLSTON LAKE

Lees Creek

Lees Creek

Dorans Creek

Hogan Creek

Armstrong Creek

TROUT LAKE RD

LEES RD

HWY 63

(ONE MILE BAY)

TROUT LAKE

TROUT LAKE

18

Creek

EAST FERRIS TWP.