

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO 2005-03

**BEING A BY-LAW TO CONTROL
THE USE OF PESTICIDES IN THE
CITY OF NORTH BAY**

WHEREAS the Council of the City of North Bay wishes to respond to the concerns expressed by City residents about health risks associated with the use of pesticides within the City of North Bay;

AND WHEREAS minimizing the use of pesticides will promote the health of the inhabitants of the City of North Bay;

AND WHEREAS pesticides may enter streams and rivers and the City of North Bay's drinking water;

AND WHEREAS regulated pesticide products can affect public health and damage natural ecosystems and the environment;

AND WHEREAS the City of North Bay supports the philosophy of Integrated Pest Management and will endeavour to maintain all parks and sports fields utilizing this program;

AND WHEREAS pursuant to 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) "applicator" means any person who applies a pesticide.
 - (b) "agricultural purpose" means the business of cultivating land or raising stock.
 - (c) "application" or "apply" means spreading of a substance, whether by spraying or by any other method of depositing or discharging a substance.
 - (d) "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.
 - (e) "health hazard" means a function which has or is likely to have, in the opinion of a Medical doctor licensed to practice medicine in the Province of Ontario, an adverse effect on the health of any person.
 - (f) "infestation" means the presence of pests, as defined from time to time by the City of North Bay as threshold levels for various pests and ecosystems, in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage to property. Threshold levels are defined in section 1(j).
 - (g) "integrated pest management" means the conscious use of a combination of techniques to suppress pests and that includes but is not limited to the following elements:

- (i) planning and managing healthy ecosystems to prevent pests from becoming established and reaching threshold levels;
 - (ii) early identification of 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, as defined by the City of North Bay; using strategies that may include a combination of biological, physical, cultural, mechanical, behavioral and chemical controls;
 - (vi) evaluating the effectiveness of treatments;
 - (vii) chemical controls are used as a last resort.
- (h) "pest" means an animal, a plant or other organism that is injurious or noxious, whether directly or indirectly, to any person or property.
- (i) "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 contains only the following active ingredient(s):
- (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;
 - (ix) sulphur; or
 - (x) corn gluten meal.
- (j) "threshold levels" means numbers or conditions of certain pests which constitute an infestation as defined in Schedule "A" to this by-law.

PROHIBITION

2. No person shall apply or cause or permit the application of any pesticide within the boundaries of the City of North Bay.

EXEMPTIONS

3. (a) Section 2 shall not apply to prohibit the application of a pesticide where the pesticide is being applied for any of the following purposes:

- (i) an agricultural purpose;
 - (ii) to disinfect a swimming pool, whirlpool, spa or wading pool;
 - (iii) to purify water intended for consumption by human beings;
 - (iv) to control or destroy a pest which has caused infestation to a property;
 - (v) to control or destroy a pest which constitutes a health hazard;
 - (vi) 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;
 - (vii) to maintain a golf course in accordance with Integrated Pest Management practices;
 - (viii) to preserve wood;
 - (ix) to comply with the *Weed Control Act* and the regulations made thereunder; or
 - (x) as an insect repellent for personal use.
- (b) Notwithstanding the exemptions contained in sections 3(a)(iv) (infestations) and 3 (a)(v) (health hazard), no person shall apply a pesticide within 15 meters (45 feet) of lakes, rivers, or streams when it is raining or forecast to rain, or when wind velocity is stronger than 11 kilometers an hour.
- (c) Section 2 shall not apply to prohibit the application of any pesticide inside of an enclosed building.
- (d) An applicator shall provide notice in writing of the application of a pesticide, to the City Engineer, within 24 hours of the application, if the application is made for the purposes as indicated in sections 3(a) (iv) or 3(a) (v).
- (e) The following information shall be provided to the City Engineer in the Notice of Application referred to in Section 3(d):
- (i) a description or photograph of the infestation or pest causing the health hazard;
 - (ii) municipal address of application;
 - (iii) quantification of infestation;
 - (iv) the pesticide applied;
 - (v) the area of application; and
 - (vi) the name and address of the applicator and if applicable the name of the company employing the applicator.
- (f) The City of North Bay shall maintain an electronic reporting system for providing the Notice of Application pursuant to sections 3(d) and (e) on the City of North Bay Web Site.

ENFORCEMENT

4. 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, the *Municipal Act*, 2001, S.O. 2001, c.25, as amended or any successor thereof, and of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof.

OFFENCES

5. 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.

REPEAL

6. 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, is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 28TH DAY OF FEBRUARY 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 28TH DAY OF FEBRUARY 2005.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 28TH DAY OF FEBRUARY 2005.



MAYOR



CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 2005-03 OF THE CORPORATION OF THE CITY OF NORTH BAY

City of North Bay – Insect and Weed Threshold Levels

Threshold levels are the minimum number of insects or weeds which must be present before herbicide and pesticide applications are permitted as defined in By-Law No. 2005-03. Threshold levels do not restrict the use of natural controls.

Site Classes Preamble

There are three Site Classes because of differences in risks, uses and values of various property types. For example pesticide application has a lower threshold for a highly visible landscape around a business where risk is low because public contact is limited. On the other hand, pesticide application has a very high threshold level for a children's playground.

Site Classes Definition

The following Site Classes apply:

- Class A Sites: High Value /Low Contact Sites – These are sites of high visual value, with high visibility and limited public contact including:**
- formal flower beds in municipal parks and entranceways
 - landscaping of commercial properties and residential flower gardens along arterial roads
 - commercial plant nurseries
- Class B Sites: Moderate Quality/Moderate Contact Sites – These are of medium to high visibility but are intended for public or private contact and/or moderate maintenance sites including:**
- residential lawns
 - sports fields
 - landscape beds in parks
 - non arterial boulevards and medians
- Class C Sites: Low Quality/High Contact Sites – these include either low profile or low maintenance sites or sites with high levels of contact with vulnerable populations including:**
- school property
 - day care facilities' grounds
 - Seniors' residences' grounds
 - health care facilities' grounds
 - tot lots, playgrounds
 - natural parks and open space
 - recreational areas/playground areas
 - works yards and industrial sites
 - environmentally sensitive areas (including lawns and gardens within 15 metres of a lake or flowing river or stream)

Site Classification Dispute Resolution:

When a site does not clearly fit into one of the above categories, the City Engineer shall decide on the classification.

Weed Thresholds Based on Site Classification

Site Classification	Site Qualities	Action/Threshold	Limitations
<u>Class A:</u>	High Value/Low Contact	From 10-15% weed coverage by area or 5 broadleaf plants per m ²	Pesticide application allowed
<u>Class B:</u>	Moderate to High Value /Moderate Contact	From 20 - 50% weed coverage by area or 15 broadleaf plants per m ²	Pesticide application allowed
<u>Class C:</u>	Low Value/High Contact and/or Environmental Risk	Greater than 50% weed coverage by area or more than 20 broadleaf plants per m ²	Pesticide may be used as a spot spray on infested area only and only in the interest of public safety

Threshold Levels for Insect Pests

Site Classification: Class A, B and C – Turf & Garden		
Pest	Threshold (per 1.0 m ²)	Application Permitted
Hairy Chinch Bug	20 insects per 9 <i>inch</i> diameter can (see Monitoring Techniques)	Pesticide can be used. Spot application only
Sod Webworms, Lawn Moths (<i>Crambus</i> sp. and <i>Pediasia</i> sp.)	20 larvae/1.0 m ² or 2/0.1 m ²	Pesticide can be used. Spot application only
June Beetle/White Grubs	30-50 larvae/1.0 m ² or 3-5/0.1 m ²	Pesticide can be used. Spot application only
Black Cutworm (<i>Agrotis ipsilon</i> Hufnagel)	20 larvae/1.0 m ² or 2/0.1 m ²	Pesticide can be used. Spot application only
European Chafer	20 larvae/1.0 m ² or 2/0.1 m ²	Pesticide can be used. Spot application only

Hairy Chinch Bug Monitoring Technique

Coffee Can Technique to measure Hairy Chinch Bug Infestation Levels

Use a 23 cm (9 inch) diameter coffee can. Remove the top and bottom. Insert the can into the soil to a depth of 3 to 5 cm (1 to 2 inches) in the infestation area. Fill with water. Count the number of chinch bugs that float to the surface in 5 to 15 minutes. Refill the can with water as needed during the measurement period to maintain water in the can without causing it to overflow. If 20 or more chinch bugs are present, a pesticide may be used for treatment with restrictions as noted above.