

RM 2683 - CONCERNING THE DETRIMENTAL USE OF FERTILIZERS

Article 1- Unless the context indicates or declares otherwise:

- Fertilizer: the word fertilizer means any substance or mixture of substances, containing nitrogen, phosphorus, potassium or other plant food, manufactured, sold or represented for use as a plant nutriment.

Article 2- Shall constitute a nuisance and, therefore, be prohibited, the fact for any person to apply a fertilizer on an area in excess of 30 square metres (322.8 square feet) through spraying, pulverization, painting, powdering, dampening, injection under any solid, liquid or gaseous so as to cause a source of inconvenience for the neighbours and:

1- Whenever the temperature is above 25°C, or;

2- Whenever the wind velocity is observed by the Dorval Atmospheric Environment Services of Environment Canada in Dorval, is greater than 15 kilometres per hour, or;

3- Such application is carried out closer than 5 metres from a ditch, a watercourse or a stretch of water, or;

4- To fail to install, immediately after an application and for a period of at least 24 hours after such application, weather proof signs, measuring at least 12.7 centimetres by 17.8 centimetres (5" X 7") and which shall contain the following information:

a) A pictogram of which a model is attached as appendix A hereto;

b) The identification of the applied fertilizer;

c) The date and hour of the application;

d) If the case arises, the name and telephone number of the contractor having applied the fertilizer.

5- Whenever the signs described under the sub-paragraph 4 are installed otherwise and in a number less than what is required as established hereinafter:

a) Within 1 metre from the roadway of any street, or from any sidewalk or from any property accessible for the public, and;

b) Every 10 metres along the side of the property on which the application has been carried out and which is adjacent to any roadway, sidewalk or property accessible to the public, and;

c) Within 1 metre above the natural ground level;

d) At least two (2) signs per property on which an application has been carried out, subject to the foregoing.

6- In the case of a lawn bowling green or a golf course, when the operator fails to install advertisement panels, measuring at least 61 centimetres (2') by 91.4 centimetres (3') and containing the information prescribed pursuant to the subparagraph 4. In the case of a lawn bowling green, one such panel must be installed on the outside wall of the " chalet " building. In the case of a golf course, at least one of these panels shall be installed at a visible location inside the Club House and next to each teeing areas for the first and tenth holes.

Article 2.1- Notwithstanding any other provision to the contrary, shall constitute an offence and, therefore, be prohibited, the fact for any person to apply, under any circumstances, a fertilizer on a waiting area of any public transit system or on any street roadway or sidewalk.

Article 3- Any inspector from the Public Security Division of the Fire and Public Security Department of the City of Pointe-Claire as well as any police officer shall be authorized to visit and examine any and all moveable and immoveable property so as to ascertain if the present by-law is executed in respect thereof.

Any owner or occupant of such property shall be compelled to admit any person designated pursuant to the first paragraph.

Such visit and examination must be conducted between 7:00 a.m. and 9:00 p.m. on any day of the week.

More specifically, any inspector from the Public Security Division as well as any Police officer shall be authorized, during an application of fertilizer to examine any equipment and product used for that purpose. Furthermore, any contractor must provide any Public Security Division inspector working for the City of Pointe-Claire and who makes a request to that effect, up to a maximum of five times yearly, a sample of any fertilizer that has just been applied on any property or which is to be applied in the following minutes in any property as well as a copy of the related label, record or technical card. Refusing to provide such sample shall constitute an offence.

Article 4- Any offence under any provision contained herein shall be sanctioned by a fine:

The amount of the fine for a first offence shall be, if the offender is:

1- A natural person: \$50 plus costs

2- A legal person: \$500 plus costs

In the case of a second or subsequent conviction, the amount of the fine shall be, in the case of:

1- A natural person: a minimum fine of \$100 and a maximum fine of \$1 000 plus costs

2- A legal person: a minimum fine of \$1 000 and a maximum fine of \$4 000 plus costs

Article 5- The present by-law shall come into force according to the law.