

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2865

BY-LAW RESPECTING THE USE OF
PESTICIDES IN THE TERRITORY OF THE
CITY OF POINTE-CLAIRE

In force on May 10, 2017

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE
HELD AT THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE,
QUEBEC, ON TUESDAY MAY 2, 2017 AT 7:30 P.M.

PRESENT: Councillors K. Thorstad-Cullen, C. Homan, J. Beaumont,
P. Bissonnette, C. Cousineau, J.-P. Grenier, A. Iermieri and
D. Smith chaired by His Worship Mayor Morris Trudeau forming a
quorum of council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING,
WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2865

Resolution number: 2017-277

PROPOSED BY COUNCILLOR IERMIERI

SECONDED BY COUNCILLOR GRENIER

AND RESOLVED:

WHEREAS a notice of motion of the present by-law has been given beforehand.

To wit sections 4, 19, and 85 of the Act Respecting Municipal Powers (CQLR chapter C-47.1).

To wit sections 369 and 411 of the Act Respecting Cities and Towns (CQLR, chapter C-19)

CONSEQUENTLY THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

DIVISION I

SCOPE AND DEFINITIONS

1. The present by-law applies to the entire City territory.
2. In the present by-law, the following words mean:

“Infestation” : the presence of insects, mildew or other noxious agents, with the exception of noxious weeds, on more than 50% of a lawn area or on more than 5 square metres (5m²) of a flowerbed area. There is also an infestation where the presence of noxious weeds, insects, mildew or other toxic agents, whatever their extent, constitutes a safety hazard, a health hazard, a tree or shrub hazard, or an animal health hazard;

“Neonicotinoids” : class of pesticides using, as active ingredient, either acetamiprid, clothianidin, imidacloprid, thiacloprid or thiamethoxam;

“Pesticide” : any substance, material or micro-organism intended to directly or indirectly control, destroy, mitigate, attract or repel an organism that is injurious to or noxious or troublesome for humans, animal life, vegetation, crops and other goods, or intended for use as a plant growth regulator, except a drug product or a vaccine, as defined in the Pesticides Act (CQLR, chapter P9.3);

“Sensitive areas” : child care centres, day care centres, drop-in day care centres, kindergartens or home child care centres governed by the Act Respecting Child Care Centres and Child Care Services (CQLR, chapter C-8.2); institutions providing preschool education services or elementary or secondary school instructional services governed by the Education Act (CQLR, chapter I-13.3) or by the Act Respecting Private Education (CQLR, chapter E-9.1); institutions providing instructional services at the College level governed by the Act Respecting Private Education (CQLR, chapter E-9.1) or by the General and Vocational Colleges Act (CQLR, chapter C-29); educational institutions at the University level, referred to in paragraphs 1 to 10 of section 1 of the Act Respecting Educational Institutions at the University Level (CQLR, chapter E-14.1); health and social services institutions governed by the Act Respecting Health Services, and Social Services (CQLR, chapter S-4.2); places of worship, residences for senior citizens, playgrounds of municipal parks, sports fields of municipal parks, cemeteries and community gardens as well as a 5 metre wide strip beyond the limit of each parcel of land contemplated above.

DIVISION II

FORMAL PROVISIONS

3. No pesticides may be used or applied outside buildings.

DIVISION III

EXCEPTIONS

4. Despite section 3, pesticides, other than neonicotinoids, may be used in the following cases:
 - (1) If it is a biological control agent, as so designated by the Pest Management Regulatory Agency (PMRA), mineral oil, azadirachtine or active ingredients, other than acetamiprid, authorized under schedule II to the Pesticides Management Code (2003, 135 G.O. II, 1653) and which have not been enriched by another anti-parasite active ingredient.
 - (2) For an infestation, unless it is a sensitive area;
 - (3) In pools and decorative ponds or self-contained artificial basins;
 - (4) For the maintenance of a golf course and bowling green, in accordance with this By-law;
 - (5) Within a radius of 5 metres of warehouses and plants of food companies or pharmaceutical manufacturing plants to ensure vermin control;
 - (6) On the base of a building and on a 30 centimetres strip around it, for ant control.

DIVISION IV

TEMPORARY PESTICIDE PERMIT

5. The use of a pesticide for any of the exceptions contemplated in paragraphs 4 (2), 4 (5) or 4 (6), is subject to the prior granting of a temporary pesticide permit.
6. A temporary pesticide permit is issued to the owner or the user or occupant who submits a signed authorization letter from the owner, on the following conditions:
 - (1) The exigible fees have been paid;
 - (2) The area to be treated is not a sensitive area;

- (3) The area to be treated is more than 100 metres from a water intake;
- (4) In the case of an application referred to in paragraph 4 (2), demonstration must be made that a mechanical treatment or a treatment made with a pesticide described under paragraph 4 (1) was first carried and proved ineffective.
- (5) In an infestation case referred to in paragraph 4 (2), a site inventory must have been first confirmed further to a City inspection. In such case, the percentage of the total grassy area and the flowerbed area are established by adding the parts of the infested area.

Every person who, for the benefit of others and against remuneration, performs work involving the use of pesticides, must, in order to obtain a temporary permit, meet the conditions stated in the first paragraph and hold any permit or certificate required under a federal or provincial law or regulation.

7. A temporary pesticide permit issued under this section is valid for 14 days from the date of issue.

DIVISION V

GOLF COURSES AND BOWLING GREENS

8. Pesticides, other than neonicotinoids, may be used, for the maintenance of golf courses and bowling greens, subject to the conditions provided for in this division.
9. Every operator of a golf club or a bowling green must register, under a written statement to the City, the products stored or to be stored and that he intends to use during the year.

The statement required under the first paragraph must be filed with the City Clerk's Office between March 1 and 31 of each year.

10. Pesticides must be stored in a fireproof location, with embankment, ventilation and steel shelves.

A flameproof sign must be put up at the entrance to the storage area.

The sign must indicate the presence of pesticides.

11. Every operator of a golf club or of a bowling green must post, immediately after a pesticide application, at the course entrance, a sign specifying the date and time of the application, the active ingredient, the brand name and the registration number, the name and telephone number of the person who performed the work, the certificate number of applicator, as the case may be, and the telephone number of "the Québec Poison Control Centre".

The sign must be posted for 72 hours after an application.

12. The application conditions relating to the use of pesticides referred to in Division VI shall apply to the application of pesticides on golf courses and bowling greens (with the exception of sections 16 and 17).

A minimum of 5 metres wide strip must separate the area of application of pesticides from properties adjacent to a golf course or a bowling green.

13. The operator of a golf club or of a bowling green must keep a register showing the date and reason for application, a description of the areas treated, the quantity and the name of the pesticide used, as well as the type and the registration number, per hectare, for each application.

A copy of the register must be filed with the City Clerk's Office, between November 1 and 30 of every year.

DIVISION VI

CONDITIONS FOR PESTICIDE APPLICATIONS

14. Any pesticide application referred to in subparagraph 4 (2), 4 (4) to 4 (6) must be carried out as follows:
 - (1) At more than 3 metres from a watercourse or body of water where the land has a slope of less than 30%, and at more than 15 metres from such watercourse or body of water where the land has a slope of 30% or more;
 - (2) At more than 3 metres from a ditch;
 - (3) When it is not raining;
 - (4) When the winds do not exceed 11 kilometres per hour (11km/h), if spraying is involved;
 - (5) When the relative air humidity is higher than 50%, if spraying is involved;
 - (6) When the temperature is less than 25° C, if spraying is involved;

- (7) When there is no reported smog situation recognized and acknowledged by the Meteorological Service of Environment Canada for the Montreal Pierre-Elliott-Trudeau International Airport;
- (8) In accordance with the manufacturer's specifications.



The reference weather conditions for the purposes of subparagraph 14 (3) to 14 (7) of the first paragraph are those of the meteorological service of Environment Canada for the Pierre-Elliott-Trudeau-Montreal International Airport.

15. For any pesticide application referred to in paragraphs 4 (2), 4 (4) or 4 (6), every pesticide user must ensure that:
- (1) Toys, bicycles, wading pools or any other mobile equipment be removed from the application area;
- (2) Vegetable gardens and pools are protected from contamination.
16. For any pesticide application referred to in any of the paragraphs 4 (2), 4 (5) or 4 (6), signs measuring 12.7 centimetres by 17.7 centimetres (12.7 cm x 17.7 cm) must be put up at least 24 hours before the time scheduled for the application in the accessible surrounding area of any treatment zone so that they can be easily read. The signs must specify the proposed pesticide application and time of application as well as the name, type and registration number of the pesticide to be used.

The content of these signs must be substantially conforming to the models shown hereafter and the signs are handed over to the applicant at the time of the permit issuance. They must be filled and completed by the applicant in accordance with the first paragraph.

	
ATTENTION!	
APPLICATION D'UN PESTICIDE PRÉVU	
	
Traitement prévu par pulvérisation avec :	
Insecticide <input type="checkbox"/>	_____
N° d'homologation	_____
Herbicide <input type="checkbox"/>	_____
N° d'homologation	_____
Fongicide <input type="checkbox"/>	_____
N° d'homologation	_____
Date prévue de l'épandage de pesticides :	


LAISSER SUR PLACE UN MINIMUM DE 24 À 72 HEURES	

	
ATTENTION!	
APPLICATION OF A PESTICIDE SCHEDULED	
	
Treatment provided by spraying with :	
Insecticide <input type="checkbox"/>	_____
Registration N°	_____
Herbicide <input type="checkbox"/>	_____
Registration N°	_____
Fungicide <input type="checkbox"/>	_____
Registration N°	_____
Expected date of application of pesticides :	

TO BE LEFT ON SITE A MINIMUM OF 24 TO 72 HOURS	

For any pesticide application referred to in any of paragraphs 4 (2), 4 (5) or 4(6), a written notice must be distributed, by the applicant, at least 24 hours before the application, to any and all occupants of any building located on an immovable or landsite being, in whole or in part, the object of a temporary application permit.

The notice required pursuant to the preceding paragraph must specify the area to be treated, the date and time of the pesticide application, the name and telephone number of the person performing the application as well as the name, type and registration number of the pesticide to be used. Such notice must be substantially conforming to the model specified hereafter.



AVIS : APPLICATION D'UN PESTICIDE PRÉVU
RÈGLEMENT PQ-XXXX SUR L'UTILISATION DES PESTICIDES


NOTICE : APPLICATION OF A PESTICIDE SCHEDULED
BY-LAW PQ-XXXX CONCERNING THE USE OF PESTICIDES

ADRESSE DU SITE À TRAITER / ADDRESS OF THE TREATED SITE: _____

DATE DE L'APPLICATION / DATE OF THE APPLICATION: _____

HEURE DE L'APPLICATION / TIME OF THE APPLICATION: _____

DESCRIPTION DE LA ZONE À TRAITER / DESCRIPTION OF AREA TO BE TREATED: _____



RUE, STREET: _____

NOM DE L'ENTREPRISE OU DE L'APPLICATEUR / NAME OF THE CONTRACTOR OR APPLICATOR: _____

NUMÉRO DE L'ENTREPRISE OU DE L'APPLICATEUR / PHONE NUMBER OF THE CONTRACTOR OR THE APPLICANT: _____

NOM DE PESTICIDE UTILISÉ / NAME OF PESTICIDE USED: _____

NO D'ENREGISTREMENT / REGISTRATION NO: _____

When a pesticide application cannot be performed within the time period indicated on the notice distributed or on the signs posted, and where it is postponed, a new notice or new signs, as the case may be, must be distributed or posted in accordance with this section.

17. Immediately after the application of a class 3 pesticide as per the Regulation Respecting Permits and Certificates for the Sale and Use of Pesticides (CQLR, chapter P-9.3, r.2) and for the next 72 hours, at least 2 signs or one sign every 10 metres must be put up around the area having been treated in such manner that they are easily readable without having to walk over the treated surface.

Such signs must be in accordance with section 72 of the Pesticides Management Code (CQLR, chapter P-9.3, r.1).

DIVISION VII

PENAL PROVISIONS

18. Any person who contravenes this by-law, or tolerate or allows a violation is guilty and is liable:
- (1) In the case of a natural person:
 - a. For a first offense, to a fine of \$500 to \$1 000;
 - b. For a subsequent offense, to a fine of \$1 000 to \$2 000;
 - (2) In the case of a legal person:
 - a. For a first offense, to a fine of \$1 000 to \$2 000;
 - b. For a subsequent offense, to a fine of \$2 500 to \$4 000.

DIVISION VIII

CONSEQUENTIAL PROVISIONS

19. The by-law concerning fees (fiscal 2017) (PC-2846) is amended by replacing the tariffs set forth under section 12 of Appendix II as follows:
- | | |
|-----------------------------|---------|
| "12.1 For a natural person: | \$25.00 |
| 12.2 For a legal person: | \$50.00 |

DIVISION IV

FINAL PROVISIONS

20. Are expressly repealed and replaced by the present by-law, on the territory of the City of Pointe-Claire, the by-law 04-041 of the City of Montreal, any and all of its amendments as well as any other by-law respecting the subject contemplated by the present by-law.
21. The present by-law comes into force according to law.

Morris Trudeau, Mayor

Jean-Denis Jacob, City Clerk