

TOWN OF MOUNT-ROYAL

**OFFICE CONSOLIDATION OF BY-LAW NO. 1436 CONCERNING
PESTICIDE USE**

2016

(amended by By-law No. 1436-1)

**SECTION I
APPLICATION AND INTERPRETATION**

1. This by-law applies to the entire Town territory.

2. In this by-law, the following words mean:

“infestation”: the presence of insects, mildew or other toxic agents, except noxious weeds, on more than 50% of a lawn area or on more than 5 m² of a plant bed area. There is also 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 pesticide whose active ingredient is acetamiprid, clothianidin, imidacloprid, thiacloprid or thiamethoxam;

“pesticide”: any substance, matter 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 or 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 P-9.3);

“sensitive area”: child care centres, day care centres, drop-in day care centres, kindergartens or home childcare services governed by the Act respecting childcare centres and childcare 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 used by children under 14, and a strip 5 m wide beyond the limit of each parcel of land.

(2016) 1436-1, s. 1

**SECTION II
PRESCRIPTIVE PROVISION**

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

SECTION III EXCEPTIONS

4. Despite article 3, pesticides other than neonicotinoids, may be used in the following cases:
- (1) if it is a biological control agent, as designated by the Pest Management Regulatory Agency (PMRA), mineral oil, azadirachtin or active ingredients, other than neonicotinoids, authorized under schedule II to the Pesticides Management Code (2003, 135 G.O. II, 1653);
 - (2) for an infestation, unless it is a sensitive area, subject to the issue of a permit under article 5;
 - (3) in pools and decorative ponds or self-contained artificial basins;
 - (4) for the maintenance of and bowling greens, and on a property used for horticultural purposes, in accordance with this by-law;
 - (5) within a radius of 5 m of warehouses and plants of food companies or pharmaceutical manufacturing plants to ensure vermin control, subject to the issue of a permit under article 5;
 - (6) on the base of a building and on a 30 cm strip around it, for ant control, subject to the issue of a permit under article 5.

But no products referred to in paragraph (1) may be used if they have been fortified with another active antiparasitic agent.

(2016) 1436-1, s. 2

SECTION IV TEMPORARY PESTICIDE PERMIT

5. Every person wishing to use a pesticide for one of the exceptions referred to in paragraph (2), (5) or (6) of the first paragraph of article 4, must first be granted a permit for that purpose.
6. A temporary pesticide permit is issued to the owner, to the occupant in agreement with the owner, or to the user in agreement with the owner, on the following conditions:
- (1) on payment of fees;
 - (2) if it is an application referred to in paragraph (2), (5) or (6) of the first paragraph of article 4;
 - (3) where the area to be treated is not in a sensitive area;
 - (4) where the area to be treated is more than 100 m from a water intake.

Every person who, for the benefit of others and for valuable consideration, performs work involving the use of pesticides, must, to be granted a temporary permit, in addition to meeting the conditions in the first paragraph, hold any permit or certificate required under a law or a provincial or a federal regulation.

To determine whether it is an infestation in accordance with paragraph (2) of the first paragraph of article 4, the city may have one of its employees conduct a site inventory before issuing a permit. The percentage of the total grassy area and the plant bed area are established by adding the parts of the infested area.

7. A temporary pesticide permit issued under this section is valid for 10 days from the date of issue.

SECTION V BOWLING GREENS

8. Pesticides, other than neonicotinoids, for the maintenance of bowling greens may be used under the conditions in this section.

(2016) 1436-1, a. 3

9. Every operator of a bowling green must register, under a written declaration to the city, the products stored or to be stored, and that he intends to use during the year.

The declaration required under the first paragraph must be filed with the Town, between March 1 and 31 of every 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 chemical pesticides.

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

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

12. The conditions relating to the use of pesticides referred to in section VII apply to the application of pesticides on bowling greens.

A strip of 5 m must separate the area of application of pesticides from properties adjoining the bowling greens.

13. Every operator 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 registration number, per hectare, per application.

A copy of the register must be filed with the Town office, between November 1 and 30 of every year.

14. Every operator of a bowling green must, from the year after the adoption of this by-law and every 3 years thereafter, submit to the Town office a pesticide reduction plan containing the information referred to in section 73 of the Pesticides Management Code (2003, 135 G.O. II, 1653).

Every operator must also submit, every year between November 1 and 30, a progress report to the Town on its pesticide reduction plan.

SECTION VI HORTICULTURAL PRODUCTION

15. Pesticides, other than neonicotinoids, may be used on a property operated for horticultural purposes, under the conditions in this section.

(2016) 1436-1, a. 4

16. Every operator must, by written declaration to the city, register the products stored or to be stored, and that he intends to use during the year.

The declaration required under the first paragraph must be filed with the Town, between March 1 and 31 of every year.

17. 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 chemical pesticides.

18. Every operator must keep a register showing the date and reason for application, a description of the areas treated, the quantity and name of the pesticide used, as well as the type and registration number, per hectare, per application. A copy of the register must be filed with the Town, between November 1 and 30 of every year.
19. The conditions relating to the use of pesticides referred to in section VII apply to the application of pesticides on land operated for horticultural purposes.

SECTION VII

PESTICIDE APPLICATION CONDITIONS

20. The pesticide application referred to in paragraph (2), (4), (5), (6) or (7) of article 4 must be carried out as follows:
 - (1) more than 3 m from a watercourse or body of water where the land has a slope of less than 30%, and more than 15 m from a watercourse or body of water where the land has a slope of 30% or more;
 - (2) more than 3 m from a ditch;
 - (3) when it is not raining;
 - (4) when the winds do not exceed 11 km/h, if spraying is involved;
 - (5) when the temperature is less than 25°C, if spraying is involved;
 - (6) when there is no smog forecast by the Meteorological Service of Canada of Environment Canada;
 - (7) in accordance with the manufacturer's specifications.

The reference weather conditions for the purposes of paragraphs (3) to (5) of the first paragraph are those of the Meteorological Service of Canada of Environment Canada, for Montréal.

21. For any pesticide application referred to in paragraph (2), (4), (5) or (6) of the first paragraph of article 4, every pesticide user must ensure that:
 - a. toys, bicycles, wading pools or other equipment used by children are removed;
 - b. vegetable gardens and polls are protected from contamination.
22. For any pesticide application referred to in paragraph (2), (4), (5) or (6) of the first paragraph of article 4, a written notice must be sent, between 72 and 48 hours before an application, to the occupants of any building in the area to be treated, and to the occupants of neighboring buildings. The notice must specify the area to be treated, the date and time of pesticide application, the name and telephone number of the person performing the application, and the name, type and registration number of the pesticide used.

For the purposes of the first paragraph, if it concerns a multiple-unit building provided with only one main entrance, a written notice may, instead of being sent to every occupant, be posted in the entrance in plain view of all occupants. The notice must contain the information listed in the first paragraph.

For any pesticide application referred to in paragraph (2), (4), (5) or (6) of the first paragraph of article 4, a sign must also be put up between 72 and 48 hours before the time scheduled for the application in the surrounding area and be easy to read. The sign must specify the proposed pesticide application and time of application.

Where a pesticide application cannot be performed at the time shown on the notice that is sent or posted, and where it is postponed, a new notice must be sent or posted in accordance with this article.

23. For the application of any class 3 pesticide, as defined in the Regulation respecting permits and certificates for the sale and use of pesticides (CQLR, chapter P-9.3, r. 2), immediately after an application and for the next 72 hours, at least 2 signs or one sign every 10 m must be put up around the periphery accessible from the area to be treated, and be easy to read, without having to walk over the treated surface. The signs must be in accordance with section 72 of the Pesticides Management Code (2003, 135 G.O. II, 1653).

SECTION VIII
PENAL PROVISIONS

24. Any person who contravenes this by-law or tolerates or allows a violation is guilty of an offence and is liable:
- (1) in the case of an individual:
 - (a) for a first offence, to a fine of \$100 to \$1,000;
 - (b) for a second offence, to a fine of \$300 to \$2,000;
 - (c) for a subsequent offence, to a fine of \$500 to \$2,000;
 - (2) in the case of a corporation:
 - (a) for a first offence, to a fine of \$300 to \$2,000;
 - (b) for a second offence, to a fine of \$600 to \$4,000;
 - (c) for a subsequent offence, to a fine of \$1,000 to \$4,000.

SECTION IX
APPLICATION

25. For the purposes of this by-law, city employees may visit and examine any real property or personal property, as well as the interior and exterior of houses, buildings or structures to determine whether they meet by-law requirements, to check any information or to note any fact relating to the exercise of the power to issue permits, to grant an authorization, or any other type of permission under this by-law.

The owners or occupants of properties, buildings and structures referred to in the first paragraph must provide city employees with access to premises.

26. This by-law shall come into effect according to law.