

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW P-800  
RESPECTING THE REGULATION OF PESTICIDES, HERBICIDES AND  
INSECTICIDES**

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to Sections 533 and 171(1)(c) of the *Municipal Government Act* as follows:

**Short Title**

1. This By-law shall be known as By-law No. P-800 and may be cited as the “Pesticide By-law.”

**Definitions**

2. In this By-law,
- (a) “affected property” means a property all or part of which lies within the spraying prohibition radius of a property registered in the Halifax Regional Municipality Pesticide Notification Registry;
  - (b) “commercial applicator” means any person, firm or corporation any part of whose business involves the application and use of pesticides;
  - (c) “Inspector” means any person designated for such purpose by the Regional Council;
  - (d) “Municipality” means Halifax Regional Municipality;
  - (e) “owner” means a person who is assessed as the owner of a property on the Assessment Roll of the Municipality;
  - (f) “pesticide, herbicide or insecticide” means any pesticide as defined under the *Environment Act*, Stats, N. S. 1994-95, C. 1, as amended and means
    - i any substance that is intended, sold or represented for use in preventing, destroying, repelling or mitigating, directly or indirectly, any pest,
    - ii any substance that is a pest control product within the meaning of the *Pest Control Products Act (Canada)* or is intended for use as a pest control product,
    - iii any substance that is a plant growth regulator, a defoliant or a plant desiccant,
    - iv a fertilizer within the meaning of the *Fertilizers Act (Canada)* that contains a substance referred to in subclause i, ii or iii,

v or any other substance designated as a pesticide in the regulations to the *Environment Act*,

but does not include a substance that is intended, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the *Pest Control Products Act (Canada)*;

(g) “pesticide application” means the application and use of pesticides for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on the part of a property used for residential purposes or on property of the municipality;

(h) “treated property” a property upon which a pesticide application has taken place.

### **Prohibition on Municipal Property**

3. No person shall carry out or permit or suffer to be carried out any pesticide application on property owned by the Municipality.

### **Prohibition Around Public Areas**

4. Commencing April 1, 2001, no person shall carry out or permit or suffer to be carried out any pesticide application on property all or part of which lies within a 50 metre radius measured from the boundary of a property containing any school, licensed day care centre, park, playground, licensed senior citizens’ residence, university, church or hospital.

### **Prohibition Within Halifax Regional Municipality**

5. (1) Commencing April 1, 2003, no person shall carry out or permit or suffer to be carried out a pesticide application within the Halifax Regional Municipality.

(2) After April 1, 2003, the Municipality shall cease to maintain the Pesticide Registry pursuant to Section 7 of this Bylaw and the provisions of Sections 7 to 10 inclusive shall no longer apply.

6. (1) Notwithstanding any provisions of this Bylaw, the pesticide applications of those pesticides which are identified as “Permitted Pesticides” in an Administrative Order enacted by the Halifax Regional Council are permitted and the provisions of the Bylaw do not apply to these exclusions.

(2) Notwithstanding any provisions of this Bylaw, a pesticide application may be carried out to control or destroy plants or insects if such plants or insects constitute a danger for human beings or to control or destroy insects which have infested a property, if such pesticide application is specifically permitted by the Inspector for that purpose and the pesticide application is carried out subject to such terms and conditions as shall be prescribed by the Inspector.

(3) The owner of a property, prior to carrying out a pesticide application on the owner’s property pursuant to subsection (2) shall notify the owner of on any property all or a part of which is within a 50 metre radius of the property to which the pesticide application is to be made, received within 5 days of the proposed application, provided however, if a commercial applicator provides notification in respect of the pesticide application, the owner of the property is not required to provide notification in respect of the same pesticide application.

(4) A commercial applicator may give notice of more than one application in the same notice.

(5) Notification shall be in writing and shall contain the following information:

- (a) the location of the pesticide application;
- (b) the date and approximate start time of the pesticide application, within a 24 hour period, and, in the event of inclement weather, an alternate date or dates on which the pesticide application may occur;
- (c) the brand name and registration number of the pesticide product which will be used;
- (d) the name and telephone number of the person or company making the pesticide application.

(6) If the owner of a registered property and an owner of an affected property or a commercial applicator subject to the notice requirements of this bylaw can reach an agreement on notification provisions acceptable to both parties other than those described herein, then the requirements prescribed by this Section are waived in favour of the agreed to requirements.

(7) The provisions of subsection (6) shall not take effect unless the agreement referred to therein is reduced to writing and signed by both parties.

(8) A notification agreement entered into pursuant to subsection (6) may be terminated by either party by providing 14 days written notice to the other party.

### **Property Registration**

7. (1) There is hereby established a Halifax Regional Municipality Pesticide Registry.

(2) The Registry shall be administered by the Inspector.

(3) An owner of a real property wishing to have that property listed on the Registry shall pay the registration fees prescribed by Administrative Order 15 and provide to the Inspector the following information:

- (a) name of the owner;
- (b) mailing address of the owner;
- (c) civic address of the property to be registered;
- (d) daytime and evening telephone number(s), one of which is designated as the primary contact number; and
- (e) a letter from two physicians licensed to practice medicine in the Province of Nova Scotia expressing an opinion that a named resident of the property to be registered is hypersensitive to and suffers adverse medical reactions as a result of exposures to pesticides which are potentially life-threatening.

(4) On receipt of the information prescribed in subsection (3) and the applicable fee, the Inspector shall include the identified property in the Registry.

(5) The registration period shall be from April 1, 2001 to March 31, 2003.

(6) A separate registration application shall be made and registration fee paid for each property wished to be registered.

(7) The registration of a property shall cease when

- (a) the owner who applied to register the property files with the Inspector a written notice to the effect that the owner no longer wishes the property to be registered;
- (b) the owner who applied to register the property or a new owner files with the Inspector a written notice that the registered property has changed ownership; or
- (c) the municipality receives a Deed Transfer Tax Affidavit indicating that the registered property has been sold; or
- (d) on April 1, 2003.

(8) The Inspector shall forthwith notify by ordinary mail the owners of all properties previously affected by the registration that their properties are no longer subject to the notification requirements of this Bylaw.

#### **Notice To Owner Of Affected Properties**

8. (1) Within 10 days of the entry of property in the Registry, the Inspector shall mail to the owner of each affected property a letter, addressed to the mailing address of the owner of the affected property as contained in the Assessment Roll of the Municipality, informing the landowner of

- (a) the existence of the Registry;
- (b) the civic address of the registered property;
- (c) the name, mailing address and the telephone numbers of the owner of the registered property as provided in the application for registration; and
- (d) the effect of this Bylaw on affected properties.

but the letter shall not disclose the identity of any individual who is the subject matter of a medical opinion provided to the Inspector pursuant to Section 7(3)(e) or the nature of the medical condition of that individual, provided that this restriction does not prevent the Inspector from identifying the individual as the owner of the property, if such be the case.

(2) If the affected property is not occupied by the owner of the property, the owner shall forthwith notify the occupant of the information contained in the letter sent to the owner pursuant to subsection (1).

#### **Notice To Commercial Applicators Of Pesticides**

9. (1) On or before the end of February in each year, the Inspector shall mail to each commercial

applicator of pesticides operating in the municipality and known to the Inspector a printed list of all registered and affected properties and the restrictions that apply to each property.

(2) At least monthly during the period from March to October in each year, the Inspector shall mail to each commercial applicator of pesticides operating in the municipality and known to the Inspector a printed updated list containing all registered and affected properties added to the Registry within the preceding month and the restrictions that apply to each property.

(3) The requirements of subsection (1) and (2) do not relieve any commercial applicator of pesticides from the responsibility of determining the restrictions that apply to a pesticide application on any property in the municipality.

### **Pesticide Applications Prohibited On Certain Affected Properties**

10. No person shall carry out or permit or suffer to be carried out any pesticide application on an affected property all or part of which lies within 50 meters of the boundary of a registered property.

### **Rules Respecting Pesticide Applications**

11. (1) When a pesticide application is to take place on a property, the owner of the property or any commercial applicator of pesticides shall post signs in a prominent place on the property not less than 24 hours prior to the pesticide application and keep the signs continuously posted for a period of 4 days after the pesticide application and if such property abuts or is adjacent to a public street or private road shall post signs facing each such street or road, and signs shall be placed one sign within 3 meters of each of the property lines separating the treated property from the adjoining property and thereafter one sign for each 16 meters of frontage abutting or adjacent to such street or road.

(2) The signs prescribed by subsection (1) shall

- (a) be square or rectangular, measuring not less than 25 centimeters by 25 centimeters;
- (b) be bright yellow in colour;
- (c) be made of a material that is weather resistant and shall be placed on a support that is weather resistant;
- (d) bear the words, in letters, black in colour, of at least 24 point type: "Warning - Pesticides In Use"; and the symbol of a skull and crossbones at least 4.5 inches in diameter and shall indicate the commercial name of the pesticide used or to be used in the pesticide application and shall further indicate that all contact with the portion of the treated property upon which the pesticide application has taken place must be avoided; and
- (e) shall bear a contact telephone number for the applicator of the pesticide and the date of application.

and the signs required pursuant to this By-law, or signs substantially similar to such signs shall not be used for any other purpose.

(3) There shall be no pesticide application within 2 meters of any property line unless the permission of the adjoining lot owner has been obtained in writing.

(4) There shall be no pesticide application within 5 meters of a bus stop, mailbox or a facility which contains a post office.

(5) The pesticide application shall be applied in accordance with the written instructions of the manufacturer and the label on the container.

(6) There shall be no pesticide application by means of spraying or fogging on trees or shrubs of a height equal to or greater than 2 meters when the wind velocity exceeds 8 km/hr.

(7) There shall be no pesticide application by means of spraying or fogging on trees or shrubs of a height less than 2 meters when the wind velocity exceeds 18 km/hr.

(8) There shall be no pesticide application when it is raining.

(9) There shall be no pesticide application when the temperature exceeds 27 degrees Celsius unless otherwise indicated on the pesticide's label.

(10) There shall be no pesticide application on trees during their blooming period.

### **Penalty**

12. (1) A person who does anything prohibited by this bylaw is guilty of an offence and is liable on summary conviction to a penalty of not less than \$100 and not more than \$2000.00 and, in default of payment, to imprisonment for a term not exceeding thirty (30) days.

(2) A person alleged to have violated this bylaw given notice of the alleged violation may pay a penalty in the amount of \$100.00 to the Halifax Regional Municipality; provided that, said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed, and where the said notice so provides, payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Done and passed by Council this 15<sup>th</sup> day of August, 2000.

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Mayor

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Municipal Clerk

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on August 15, 2000.

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Vi Carmichael, Municipal Clerk



BY-LAW P-800

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Notice of Motion:	April 25, 2000
First Reading:	May 2, 2000
“Notice of Intent” Publication:	May 6, 2000
Second Reading:	August 15, 2000
Approval of Minister of Housing and Municipal Affairs:	N/A
Effective Date:	August 19, 2000

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Amendment # 1 (V-101)

Amending Subsection (1) of Section 12

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
“Notice of Public Hearing” Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Minister of Housing and Municipal Relations:	N/A
Effective Date:	September 27, 2003