



TOWN OF CORNWALL

RESOLUTION

DATE: May 18, 2022


COMMITTEE: INFRASTRUCTURE (I)

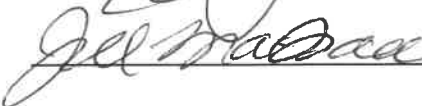
MOTION NUMBER: I 06-2022 ~ Pesticides Bylaw

MOTION CARRIED ✓ 3-0

MOTION LOST _____

MOTION WITHDRAWN _____

Moved by Councillor  **Cory Stevenson**

Seconded by Councillor  **Jill MacIsaac**

RESOLVED:

Whereas: The Town of Cornwall has heard comments and concerns from residents regarding the Town bylaw for the regulation of pesticides within the Town since the initial passing of the bylaw;

And Whereas: Council has discussed amending the bylaw at various times over the past several years and had several committees of council study the bylaw and the expressed concerns;

And Whereas: Council desires to update the bylaw to address several of the concerns received and finds it more administratively convenient to pass a new bylaw;

And Whereas: The Town of Cornwall Bylaw #2022-01, A Bylaw to Regulate Cosmetic Pesticides was read and approved a first time at the regular council meeting on April 20, 2022;

And Whereas: The Town of Cornwall Bylaw #2021-02, A Bylaw to Regulate Cosmetic Pesticides was read and approved a second time at the regular council meeting on May 18, 2022;

Therefore, be it Resolved: That Town of Cornwall Bylaw #2022-01, A Bylaw to Regulate Cosmetic Pesticides be formally adopted.



A BYLAW TO REGULATE COSMETIC PESTICIDES BYLAW #2022-01

IT IS ENACTED by the Council of the Town of Cornwall as follows:

1. Title

- 1.1. This bylaw shall be known and cited as the “Cosmetic Pesticides Bylaw.”

2. Authority

- 2.1. This bylaw is enacted under the authority of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

3. Administration

- 3.1. This bylaw shall be administered and enforced by the Chief Administrative Officer of the Town or by persons or organizations designated by the Chief Administrative Officer.

4. Application

- 4.1. This bylaw applies to the application of Non-Domestic Pesticides for the control of Pests on all property in the Town of Cornwall but does not apply to the application of Non-Domestic Pesticides:
- (a) for the management of Pests that transmit human diseases or affect agriculture or forestry;
 - (b) on golf courses;
 - (c) to buildings or inside buildings;
 - (d) on land used for agriculture, forestry, or transportation; or
 - (e) on land used for public utilities or pipelines unless the public utility is vested in the Town.

5. Definitions

- 5.1. “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- 5.2. “Apply” means to release a pesticide into the environment;
- 5.3. “Council” means the Cornwall Town Council;
- 5.4. “Insect Infestation” means the presence of insect pests in numbers which pose a risk of substantial loss or damage as specified in Appendix B: Insect Infestation Thresholds;
- 5.5. “Certified Applicator” means any person, firm or corporation that holds a Pesticide Applicator Certificate issued pursuant to the PEI *Pesticide Control Act Regulations*;
- 5.6. “Non-Domestic Pesticide” means a pesticide registered as commercial, industrial, agricultural, or restricted by the Regulations made pursuant to the *Pest Control Products Act* (Canada) R.S.C. 1985, Chap. P-9 as amended from time to time;

- 5.7. "Pest" means an animal, a plant or other organism that is injurious, noxious, or troublesome, whether directly or indirectly, and an injurious, noxious, or troublesome condition or organic function of an animal, a plant or other organism;
- 5.8. "Pesticide Application Notice" means a notice, which shall be on a form provided by the town for that purpose, submitted to the town for the application of a non-domestic pesticide;
- 5.9. "Property Owner" means a landowner as listed in the assessment roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act, Cap. R-4 R.S.P.E.I. 1988*, and amendments thereto;
- 5.10. "Town" means the Town of Cornwall established pursuant to the *Charlottetown Area Municipalities Act* and continued under the *Act*;
- 5.11. Defined terms above, bear the meaning above whether capitalized in the bylaw or not.

6. Application of Non-Domestic Pesticides

- 6.1. No person, including a Certified Applicator, shall apply, cause, allow, carry out, permit or suffer to be carried out the application of Non-Domestic Pesticides on any property which is wholly or partially within the boundaries of the Town, unless:
- (a) The Non-Domestic Pesticide contains only active ingredients that are listed in Appendix A, Allowable Pesticides, of this bylaw; or
 - (b) A Certified Cosmetic Pesticide Applicator has submitted a pesticide application notice to the town for the application of a Non-Domestic Pesticide pursuant to section 7 of this bylaw.

7. Exceptions

- 7.1. A Certified Applicator may apply a Non-Domestic Pesticide that is not included in Appendix A, Allowable Pesticides of this bylaw, but that is permitted by the Province of Prince Edward Island for the following purposes or activities:
- (a) to destroy, prevent or control a species of plant that is poisonous to humans by touch;
 - (b) to destroy, prevent or control an alien invasive plant species that may negatively affect the health of humans, the environment, or the economy;
 - (c) in a scientific experiment or for research purposes; or
 - (d) to treat an insect infestation where the number of insects exceed the threshold level specified in Appendix B: Insect Infestation Thresholds of this bylaw.
- 7.2. The application of the Non-Domestic Pesticide, that is not included in Appendix A, pursuant to Section 7.1 above, must be carried out in compliance with the Regulations regarding that product made pursuant to the *Pesticides Control Act, R. S. P.E.I. 1988, Cap. P-4* and this bylaw.
- 7.3. The Town reserves the right to inspect any or all applications of Pesticides carried out pursuant to this section.

- 7.4. A Certified Applicator may have their authorization pursuant to subsection 7.1 above to apply, without prior town approval, any Pesticide authorized under this section revoked if the Town is satisfied that the Applicator has knowingly operated in contravention of this bylaw.

8. Penalties and Enforcement

- 8.1. Any person, corporate or otherwise, who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and liable on summary conviction to a minimum fine of not less than \$1,000 and not more than \$2,500 for a first offence and a minimum fine of not less than \$2,500 and not more than \$5,000 for any subsequent offence.
- 8.2. This bylaw may also be enforced, and any breach thereof may be restrained by application by the Council to the Supreme Court of Prince Edward Island in accordance with the Act.

9. Severability

- 9.1. If any provision in this bylaw is deemed to be invalid for any reason, then that provision shall be severed from this bylaw and all remaining provisions shall remain valid and in force.

10. Effective Date

- 10.1. This Cosmetic Pesticides Bylaw, Bylaw# 2022-01, is effective on the date of approval and adoption below.

11. Repeal

- 11.1. Upon formal adoption of this bylaw, Cosmetic Pesticide Bylaw #231, and Cosmetic Pesticide Amendment Bylaw #231A are hereby repealed.

First Reading:

This bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the 20th day of April 2022.

Second Reading:

This bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the 18th day of May 2022.

Formal Adoption by Council:

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on the 18th day of May 2022.



Town of
Cornwall

so much to offer...

Signatures

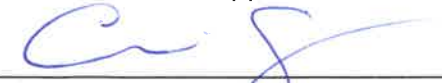


Mayor

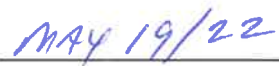


Chief Administrative Officer

Certified to be a true copy of the Town of Cornwall Cosmetic Pesticides Bylaw, Bylaw #2022-01.



Chief Administrative Officer



Date

APPENDIX A

Allowable Pesticides

A pesticide that contains only the following active ingredients is prescribed as an allowable pesticide:

ACETIC ACID

AMMONIUM SOAPS OF FATTY ACIDS BACILLUS SUBTILIS MBI 600 BACILLUS
SUBTILIS QST 713 BACILLUS THURINGIENSIS KURSTAKI

BACILLUS THURINGIENSIS TENEBRIONIS BORAX

BORIC ACID CAPSAICIN CITRIC ACID*

COPPER AS ELEMENTAL, PRESENT AS TRIBASIC COPPER SULPHATE COPPER AS
ELEMENTAL, PRESENT AS COPPER OXYCHLORIDE

CORN GLUTEN MEAL DRIED BLOOD

ENTOMOPATHOGENIC NEMATODES FATTY ACID

HYDROGEN PEROXIDE

IRON (FERROUS OR FERRIC) PHOSPHATE IRON (FERROUS OR FERRIC) SODIUM

IRON (FERROUS OR FERRIC) SULFATE IRON, IF PRESENT AS FEHEDTA

LACTIC ACID*

LIME SULPHUR OR CALCIUM POLYSULPHIDE METARHIZIUM ANISOPLIAE STRAIN
F52

MONOSODIUM, DIBASIC SODIUM, POTASSIUM, OR AMMONIUM PHOSPHITES

MINERAL OIL

NUCLEAR POLYHEDROSIS VIRUS OF DOUGLAS FIR TUSsock MOTH OIL OF
BLACK PEPPER

PHOMA MACROSTOMA STRAIN 94-44B PIPERINE

PUTRESCENT WHOLE EGG SOLID SCLEROTINIA MINOR

PYRETHINS

SILICON DIOXIDE (DIATOMACEOUS EARTH) SOAP (ALKANOLAMINE SALTS OF
FATTY ACID) SOAP (POTASSIUM SALTS OF FATTY ACID) SODIUM CHLORIDE

SPINOSAD (PELLET ONLY) SULPHUR

TYPHULA PHACORRIZA STRAIN 94671

VERTICILLIUM ALBO-ATRUM STRAIN WCS850

*present as fermentation products of Lactobacillus rhamnosus strain R-11, Lactobacillus casei strain R215, Lactococcus lactis ssp. cremoris strain M11/CSL, Lactococcus lactis ssp. lactis strain LL102/CSL, and Lactococcus lactis ssp. lactis strain LL64/CSL



APPENDIX B: Insect Infestation Thresholds

The following are the minimum thresholds for an insect infestation.

Hairy Chinch Bug (*Blissus leucopterus hirtus*): Flotation method -greater than 200 per 0.1 m²,

Quadrat method -greater than 20 per 0.1 m² White Grubs: greater than 5 per 0.1 m²

Sod Webworms: greater than 10 per 0.9 m²

European Crane Fly (*Tipula pludosa*): greater than 25 per 0.9 m²

These minimum insect infestation threshold levels are extracted from "Sustainable Turf - Construction, Maintenance, and IPM Guidelines for Atlantic Canada Integrated Pest Management" which is published by the Landscape New Brunswick Horticultural Trades Association, NB Canada. Cosmetic Pesticide Applicators are referred to that document for the recommended treatment approach and the sampling methods cited.