

BY-LAW RCM-96-2023

BY-LAW CONCERNING THE USE OF PESTICIDES AND FERTILIZERS

Notice of motion	February 20, 2023
Adoption	March 20, 2023
Coming into force	March 27, 2023

Regular meeting of the Municipal Council of the City of Dorval held in the chapel of the "Quatres Vents" residence located at 12 Dahlia Avenue, Dorval, Québec, on March 20, 2023, at 7:00 p.m. Mayor Marc Doret presides the meeting.

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WHEREAS the application of pesticides may present a risk to the health of human populations and ecosystems;

WHEREAS the necessary measures should be taken to limit their use and, when their use is essential, they be used in a way that respects health and the environment;

WHEREAS the Supreme Court of Canada has already upheld the regulatory authority of municipalities to ensure the well-being and health of their citizens and has recognized the complementarity of federal, provincial and municipal powers when it comes to the control of pesticides;

WHEREAS pursuant to subparagraph 4 of the first paragraph of section 4 and section 85 of the *Municipal Powers Act* (CQLR c. C-47.1), the City has jurisdiction over the environment and the general welfare of its population;

WHEREAS notice of motion of this by-law was given at the regular meeting of Council held on February 20, 2023;

The Municipal Council decrees and orders by the present by-law the following: :

SECTION 1 - PREAMBLE

The preamble forms an integral part of this by-law.

DEFINITIONS AND APPLICATION

SECTION 2 – DEFINITIONS

In this by-law, unless the context indicates otherwise, the following words and phrases mean:

"Active ingredient": chemical component of a pesticide to which the intended effects are attributed. The common name of the active ingredient is listed on the product label as "Active ingredient".

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"Adjuvants": solid or liquid substances, devoid of biological activity, that are added to a pest control product, fertilizer, or other active ingredient to enhance its effectiveness. Adjuvants include, but are not limited to, solvents, diluents, carriers, emulsifiers, dispersants, fixatives, adhesives, or other pest control products capable of improving the physicochemical qualities of a preparation.

"Application": spreading, or any use and method of application including drenching or atomizing, spraying, plant or soil injection, gaseous, granular, powdered or liquid application, and any other form of deposition or dumping.

"Biological control agents": antagonistic natural organisms used to control a pest or weed such as predators, parasitoids such as nematodes, microorganisms such as viruses, bacteria and fungi.

"Biopesticides": low-impact pesticides, or biopesticides as defined by the Pest Management Regulatory Agency (PMRA) which includes microbial products, semiochemicals, non-conventional products such as plant extracts and oils such as mineral oil and other substances such as acetic acid and soap or garlic products. This group of pesticides includes the active ingredients authorized in Appendix II of the Québec Pesticides Management Code with the exception of acetamiprid (R.S.Q., chapter P-9.3, r.).

"Biostimulant": a substance or mixture of substances that acts as an activator or stimulator of biological reactions (growth, defence, immunity, vitality, etc.), that facilitates a reaction or that improves the properties of a substance. Biostimulants include, but are not limited to, plant extracts (algae, nettle), humic acids, phytoactivators, compost tea, mycorrhizae, oils, etc.

"Certificate of registration": a certificate issued to a commercial applicator under this by-law.

"City": the City of Dorval.

"Commercial applicator": any person or entity, including employees such as technicians and attendants, who applies or plans to apply pesticides, including biopesticides, fertilizers, soil amendments, supplements, biological control agents, to the property of another. The term also refers to pest management specialists (exterminators).

"Competent Authority": the staff under the jurisdiction of the "Public Works Department" of the City of Dorval and any other person mandated by the City authorities.

"Compost": biodegradable organic residues that are decomposed by the action of decomposing organisms in the presence of oxygen and reach a state of varying degrees of stability. Compost is dark brown in colour and has the appearance and odour of potting soil.

"Extermination": pest management or population control of organisms such as ants, rodents, or any other population of organisms of a similar nature and considered to be capable of posing a hazard to humans or causing damage to structures, buildings or commodities.

"Fertilizer": a substance or mixture of substances containing nitrogen, phosphorus, potassium, or any other plant nutrient element, manufactured, sold or represented as such (Fertilizer Act, RSC 1985, c F-10).

"Infestation": includes the presence of insect pests known to be an invasive alien species (IAS), undesirable plants, pathogens or other destructive agents or pests in sufficient numbers to create a threat to human or animal health, safety, building integrity or plant survival.

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"Integrated Pest Management (IPM)": integrated management, or decision-making, that uses a combination of techniques to effectively reduce pest populations in a manner that respects health and the environment. These techniques include, but are not limited to, physical methods, cultural practices, biological control, biopesticides and, as a last resort, non-low impact pesticides.

"Lawn": area of land covered with regularly mowed herbaceous plants. Herbaceous plants include, but are not limited to, grasses, legumes, etc.

"Minister": Provincial Minister responsible for the application of the Pesticides Act (Chapter P-9.3) and the Québec Pesticides Management Code (p-9.3, r. 1).

"Neonicotinoid": a class of pesticides (insecticides) containing active ingredients such as acetamiprid, clothianidin, dinotefuran, imidacloprid, thiacloprid, or thiamethoxam, or any other active ingredient considered to be in this class.

"Occupant": person who occupies a property in a capacity other than that of owner or, in the case of a business establishment, a person who carries on business as the occupant of the property.

"Pesticide": any substance, matter or microorganism intended to directly or indirectly control, destroy, mitigate, attract or repel an organism that is injurious, noxious or troublesome to humans, wildlife or other property, or intended to serve as a vegetation growth regulator, but does not include a drug or vaccine, except when used topically for external use on animals as defined in the Pesticides Act (R.S.Q., chapter P-9.3). Pesticides include, in a general and non-limiting way, all herbicides, fungicides, insecticides and other biocides.

"Plant": woody and non-woody plants including, but not limited to, turf, ground covers, vegetables, trees, shrubs and vines.

"Property": includes all or any part of a developed or undeveloped lot, including, but not limited to, lawns, gardens, trees, shrubs, driveways, walkways, decks and building exteriors, and buildings. A property may include more than one lot.

"Registered commercial applicator": any commercial applicator who is registered with the City in compliance with this by-law.

"Soil amendment": a material other than fertilizer that is incorporated into the soil to improve the physical, chemical and biological properties of the soil and which, depending on its composition, may belong either to the group of organic amendments such as compost or to the group of mineral amendments such as lime.

"Supplement": substance or mixture of substances, other than a fertilizer, manufactured or sold for the purpose of enriching soils or promoting plant growth, or sold as an enhancer or stimulant of biological responses (growth, water and nutrient uptake, defence, immunity, attraction or any other similar biological response), or represented for use in such a manner (Fertilizers Act R.S.C. 1985, c. F-10). Supplements include, but are not limited to, soil amendments, biostimulants, plant extracts, compost extracts, humic acids, mycorrhizal fungi and other beneficial microorganisms, adjuvants, wetting agents, surfactants, or any other similar substances.

"Temporary permit": permit issued on a one-time basis to control an infestation or public health issue.

"Undesirable plant": plants that are a danger or nuisance to humans, such as invasive alien species (IAS), poison ivy and giant hogweed.

"User": any person applying or intending to apply pesticides.

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“Watercourse”: all lakes and streams with regular or intermittent flow, a pond, marsh, swamp or bog.

SECTION 3 – SCOPE OF APPLICATION

- 3.1 This by-law applies to the entire territory of the City of Dorval.
- 3.2 This by-law applies to any person or legal entity who or which applies, intends to apply, or causes to be applied, pesticides outside of buildings.
- 3.3 This by-law applies to any commercial applicator who is engaged in or intends to engage in the outdoor application of pesticides, biopesticides, biological control agents and in the spreading of fertilizers and supplements.

BAN ON THE USE OF CERTAIN SUBSTANCES

SECTION 4 – PROHIBITION

The outdoor application of pesticides and fertilizers is prohibited throughout the entire territory of the City, except as provided for in this by-law.

- 4.1 At all times, it is prohibited to apply or allow to be applied: :
 - a) a pesticide containing one of the active ingredients listed in Schedule 1 of the Pesticides Management Code (CQLR, c, P-9.3, r.1);
 - b) a pesticide not registered by the PMRA;
 - c) a pesticide whose active ingredient belongs to the neonicotinoid family except as provided for in the Québec Pesticides Management Code.

EXCEPTIONS AND RESTRICTIONS

SECTION 5 – EXCEPTIONS

Notwithstanding Section 4, the application of pesticides is authorized in the following cases and for the following products:

- a) biopesticides, provided that such products have not been enriched with an active conventional pest control ingredient and provided that the application instructions on the product's safety data sheets and label are followed;
- b) natural pyrethrins without the addition of piperonyl butoxide;
- c) azadirachtin in products registered for the control of tree pests such as the emerald ash borer ;
- d) injections into the trunk of a tree for the destruction of organisms that threaten its survival, such as the emerald ash borer (*Agrilus planipennis*), Asian long-horned beetle (*Anoplophora glabripennis*), Asian gypsy moth (*Lymantria dispar asiatica*) and oak wilt (*Bretziella fagacearum*);
- e) the extermination of organisms harmful to honeybees and domestic fowl;
- f) products for the treatment of drinking water, swimming pools, ornamental ponds and closed containment ponds that do not discharge into a watercourse or ditch;
- g) on a golf course, while respecting a 5-metre protective strip between the area of pesticide use and the lot line of adjacent properties and in accordance with the guidelines set out in Section 13 of this by-law;
- h) the use of insect repellents for humans and animals;

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- i) the use of formicides and rodenticides in sealed bait boxes for domestic or commercial use;
- j) one-time, localized use of insecticides for the specific purpose of destroying a wasp nest;
- k) in the event of an infestation, when all stages of integrated pest management, including environmentally and health-friendly alternatives, have been attempted without success or are considered inadequate for the situation and subject to obtaining a temporary permit in accordance with this by-law;
- l) to control or eradicate noxious plants that are a danger and serious nuisance to humans such as invasive alien plants (IAS), poisonous plants such as poison ivy, if control techniques and biopesticides have proven ineffective, and subject to obtaining a temporary permit in accordance with this by-law.

SECTION 6 – RESTRICTIONS

All pesticide applications must be made in accordance with the directions on the Health Canada registered pesticide product label. Unless otherwise specified on the temporary permit, the following guidelines must be followed:

6.1 The application of pesticides is prohibited under the following cases:

- a) in the riparian strip or the shoreline of a lake or of a watercourse unless specifically authorized by the “Ministry”;
- b) on trees during their flowering period;
- c) on any plant located on the common property line unless the neighbouring owner consents in writing to the application, which consent must be given to the competent authority prior to any application;

6.2 For all applications of pesticides other than biopesticides, the user must maintain a minimum buffer strip of:

- a) 2 metres from adjoining property lines, except where express written permission is obtained from the neighbour, which permission must be submitted to the competent authority with the permit application;
- b) 3 metres from a ditch;
- c) 5 metres from a watercourse;
- d) 5 metres from schoolyards, daycare centres, childcare centres, community buildings, seniors' residences, day camps, parks and protected natural areas.

For any treatment with pesticides at more than one metre from the ground, the above-mentioned distances must be multiplied by two.

CONDITIONS OF USE

SECTION 7 – TEMPORARY PERMIT

7.1 Any owner, occupant, building manager or president of a syndicate of coownership wishing to apply or have applied a pesticide other than those authorized in section 5 of this by-law, must first obtain a permit for this purpose.

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7.2 Requirements for the temporary permit application form

In order to benefit from the exceptions provided for in this by-law, the owner, occupant, building manager or president of the syndicate of co-ownership must submit an application for a temporary permit on the form made available by the City and provide the following information:

- a) identification of the pest that is the subject of the application;
- b) name of the user or registered commercial applicator who will perform the work;
- c) trade name and active ingredient as well as the registration number of the product to be applied and the frequency of application;
- d) proof that all stages of integrated pest management have been implemented and that known environmentally friendly alternatives were used without success, including biopesticides;
- e) a description of the cultural practices (herbicycling, aeration, topdressing, etc.) that will be implemented to counter and prevent the problem.

7.3 Confirmation of infestation and period of validity

The competent authority must confirm the infestation or the existing hazard prior to issuing a temporary pesticide application permit.

The temporary permit will be valid for a period of 10 working days from the date of issue and will be valid only for the pesticides and locations (infestation sites) specified on the permit.

When a new application of pesticides is required for the same condition, a new temporary permit must be obtained following the expiration of the initial permit. A minimum of 7 days must separate each pesticide application unless otherwise indicated on the product label or application plan.

7.4 Display of the permit

Any person obtaining a temporary permit for the use of a pesticide must, at least 48 hours prior to the application, visibly affix the said permit on a window in the front of the concerned property, and it must be displayed for the entire period of validity. In urgent cases, the competent authority may authorize an exception to this schedule.

For dwellings with more than one unit, including condominiums, a copy of the permit must be visibly displayed at all entrances to the building(s).

In the case of a vacant lot, any person who obtains a temporary permit must, at least twenty-four (24) hours prior to the application, visibly display said permit on the lot in question by means of a suitable support at a height of at least 0.5 m from the ground. The permit must be easily visible from the public road and must remain in place for the entire period of validity.

7.5 Compliance with requirements

Application must be made in accordance with the requirements set out in this by-law and in accordance with the specific requirements set out in the permit. The manufacturer's instructions on the label of the pesticide used must also be followed.

7.6 Obligation of the commercial applicator

The commercial applicator conducting or planning to conduct a pesticide application is responsible for ensuring that the owner, occupant, building manager or president of the syndicate of co-ownership holds a valid temporary pesticide application permit issued by the City's competent authority. If in doubt or if a valid permit is not held, the commercial applicator must refuse to perform the pesticide application.

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7.7 Hours and days of application

The application under the temporary permit is only permitted Monday through Friday between 7:30 a.m. and 6:00 p.m. No application is permitted on statutory holidays. In the event of an exception, the authorised periods of application must be indicated on the temporary permit by the competent authority.

SECTION 8 – GENERAL PROVISIONS FOR THE APPLICATION OF PESTICIDES OTHER THAN BIOPESTICIDES

8.1 Notice to the neighbourhood

It is the responsibility of the owner, occupant, building manager or president of the syndicate of co-ownership or his or her representative to provide written notice, prepared by the competent authority, to the occupants of the lots adjoining the property to which the pesticide is to be applied at least forty-eight (48) hours prior to application. Such notice must be deposited in the mailboxes of the adjoining properties or delivered to them personally. If there is no mailbox, the notice must be posted at the front door or in a visible location on their property.

8.2 Dwelling of two or more units

For any application of pesticides on a property comprising a dwelling of two or more units, including condominiums, it is the responsibility of the owner, administrator or janitor to notify the occupants in writing at least forty-eight (48) hours in advance. Such notice must be deposited in the mailbox of such persons or delivered to them personally. If there is no mailbox, the notice must be posted on all access doors to the building or on the front door of each unit if applicable, or on any other visible place on the property.

8.3 Notice

The notice is to be obtained from the City's competent authority and will include the following information: the date of application, the category of pesticide to be applied as well as the trade name of the product, the name and contact information of the commercial applicator who will perform the application, and any other information requested.

8.4 Postponed application

Where the application cannot be made at the time indicated on the notice distributed or posted and is postponed to a later date, a new notice must be distributed or posted in accordance with this section.

8.5 Vulnerable clientele

When the application is to be made on a property adjacent to a school, daycare centre, or any other place where there is a vulnerable clientele (daycare centres, community buildings, seniors' residences, etc.), the management of the said establishment must be notified at least two (2) working days prior to the planned application of the pesticide.

8.6 Contamination

The application of pesticides must not contaminate swimming pools, vegetable gardens, sandboxes, garden furniture, playground equipment, containers and bins (garbage cans, recycling, compostable materials).

All openings, including doors and windows, that could allow the pesticide to enter a building must be closed within 20 metres of the pesticide application site.

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Any situation in which pesticides risk contaminating people or domestic animals in the short and medium term must also be avoided.

SECTION 9 – SUSPENSION OF THE APPLICATION AND PRECAUTIONS

9.1 Presence on the site

The application of pesticides and biopesticides must be suspended, and is therefore prohibited, in the following cases:

- a) when persons or domestic animals are present within 20 metres of the application site;
- b) on school grounds, playgrounds, daycare centres, childcare centres, rest areas, parks, lands frequented by the public and on lands adjacent thereto, during periods of use.

9.2 Weather conditions

The application of pesticides other than by injection must be suspended, and is therefore prohibited, in the following cases:

- a) if it is raining or if the weather forecast calls for heavy rain in the next 12 hours;
- b) when the temperature reaches 25 degrees Celsius, unless otherwise indicated on the product label;
- c) when wind speed reaches 10 km/h as observed by the nearest weather station;
- d) where there is a smog warning in effect issued by the Meteorological Service of Environment Canada for the City area.

The reference weather conditions for pesticide application are those recorded for the island of Montreal by the Meteorological Service of Environment Canada.

SECTION 10 - POSTING FOLLOWING THE APPLICATION FOR OTHERS OF THE PRODUCTS GOVERNED BY THIS REGULATION

Immediately following the application of pesticides, biopesticides, fertilizers, supplements or any other substance regulated by this by-law, signs that comply with the standards set out in this by-law must be posted.

In all cases, a sign must be posted on the frontage of the building. Signs required to be affixed to the frontage of a building must be placed with the coloured pictogram facing the public road, at a maximum distance of one metre from the adjacent property line, driveway or public road, in such a manner that they can be easily read, without having to walk on the treated surface or handle the sign.

Such signs must be weather resistant and must be duly and legibly completed with an indelible ink marker. At the bottom of the posters, the following must be mentioned: "Leave in place for a minimum of 72 hours after application."

10.1 Requirements following the application of pesticides

Immediately following the application of pesticides or biopesticides to any outdoor surfaces including, but not limited to, lawns and other vegetation, pavement, structures such as walls, windows, ledges, furniture and bins, it is the responsibility of the commercial applicator carrying out the application work to post signs that conform to the standards set out in this by-law on the treated premises. .

10.2 Compliance of signage

Signs must comply with Section 72 and with the graphic standards of the Pesticides

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Management Code and with the standards required by this by-law and must comply with the conditions specified herein.

10.3 Information to be indicated on signage

All information required by the Pesticides Management Code must be legibly marked on the signs with an indelible ink marker and must include the date and time of application of the pesticide, the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, , the certificate number of the person responsible for carrying out the work, his or her name and initials and the telephone number of the Centre Anti-Ppoison du Québec.

10.4 Pictogram for the application of biopesticides and pesticides

10.4.1 Biopesticides

When the pesticide application work involves the exclusive use of a biopesticide, the circle and slash in the pictogram are red or yellow.

10.4.2 Pesticides other than a biopesticide

When pesticide application work involves the use of pesticides other than biopesticides, the circle and slash in the pictogram are red.

10.5 Location of signage following the application of pesticides and biopesticides

10.5.1 Treatment on plants

A commercial applicator carrying out pesticide application work including biopesticides shall post a sign at all entrances to the treated area if the area is fenced or otherwise restricted. If the treated area is not fenced or restricted or is only partially fenced or restricted, a sign must be posted every twenty (20) linear metres around the treated area. If more than one plant is treated, the remaining signs must be placed on the lawn at the base of each treated plant.

10.5.2 Treatment by injection

In the case of a treatment by injection of ornamental or amenity plants, at least one sign must be placed in the front and another sign must be placed at the base of the injected plant so as to be clearly visible. If more than one plant is injected, a sign must be posted every twenty (20) linear metres adjacent to the injected plants in a manner that is also clearly visible.

10.5.3 Extermination treatment (pest management)

In the case of extermination treatments, at least one sign must be placed at the front of the property where the pesticide has been applied outdoors and the others shall be placed on the lawn at the base of each surface, wall, building or structure where the pesticide has been applied.

10.6 Requirements for commercial applicators following the application of fertilizers and products other than pesticides

Immediately following the exclusive application of fertilizers, supplements and biological control agents, the commercial applicator must post completed signs on the property where the application was made. These signs shall include all of the following:

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10.6.1 On the front of the sign:

- a) the nature of the applied product(s) : fertilizers, soil amendments, supplements, seeds, nematodes, adjuvants or any other substance of the same nature;
- b) under the green pictogram, identification of the plants treated;
- c) at the bottom of the sign, the following statement: "Leave in place for a minimum of 72 hours"

10.6.2 On the back of the sign:

- a) the name and address of the commercial applicator;
- b) the valid telephone number of the commercial applicator;
- c) the name or initials of the technician who carried out the application;
- d) the trade name of the products and their active ingredients;
- e) the date and time of application;
- f) the telephone number of the Centre Anti-Poison du Québec.

10.7 Pictogram when applying fertilizers and products other than pesticides

When the application work involves the exclusive use of fertilizers, supplements and biological control agents, the circle of the pictogram on the front of the sign must be green and of the same size as the pictograms on the signs required by the Pesticide Management Code in section 72.

10.8 Offence and liability for signage

It is considered an offence under this by-law to:

- a) fail to post a sign;
- b) post a non-conforming sign;
- c) fail to post the required number of signs;
- d) fail to complete a section of the sign; or
- e) fail to complete legibly and with an indelible ink marker all required information.

In addition, it is the responsibility of the commercial applicator to ensure that, as the case may be, the owner, occupant, building manager or president of the syndicate of co-ownership is informed in writing of the obligation to maintain the signs in place for a period of 72 hours following the application.

SECTION 11 – REQUIRED PERMITS AND CERTIFICATES

11.1 "Minister" permits and certificates

Any application of Classes 1 to 4 pesticides carried out for others must be carried out by a registered commercial applicator possessing the necessary permits and certificates issued by the "Minister" as required by the Pesticides Act (R.L.R.Q. c. P-9.3).

The commercial applicator is required to keep his or her permits and certificates from the "Minister" up to date and to inform the City of any changes to the information provided in his or her permit application.

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11.2 Annual registration certificates issued by the City

Any application of Classes 1 to 5 pesticides carried out for others must be carried out by a commercial applicator possessing a valid annual registration certificate issued by the City.

11.3 Temporary permit

The commercial applicator agrees not to apply pesticides other than biopesticides unless a temporary permit has been issued to the owner, occupant, building manager or president of the syndicate of co-ownership or his/her representative.

ARTICLE 12 – ANNUAL REGISTRATION CERTIFICATE

12.1 Registration requirements

No person can apply pesticides, biopesticides or biological control agents on behalf of others unless he or she holds a valid annual registration certificate to that effect, issued by the City.

In addition, no person can apply fertilizers or supplements to lawns on behalf of others unless he or she holds a valid annual registration certificate to that effect, issued by the City.

12.2 Conditions for obtaining the certificate

Any commercial applicator wishing to obtain an annual registration certificate must apply to the competent authority, using the form provided by the City.

The cost of registration of the commercial applicator is as defined by the current by-law respecting fees for municipal services in force . The registration is valid from the date of issue until the end of the current year.

A commercial applicator wishing to apply pesticides and biopesticides must provide the following documents:

- a) Pesticide classes 1 to 4: a copy of the permit issued by the "Minister" under the Pesticides Act (CQLR. c P-9.3) for each class of pesticide used and proof that the persons in charge of the application have a certificate of competence recognized by the "Minister" or a copy of one of the required certificates of completion, either "Préposé attitré à l'application de pesticides sur les pelouses – EXAMAPP-01" ou du "Tronc commun pour les utilisateurs de pesticides – EXAMTCU-01";
- b) a copy of the pesticide use register required by section 12.9;
- c) proof of a valid professional and civil liability insurance policy in the amount of at least two million dollars (\$2,000,000) for the current season;
- d) proof of registration and photo evidence identifying all trucks to be used on the territory;
- e) any other information required on the City's form for this purpose.

The certificate will only be issued when all the required documents have been provided to the competent authority and will only be valid once issued by the competent authority. The certificate is valid for the period beginning on the day the certificate is issued and ending on December 31st of the same calendar year. Moreover, it is non-transferable.

12.3 Revocation of the certificate

The competent authority may revoke an annual registration certificate previously

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issued to a commercial applicator and may refuse to issue one for the following year if the commercial applicator, or a person acting on behalf of the commercial applicator, contravenes or has contravened any of the provisions of this by-law within the preceding 12 months.

12.4 Vehicle and equipment

Any commercial applicator carrying out the application of substances regulated by this by-law must declare all vehicles to be used on the City's territory. Vehicles must also be properly identified in the the name of the company. For pest management commercial applicators, a waiver for vehicle identification may be requested from the competent authority under certain conditions.

Equipment used for the application, loading or unloading of pesticides or fertilizers must be in good working order, free of leaks and suitable for the type of work to be performed.

12.5 Obligations and responsibilities

The commercial applicator is obliged to respect the conditions and obligations stipulated in this by-law and in the application form for the annual registration certificate.

It is an offence for any commercial applicator to operate within the City before having received the annual registration certificate issued by the competent authority.

12.6 Transfer of contract

The commercial applicator or company applying for an annual registration certificate undertakes to not transfer any contracts, clients or services to another company or individual unless there is a force majeure. Before making a transfer, it must obtain the consent of the competent authority.

The hiring of subcontractors is prohibited and constitutes an offence to and under this by-law.

12.7 Professional ethics

The person responsible for the application of pesticides must provide all information on the used pesticides to the owner and occupant of the land affected by the application and to any owner of land adjacent to the affected land who requests it. At the time of application, he or she must have in his or her possession the material safety data sheet for the applied product and for which a permit has been issued.

12.8 Prohibition to promote the use of pesticides

It is an offence under this by-law for any commercial applicator to promote the use of pesticides or to give a sample of a pesticide, including biopesticides, to a client or any other person.

12.9 Display of permits, certificates and attestations

Any person who applies or intends to apply a pesticide, including biopesticides, on behalf of another person shall have in his or her possession at all times, on him or her or in his or her vehicle:

- a) a copy of his or her applicator certificate from the "Minister"; or
- b) a copy of his or her "Lawn Pesticide Applicator" ("Préposé attitré à l'application de pesticides sur les pelouses EXAMAPP-01") or "Common Core for Pesticide Users" ("Tronc commun pour les utilisateurs de pesticides EXAMTCU-01") certificate of completion;

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- c) a copy of the City of Dorval commercial applicator's annual registration certificate;
- d) where applicable, a copy of the temporary permit issued pursuant to this by-law.

In addition, any person who applies or intends to apply fertilizers, supplements and biological control agents to lawns on behalf of others shall carry a copy of the City of Dorval commercial applicator's annual registration certificate with him/her at all times, on him or her or in his vehicle.

When required to do so, the person shall immediately produce such documents to the competent authority.

12.10 Registers to be provided

The commercial applicator must maintain a register for each work involving the use of a pesticide, including biopesticides, carried out within the City. This register must include the following information:

- a) the name, permit number, telephone number and address of the company;
- b) the name and certificate number of the person who carried out the work, or the name of the assigned attendant who carried out the spreading the application and the name and certificate number of the person who supervised the work;
- c) the address of the location where the product was applied ;
- d) the date of the application;
- e) the pest for which the product was intended and a description of the treated area;
- f) the trade name of the used pesticide used, its active ingredient and its Québec class;
- g) the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28)

It is an offence to submit an incomplete or false register, or to fail to submit the registers within the time limits provided for in this by-law.

In addition, the competent authority may require the commercial applicator to submit all or part of the information contained in the pesticide use register within the time period and under the conditions that it determines.

The register must be kept for a period of 5 years from the date of the last entry.

SECTION 13 – CONDITIONS APPLICABLE TO GOLF COURSES

13.1 In accordance with Section 5, paragraph 1, subparagraph g, the use of pesticides is permitted on golf courses, but under the following conditions:

- a) Respect the conditions stipulated in sections 6.1 and 9.2 of the present by-law;
- b) Transmit to the competent authority, the pesticide use register, including a copy of the pesticide reduction plan required by the "Minister" under the Québec Pesticide Management Code (Section 73 (2003) 135 G.O. II, 1653)

A copy of the required registers must be forwarded annually to the competent authority by January 31st of the following year.

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ADMINISTRATION AND INSPECTION

SECTION 14– RESPONSIBILITY AND INSPECTION AUTHORITY

14.1 Responsible for the application

The directro and employees of the Public Works Department, as well as any other person duly mandated by the City authorities and acting on its behalf, are responsible for the enforcement of this by-law.

14.2 Power of inspection

For the purpose of enforcing this by-law, the competent authority, accompanied by a mandated expert if the case so requires, is authorized to visit and examine at any reasonable time, inside or outside, any movable or immovable property, house, building or structure where an application is suspected to be made or has been made, to ascertain any information or to ascertain compliance with this by-law.

The owner, occupant, building manager, president of the syndicate of co-ownership or his or her representative must permit the inspector to visit his or her property and shall answer all questions with respect to the application of this by-law.

In the exercise of its functions, the competent authority, accompanied by a mandated expert if the situation so requires, may:

- a) take photographs and samples of product, soil, foliage or plant tissue, install measuring devices and conduct analyses;
- b) require the owner, occupant, manager of the premises or president of the syndicate of co-ownership, any commercial applicator, his or her employees or any user, to submit a sample of solid, liquid or gaseous material in sufficient quantity for analysis;
- c) require any information or document relating to the activities governed by this by-law;
- d) require any commercial applicator, who is carrying out or planning to carry out an application, to show to the competent authority all used products, tools and containers, and to provide upon request a copy of his/her applicator certificate by the Minister or his/her "Préposé attitré à l'application de pesticides sur les pelouses– EXAMAPP-01" or the "Tronc commun pour les utilisateurs de pesticides – EXAMTCU-01", a copy of the City of Dorval commercial applicator's annual registration certificate and where applicable, a copy of the temporary permit issued under this by-law;
- e) have access to and examine any vehicle or equipment used for the application of fertilizers, pesticides and other substances governed by this by-law and inspect the products or other items found therein in connection with the application or storage of the products;
- f) take all necessary steps to stop a possible contravention of this by-law;
- g) issue a statement of offence following a contravention of this by-law.

SECTION 15 – PENALTIES AND TERMS

15.1 Fines

Any person who contravenes any provision of this by-law, or condones or permits any such contravention, is guilty of an offence and is liable:

- a) for a first offence: a fine of \$500 to \$1,000 in the case of a natural person, and \$1,200 to \$2,000 in the case of a legal person

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- b) for a second or subsequent offence: a fine of \$2,000 in the case of a natural person, and \$4,000 in the case of a legal person.

If more than one pesticide (active ingredient) is used during an application or during successive applications, we count as many separate offences as there are separate pesticides (active ingredients) identified.

In all cases, the costs of the legal proceedings are in addition to the fine and may include, but are not limited to, the costs of expert witnesses, laboratory analyses, etc.

Where an offence continues, each day shall constitute a separate and distinct offence for which a new penalty shall be applicable.

The provisions of the Code of Penal Procedure shall apply to any prosecution under this by-law.

15.2 Terms of application of the by-law

Any person who assists another person in committing an offence under this by-law or who advises, encourages, directs, incites or counsels another person to contravene any of the provisions of this by-law commits the offence and is liable to the same penalty as that provided for the offender, whether or not the offender has been prosecuted or convicted.

It is an offence to knowingly or unknowingly have pesticides applied to one's property. Any person who contracts a commercial applicator to apply pesticides, fertilizers and any other substances regulated by this by-law is responsible for ensuring that all work done by the applicator complies with this by-law.

It is also an offence under this by-law to cause annoyance, insult, obstruct, forbid or prevent in any way access to the competent authority, to mislead the competent authority by reticence or false declaration, or by providing any information that is clearly erroneous or incomplete, refuse to furnish any information or document that the authority is entitled to require or examine under this by-law, or conceal or destroy any document or property relevant to an inspection or otherwise obstruct the authority in the exercise of its powers.

Where a corporation commits an offence under this by-law, any director, member, officer, employee or agent of the corporation who authorized, directed, assented to, acquiesced in or participated in the commission of the offence shall be deemed to be a party to the offence and shall be liable to the same penalties as those provided for the corporation, whether or not the corporation has been prosecuted or convicted.

FINAL PROVISIONS AND COMING INTO FORCE

SECTION 16 – FINAL PROVISIONS AND COMING INTO FORCE

16.1 Final provisions

This by-law does not diminish the obligations created by the Environment Quality Act (CQLR., c Q-2) and the Pesticides Act (CQLR c. P-9.3) or the by-laws adopted pursuant thereto, nor does it prevent the City from pursuing any other civil or penal recourse deemed useful in order to preserve environmental quality.

16.2 Coming into force

This by-law repeals and replaces By-law RCM-24-2007 respecting the use of pesticides and comes into force in accordance with the Law.

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APPROVED _____ MAYOR

APPROVED _____ ASSISTANT CITY-CLERK