

**The Corporation of the
TOWNSHIP OF THE ARCHIPELAGO**

BY-LAW NO. 03-21

To Regulate and Control the use of Pesticides and Fertilizers within the
Township of The Archipelago

WHEREAS section 130 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, enables a municipality to regulate matters not specifically provided for in the Municipal Act for purposes related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS Council has determined that pesticide and fertilizer use has potential negative health and environmental effects on the well being of the inhabitants of the municipality and should be regulated to mitigate the injurious impacts of pesticides and fertilizer on health and the environment;

AND WHEREAS the municipality's proposed regulation of pesticide and fertilizer use by by-law will enhance and will not conflict with the Pest Control Products Act (Canada), Pesticides Act, R.S.O. 1990, Chap. P.11 and the and the Nutrient Management Act, 2002 S.O. 2002, c.4;

NOW THEREFORE the Council of the Township of The Archipelago enacts as follows:

1. Definitions: For the purposes of this by-law, the following words and phrases shall have the following meanings:

“FARMER” means a farm producer or horticulturist.

“FERTILIZER” means a substance that contains phosphorous used to enrich soils or plants with minerals or nutrients.

“PESTICIDE” means a product, an organism or a substance that is a registered control product under the federal Pest Control Products Act which is used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects.

Notwithstanding a pesticide does not include:

- a) A soap
- b) A mineral oil, also called dormant or horticultural oil
- c) Silicon dioxide, also called diatomaceous earth
- d) Bt (*Bacillus thuringiensis*), nematodes and other biological control organisms
- e) Borax, also called boracic acid
- f) Ferrous phosphate
- g) Pyrethrum or pyrethrins

2. The spreading and use of a pesticide or fertilizer is prohibited throughout the territory of the Municipality.

3. Notwithstanding article 2, it is permitted to use a pesticide in the following cases:
 - a.) in a public or private swimming pool, whirlpools, spas or wading pools;
 - b.) to purify water intended for the use of human beings or animals;
 - c.) within an enclosed building;
 - d.) to control or destroy a health hazard;
 - e.) as a wood preservative;
 - f.) as an insect repellent;
 - g.) to control or destroy plants which constitute a danger for human beings who are allergic thereto;
 - h.) to control forest pests and diseases;
 - i.) to comply with the Weed Control Act and the regulations made thereunder.

4. Notwithstanding article 2, it is permitted to use a biological pesticide to control or destroy insects that constitute a danger for human beings.
5. Notwithstanding article 2, a farmer is excluded from the restrictions imposed by the by-law.
6. Any person, corporation or individual in contravention of this by-law shall be subject to a fine of not more than \$ 10,000.00.
7. Where a court of competent jurisdiction declares any part of this by-law invalid that part shall be severed and the remainder of the by-law shall continue in force.
8. That this by-law take force and effect on May 23 , 2003

READ and FINALLY PASSED in OPEN COUNCIL this 23rd day of May, 2003.

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO



Reeve



Chief Administrative Officer/Clerk

