

**THE CORPORATION OF THE
TOWNSHIP OF COLEMAN**

BY-LAW NO. 13-17

BEING a By-Law to Regulate and Control the use of Pesticides or Herbicides
and Fertilizer within the Township of Coleman

WHEREAS section 11(2) of the Municipal Act, 2001, S.O., C.25, as amended, enables a municipality to pass by-laws subject to the rules set out in subsection (4), respecting the following matters; Section 5 - Economic, social and environmental well-being of the municipality and Section 6 - Health, safety and well-being of persons;

AND WHEREAS Council has determined that Pesticide or Herbicide and fertilizer use has potential negative health and environmental effects on the water quality, within the municipality and should be regulated to mitigate the impacts of Pesticide and Herbicides and fertilizer on health and environment;

AND WHEREAS the nutrient loading from fertilizer and Pesticide and Herbicide has been identified as a significant factor contributing to algae growth and low dissolved oxygen conditions;

AND WHEREAS these conditions can lead to a loss of enjoyment of the water quality and may lead to health effects and decline in property value;

AND WHEREAS the municipality's proposed regulation of Pesticide or Herbicide and fertilizer use by by-law will enhance and will not conflict with Pest Control Products Act, R.S. 1985, c. P-9; Pesticides Act, R.S.O. 1990, c. P.11 and the Nutrient Management Act, 2002, S.O., c.4;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF COLEMAN ENACTS AS FOLLOWS:

1. Definitions:

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

- a) Horticulture: means land that is actively being used for the purpose of horticulture;
- b) Fertilizer: means a substance that contains phosphorous or nitrogen used to enrich soil or plants with minerals or nutrients, but does not include compost or mulch;

- c) Pesticide/Herbicide: 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 effect but a Pesticide/Herbicide/Fertilizer does not include:
- i. A soap;
 - ii. A mineral oil, also called dormant or horticultural oil;
 - iii. Silicon dioxide, also called diatomaceous earth;
 - iv. Bt (*Bacillus thuringiensis*), nematodes and other biological control organisms;
 - v. Borax, also called boracic acid;
 - vi. Ferrous phosphate; or
 - vii. Pyrethrum or pyrethrins
 - viii. Fish Solubles, kelp, bloodmeal, sulphate or phtash
 - ix. Neem Oil
 - x. Corn Gluten Meal
- d) Water body: means any part of any lake, pond, river, stream, or creek but does not include a pond that has no outlet to a lake, river, stream, or creek;
- e) Hydro One: means the Common Line transferred with easements and the tree clearing rights;
- f) Railroad: means a track or set of tracks made of steel rails along which passenger and freight trains run;
- g) Person: means an individual and includes a corporation and their heirs, executors, administrators or other legal representatives of the property;
- h) Officer: means a municipal law enforcement officer or other person appointed by by-law to enforce the provision of this By-law.

2. Prohibition:

No person shall spread, cause, permit to be spread any pesticide, herbicide or fertilizer on any lot within the Township of Coleman that abuts a water body or shore, along a railroad and Hydro One Easements.

3. Exceptions:

3.1 Notwithstanding Section 2, it is permitted to use a Pesticide or Herbicide in the following cases:

- a) In a 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; or
- h) To control forest pests and diseases.

3.2 Notwithstanding Section 2, the use of biological pesticide or herbicide is permitted as follows:

- a) to control or destroy insects that constitute a danger for human beings.

4. Exemption

- a) Notwithstanding Section 2, soil used exclusively for potted flowers, potted shrubs or for a vegetable garden is not subject to the provisions of this By-law.

5. Enforcement and Penalty Provisions:

- a) The enforcement of this By-law shall be conducted by the By-law Enforcement Officer or other persons appointed by the municipality.
- b) No person shall hinder or obstruct an Officer in the enforcement of this By-law.
- c) Any person who is alleged to have contravened any section of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer in the execution of his duties.
- d) Every person who contravenes any provision of this By-Law is guilty of an offence and subject to penalty under section and upon conviction shall be subject to a fine not exceeding \$5,000.00.

6. By-law Application:

- a) 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.
- b) That By-law11-11 is repealed.
- c) That this By-law takes force and effect on _____

READ a first and second time 22nd day of April, 2013

READ a third and final time and passed and enacted 22nd day of April, 2013

Dan Cleroux - Mayor

Claire Bigelow - Clerk

Schedule “A”

Township of Coleman

Part 1 Provincial Offences Act

By-Law 13-17 Pesticide or Herbicides

Item	Short form wording	Provision Creating or defining offence	Set fine
1.	Spread, cause, permit to be spread pesticide, herbicide or fertilizer on lots within the Township of Coleman abutting water body, shore, railroad, Hydro One	S.2	\$350.00

Note: the general penalty provision for the offences listed above is section 5(d) of by-law 13-17,
a certified copy of which has been filed.