



BY-LAW 657-2023
regarding pesticides and fertilizers

EXPLANATORY NOTE

This by-law revises the municipal standards on the use of pesticides and introduces elements relating to the use of fertilizers.

It is in keeping with the adoption of the Municipality's 2020-2030 Strategic vision statement in that it respects the principles of sustainable development as set out in the law to that effect (RLRQ, c. D-8.1.1).

Except for rare exceptions expressly stated in the by-law, the use of pesticides and fertilizers remains prohibited on the territory of the Municipality. In addition, with respect to the use of pesticides for agricultural purposes, several exceptions permitted since 2002 are withdrawn.

The sale of pesticides and fertilizers are forbidden on the Municipality's territory.

The by-law supports the provisions of the By-law regarding drinking water and is intended to ensure the protection of drinking water sources, particularly in areas not served by a municipal water supply system.

Biopesticides and biofertilizers are exceptions permitted by the bylaw.

Any exceptional use will require a certificate of authorization in accordance with the permits and certificates regulation.

Finally, the by-law provides for infractions and related fines for non-compliance.

WHEREAS the municipal council may, by virtue of and in accordance with the Municipal Powers Act (RLRQ, c. C-47.1), prescribe any standard with respect to the environment, water supply, sewerage and water purification on the territory of the municipality;

CONSIDERING Articles 4, 5 and 6 as well as article 19 of the Municipal Powers Act (RLRQ, c. C-47.1) regarding the environment;

CONSIDERING the urban plan of the Municipality;

CONSIDERING Article 102 of the Pesticides Act (RLRQ, ch. P-9.3) which establishes the precedence of the provincial pesticide management code over any municipal regulation;

WHEREAS the Municipality's 2020-2030 strategic vision statement, in harmony with nature;

WHEREAS the Municipality exercises jurisdictions recognized in various laws mentioned above and recognized by the Supreme Court of Canada;

WHEREAS the Municipality wishes to apply the following principles of sustainable development, namely health and quality of life, protection of the environment,

precaution, preservation of biodiversity and respect for the support capacity of ecosystems;

WHEREAS the precautionary principle particularly requires concrete actions in the matters provided for in this by-law;

CONSIDERING THAT, according to the principle of subsidiarity, the Municipality is in the best position to act in order to protect the health of the population from the harmful impacts of the use of pesticides and fertilizers;

CONSIDERING THAT Article 85 of the Municipal Powers Act allows the Municipality to adopt regulatory measures to ensure the health and general welfare;

WHEREAS THAT the Municipality's environmental policy;

WHEREAS THAT a notice of motion was given by Councillor Carole Patenaude at the regular council meeting of January 18th, 2023;

WHEREAS THAT the draft by-law was tabled and explained by the Director general at the time of the regular meeting of January 18th, 2023;

CONSEQUENTLY, the municipal council decrees the following :

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Purpose** – The purpose of this by-law is to eliminate all use and application of pesticides and fertilizers within the Municipality.

2. **Objectives** – The objectives of this by-law are to protect the health and general welfare of the population, to protect the environment, to apply several principles of sustainable development including precaution, in the management of pesticides and fertilizers.

It is intended to complement federal and provincial legislation and to give effect to environmental policy.

3. **Definitions** – In this by-law, unless the context indicates otherwise, the following terms are defined as follows :

Organic amendment: Compost, manure of animal or plant origin and unprocessed, unmixed natural wood ash are recognized as organic amendments.

Biopesticide : Pesticides of biological and natural origin with low toxicity for non-target organisms and respectful of the environment. That is, living organisms or substances of natural origin mixed and not prepared by industrial methods or chemically transformed by them, and more generally any plant protection product that is not chemically derived.

Watercourse : All watercourses, regular or intermittent, including those created or modified by human intervention, with the exception of: a) a road ditch; b) a common ditch as defined in article 1002 of the Civil Code of Quebec; c) a drainage ditch that meets the following requirements: i) used solely for drainage and irrigation purposes; ii) existing only as a result of human intervention; iii) with a watershed area of less than 100 hectares. The portion of a watercourse used as a ditch remains a watercourse.

Application : Any method of applying pesticides or fertilizers. Application includes, but is not limited to, spraying, gaseous, granular, powdered or liquid application.

Expert : Any natural person who is a member of a competent professional

body or a biologist.

Fertilizer : Any substance which, when applied to the soil, is intended to promote plant growth and increase vegetation production, except an organic amendment.

Infestation : The presence of harmful insects without predators, moulds or other harmful agents, such as a plant, creating a threat to safety, human health, tree survival, animal life and sensitive ecosystems.

Municipality : The Municipality of Morin-Heights.

Pesticide : In these Regulations, "pesticide" means any substance, material or microorganism intended to control, destroy, mitigate, attract or repel, directly or indirectly, an organism that is harmful, injurious or troublesome to humans, wildlife, vegetation, crops or other property, or intended to be used as a vegetation growth regulator, but does not include a vaccine or a drug, unless it is topical for external use on animals.

CHAPTER 2 : SCOPE OF APPLICATION

4. ***Territory covered*** – The by-law applies to the entire territory of the Municipality, including the underground.

5. ***Persons affected*** – Any person who uses in any way, a pesticide or fertilizer as defined in the by-law is affected by the present by-law.

CHAPTER 3 : GENERAL RULE AND EXCEPTIONS

6. ***Restriction*** – The use and sale of any pesticide or fertilizer are prohibited.

7. ***Exclusion*** – Notwithstanding Article 6, the use of personal repellents is permitted.

8. ***Exceptions*** – Notwithstanding Article 6, the use of pesticides is permitted in the following situations:

a) Outside a building to control an infestation endangering the survival of a stand of trees or human health, under the following strict conditions:

- 1- Obtain a certificate of authorization from the Environment Department of the Municipality;
- 2- The use must be made more than fifteen (15) meters from the natural water line of any lake, watercourse or wetland;
- 3- The use must be made outside of any drinking water source protection zone as defined in the Drinking Water By-law or any by-law enacting such a zone.

b) Inside a building to control or eradicate insects, infestation or any other harmful agent which constitutes a danger or inconvenience to human health, in accordance with any by-law of the Municipality relating to sanitation

c) For the maintenance of a golf course, in accordance with the terms and conditions prescribed for obtaining a certificate of authorization.

9. ***Use of organic amendment*** – The use of organic amendment is permitted for flowerbeds, gardens and vegetable gardens under the same conditions as set out in Article 8(1a)).

10. ***Biopesticides*** – The use of a biopesticide is permitted, without formality,

under the following conditions :

- a) The biopesticide must have been prepared in a homemade manner;
- b) It shall be used by the owner of the subject lot or any agent or lessee.

CHAPTER 4 : APPLICATIONS FOR CERTIFICATES OF AUTHORIZATION

11. ***Contents of an application*** – An application for a certificate of authorization, for any of the exceptions provided for in Chapter 3, shall contain the following information:

- a) the required contact information for the applicant and the owner of the premises to which the application applies and any agent for the application of the pesticide or fertilizer;
- b) a certified expert report containing :
 - an assessment and justification for the use of the prohibited pesticide or fertilizer
 - an assessment and justification that alternative manual, mechanical or biological treatment methods, such as those referred to in sections 9 and 10, will be unnecessary and ineffective;
 - The product prescribed, the duration of the treatment and the frequency of application;
 - The trade name of the prescribed product and a material safety data sheet (MSDS) for the product, including a health and environmental risk assessment;
 - Any recommended mitigation measures.

12. ***Content specific to golf courses*** – Every golf course owner or agent of a golf course owner who files an application for a certificate of authorization pursuant to Article 11 shall, at the risk of rejection of the application or withdrawal of any authorization granted pursuant to this by-law:

- a) Submit a three-year pesticide and fertilizer management and reduction plan for the property updated in May of each year;
- b) Submit an annual report by December 31 of each year showing the progress of alternative lawn care methods and groundwater mitigation measures;
- c) Declare in writing to the Municipality, during the month of March of each year, the list of products used, their commercial names and their material safety data sheets;
- d) The frequency of application;
- e) The duration of the treatment;
- f) The name of the specialist responsible for the treatment;
- g) The telephone number of the person responsible for the treatment.

13. ***Obligations of certificate of approval holders*** – Every holder of a certificate of approval issued pursuant to Article 11 shall perform the following upon penalty of withdrawal of the approval issued:

- a) Post a sign visible from the street indicating the use of pesticides. This sign shall state the date and time of application, the duration of the risk

of contamination and the telephone number of the poison control center.

- b) The person using a product shall ensure that the product dosage and directions for use are followed and shall dispose of the unused product in a manner that is safe for human health and the environment.
- c) Do not make any application within **2** meters of property lines.
- d) Do not apply products where there is a risk of drift :
 - **No liquid or powder products can be used if the wind speed is 8 km/hr or more;**
 - **No granular product may be used if the wind speed is 12 km/hr or more.**
- e) Do not apply when the temperature exceeds 27° Celsius;
- f) Do not apply when it is raining;
- g) Do not apply when trees are in bloom except in the case of fruit trees when the use must ensure that insect pollinators are not harmed;
- h) Any person using a product covered by this by-law shall comply with the National Fire Code regarding the storage of pesticides and hazardous products, which products shall be stored in a fireproof location with ventilation containment, steel shelving and an erected sign;

CHAPTER 5: INFRACTIONS AND FINES

14. **Infractions** - . Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to the fines set out in Article 15.

15. **Fines** – Every person who contravenes any provision of this by-law is guilty of an offence and is liable:

- a) in the case of a natural person :
 - to a fine of not less than \$ 700 and not more than \$ 1,000 for a first offence;
 - to a fine of not less than \$ 1,400 and not more than \$ 2,000 for any subsequent offence.
- b) in the case of a corporation :
 - to a fine of not less than \$ 1,500 and not more than \$ 2,000 for a first offence;
 - to a fine of not less than \$ 3,000 and not more than \$ 4,000 for any subsequent offence.

In every case, fees will be added to the fine.

16. **Continuity of an offence**– If the offense is continuous, the offender will be presumed to commit as many offenses as there are days in the duration of that offence.

17. **Persons authorized to issue a statement of offence** – The following persons designated for the application of this by-law are authorized to issue a statement of offence for any violation of this by-law :

Director, Urbanism and environment department
Inspector, Urbanism and environment department
Director, Fire department

Director, Public works and infrastructures
Foreman, roads and mechanics
Foreman, aqueducts, parks and buildings
Director general

18. **Termination of an infraction** - In the event that a court pronounces a sentence with respect to an infraction whose object is contrary to the standards of the present by-law, it may, in addition to the fine and costs provided for in Article 15, order that such infractions be, within a period of time set by the court, eliminated by the offender, and that, in the event that the offender fails to comply within the said period of time, the said infraction be eliminated by appropriate work carried out by the Municipality at the expense of the offender.

CHAPTER 6 : TRANSITIONAL AND FINAL PROVISIONS

19. **Repeals and replacements** – By-law (339) regarding pesticides as well as any other by-law or resolution dealing with the same object and purpose are repealed and replaced by the present by-law.

20. **Entering into effect** – The by-law enters into effect as per the Law.



Timothy Watchorn
Mayor



Hugo Lépine
Director general / Registrar-treasurer