

## BY-LAW 339

### REGARDING PESTICIDES

*En cas de divergence, le règlement français a préséance sur le texte anglais.  
In case of discrepancy, the French by-law prevails over the English translation*

WHEREAS, as per Article 490 of the Quebec Municipal Code (L.R.Q. c- C 27.1), the Municipality may modify or abrogate by-laws to ensure peace, order, the proper governing and the general well-being throughout the Municipality's territory, as long as these by-laws are not incompatible with the laws of Canada or Quebec.

WHEREAS it is the Municipality's objective to protect the health of the population and the environment by reducing and eventually eliminating the use of pesticides throughout its territory;

WHEREAS the objective of the Municipality is to encourage the use or alternative solutions to pesticides, either biological, physical or mechanical;

WHEREAS a notice of motion was given by Councillor Owen LeGallee at the regular Council meeting of May 8<sup>th</sup>, 2002;

WHEREAS the Environment Planning Committee studied the dossier;

WHEREAS this by-law is adopted without prejudice of the Pesticides Act (L.R.Q., c. P- 9.3) and the Quality of the Environment Act (L.R.Q., c. Q-2)

THAT THE FOLLOWING BE STATUED AND ORDAINED BY THE PRESENT BY-LAW SUBJECT TO THE APPROVALS REQUIRED BY LAW :

#### **Article 1**

The application and use of any pesticide and fertilizer is prohibited without exception in the 15 meter shoreline zone of protection, at 30 meters from a well or a drinking water supply and anywhere in the basin protecting Lac Vert.

#### **Article 2**

The application and use of any class 1, 2, 3 et 4 pesticide, such as stipulated in the Pesticides Act (L.R.Q., c. P- 9.3) with the exception of biological pesticides and **organic** fertilizers is prohibited on the entire territory of Morin-Heights;

#### **Article 3**

The application and use of a pesticide or a **inorganic** fertilizer may be authorized in spite of Article 2 in the following cases:

**3.1** The agricultural and horticultural producers, specifically those whose uses of the property meet the definition given by the Agricultural producers Act (L.R.Q., chap. P-28);

**3.2 An inorganic** starter fertilizer may be authorized at the time of the establishing of a new lawn;

**3.3** Maintenance of a public or private pool;

**3.4** Water purification destined for human or animal consumption;

**3.5** Inside a building;

**3.6** As a wood preservative except arsenic based products;

**3.7** To control or discourage the presence of animals which constitute a danger to humans;

**3.8** As per Article 8 of the Agricultural misuse Act (L.R.Q chap. A-2), an inspector designated by the Municipality may use a pesticide in spite of Article 2 of the by-law, if there exists no other efficient way of getting rid of harmful plants determined as such by the provincial government, and their presence being harmful to the genuine and continuous agricultural exploitation.

**3.9** to control or destroy insects that have infested a property or constitute a danger to human health.

**3.10** To control or destroy plants that constitute a danger to human health;

**3.11** For the maintenance of a golf course

#### **Article 4**

A permit is not required when someone abides by the exceptions stipulated in Articles 3.3, 3.4, 3.5 and 3.6 of the present by-law.

**4.1** A person wishing to prevail over one of the exceptions stipulated in articles 3.2, 3.7, 3.9 and 3.10 of the present by-law must present a request and have beforehand, obtained a permit for the application of an insecticide.

- The permit request must include
  - ◆ The name of the owner of the building
  - ◆ The address of the property pertaining to the request
  - ◆ The owner's telephone number
  - ◆ The name of the person requesting the permit
  - ◆ The requestor's telephone number
- A prescription from an expert giving a treatment program which includes :
  - ◆ The diagnosis
  - ◆ The required treatment
  - ◆ A list of products which should be used, their commercial name, descriptive charts(MSDS)
  - ◆ The spreading frequency,
  - ◆ The duration of the treatment
  - ◆ Confirmation that physical, mechanical or biological alternative remedies will not have the required effects on the diagnostic infestation.

**4.2** A person wishing to prevail to horticultural or agricultural production, article 3.1 or maintenance of a golf course 3.11 must :

- Present a triennial management plan for the reduction of pesticides and **inorganic** fertilizers plan for the property which must be updated in May of each year
- Present an annual report before December 31<sup>st</sup> of each year showing the evolution of alternative methods for the maintenance of lawns and protective measures for the water table
- Declare in writing to the Municipality, during the month of March of each year, the list of products used, their commercial names and their descriptive charts (MSDS)
- The spreading frequency
- The duration of the treatment
- The name of the specialist responsible for the treatment

- The telephone number of the person responsible for the treatment

### **Article 5**

Anyone authorized in prevailing to one of the exceptions stipulated in Article 3 and while respecting Article 1 must do so on the following conditions:

- Post a sign visible from the road, indicating the use of pesticides. This sign must state the date and time of the application, the duration of the risk of contamination and the telephone number of the poison control center.
- The person who uses a product must ensure that the product's posology and the method of its use is respected and must dispose of the residues of the unused products in a safe manner for the health of humans and the environment.
- Not to be applied within **2** meters of the property lines
- Products which are at risk of being diverted should not be applied:
  - **liquid or powdered products must not be used if the wind blows at 8 km/hour or more;**
  - **granular products must not be used if the wind blows at 12 km/hour or more.**
- No application must be made when temperatures exceed 27° Celsius.
- Applications must not be made when it rains;
- Applications must not be made when trees are in bloom except in the case of fruit trees when the user must ensure not to cause harm to pollinating insects.
- Anyone using a product described in the present by-law must comply with the National fire Code regarding the storage of pesticides and dangerous products. These products must be stored in a fire-proof location with proper ventilation, steel shelves and a sign;

### **Article 6**

Those responsible for the application of the present by-law are the municipal inspector, the building inspector and the environment inspector.

The Municipal Council also authorizes all Sûreté du Québec police officers to undertake all judiciary proceedings against anyone who contravenes and issue notices for any infringement to any of the provisions of the present by-law.

### **Article 7**

In accordance to the provisions of Article 492 of the Municipal Code, the inspector may visit and examine any movable or immovable as well as the interior or exterior of any house or building to ensure that this by-law is being respected; The owners or occupants of such a house or building must allow the inspector to enter the premises.

### **Article 8**

Whomever contravenes to a provision of the present by-law commits an offence.

Whomever commits a first offence is liable to a fine of at least two hundred dollars (\$ 200) and up to three hundred dollars (\$ 300) if the offender is an individual and of at least four hundred dollars (\$ 400) and up to six hundred dollars (\$ 600) if the offender is of legal entity.

Whomever commits a second offence and for any subsequent offence to the same provision within a period of two (2) years of the first offence is liable to a fine of at least three hundred dollars (\$ 300) and up to six hundred dollars (\$ 600) if the offender is of legal entity and of at least six hundred dollars (\$ 600) and up to two thousand dollars ( \$2 000) if the offender is of legal entity.

In every case, the costs for legal procedures must be added.

The time period for the payment of fines and levied costs as per the present article as well as the consequences of failure to pay said fines and prescribed costs are established in accordance to the *Code de procédure pénale du Québec* (L.R.Q., c. C-25.1).

### **Article 9**

This by-law enters into effect as per the Law.

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Michel Plante  
Mayor

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Yves Desmarais  
Director general  
Secretary-treasurer