

## BYLAW 33-98

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA FOR THE PUBLIC NOTIFICATION OF PESTICIDE USE

**WHEREAS** the Municipal Council of the Town of Okotoks believes in the significant reduction of toxic controls, an integrated pest/turf management program and an education program to be implemented that will lead to effective land stewardship, and

**WHEREAS** it is deemed desirable by the Municipal Council of the Town of Okotoks that residents be given prior notification of pesticide use on lands where there is commonly public access;

**NOW THEREFORE** by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, c.M-26.1, as amended, the Council of the Town of Okotoks in the Province of Alberta duly assembled, enacts as follows:

#### SECTION 1 -SHORT TITLE

- 1.1. This Bylaw may be cited as the Town of Okotoks "Pesticide Right-to-Know Bylaw"

#### SECTION 2 -DEFINITIONS

- 2.1 "Notification Sign" means a sign, not less than 550 cm<sup>2</sup> in area with lettering not less than 2 cm in height, which clearly presents the following information:

- (i) date of pesticide application
- (ii) trade name and active ingredient of pesticide
- (iii) Pest Control Product number
- (iv) name, telephone number and license number of applicator
- (v) telephone number of poison control centre
- (vi) that unauthorized removal of notification signs is an offence

- 2.2 "Peace Officer" means any person appointed by the Municipality to do any act or perform any duty under this bylaw and includes, without limitation, a Bylaw Enforcement Officer a Special Constable or a member of the Royal Canadian Mounted Police (RCMP).

"Pesticide" means a substance that is intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, parasite, bacteria, fungus, weed or other form of plant or animal life or virus, except a virus, parasite<sup>or</sup> bacteria in living people or animals; and a substance that is a pest control product within the meaning of the Pest Control Products Act (Canada) and is granted federal registration by Pest

Management Regulatory Agency, Health Canada, e.g. herbicides, insecticides, fungicides, rodenticides, and miticides.

- 2.4 "Public Place" means an outdoor place, whether publicly or privately owned to which the public have or are permitted to have access, including; but not limited to:
- (i) Municipally and/or school division owned or leased real property, and without restricting the generality of the foregoing includes: parks, recreation areas, school sites, boulevards and campgrounds, municipal reserve, school reser, and municipal and school reserve.
  - (ii) Privately owned or leased real property and without restricting the generality of the foregoing includes: lands intended for park purpose, church lands; common lands around condominiums, seniors housing, mobile home parks or other similar clustered housing, and landscaped areas adjacent to private businesses.

### **SECTION 3 -PUBLIC NOTIFICATION**

- 3.1 Subject to Section 3.2, any person applying a pesticide on a public place shall post notification signs on the site not less than 24 hours prior to application, with such signs to remain in place not less than 48 hours following application.
- 3.2 Persons applying a pesticide on a public place due to an emergency situation, and without restricting the generality of the foregoing, includes insect infestations, shall post notification signs on the site at time of application, with such signs to remain in place not less than 48 hours following application.
- 3.3 Notification signs shall be placed at all major entrances to public places that have a discreet perimeter, as well as two additional signs in a central location. On lands that do not have a discreet perimeter, signs are to be posted approximately every 100 metres in and around the area of application, as well as two additional signs in a central location.

### **SECTION 4 -PENALTIES - VOLUNTARY PAYMENT TICKETS**

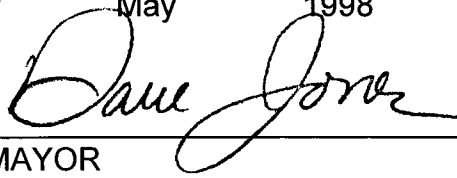
- 4.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this Bylaw.
- 4.2 Any person who removes notification signs without authorization is guilty of an offence and is liable to a penalty as set out in Schedule 'A' of this Bylaw.

- 4.3 Where a Peace Officer believes on reasonable and probable grounds that a person has contravened any provisions of this Bylaw, he may serve upon such person a tag provided by this section either personally on the person concerned or by leaving it for the defendant at his residence with a person on the premises who appears to be at least sixteen (16) years of age or by registered mail and such service shall be adequate for the purpose of this Bylaw.
- 4.4 A tag shall be in such form as determined by the Municipality and shall state the Section of the Bylaw which was contravened and the amount which is provided within Schedule "A" of the Bylaw and any amendments or additions thereto, that will be accepted by the Municipality in lieu of prosecution.
- 4.5 Notwithstanding Section 4.4 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within six (6) months of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this Bylaw.
- 4.6 Upon production of a tag issued pursuant to this section within twenty-two (22) days from the issue thereof together with the payment to the Municipality of the fee and/or penalty as provided in Schedule "A" of the Bylaw and any amendments or additions thereto, the person to whom the tag was issued will not be liable for prosecution for the contravention in respect of which the tag was issued.
- 4.7 Notwithstanding the provisions of this Section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

## **SECTION 5. - SUMMARY CONVICTION**

- 5.1 A person who contravenes a provision of this Bylaw by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to by this Bylaw, is guilty of an offense and liable upon summary conviction to a fine of not less than Two Hundred and Fifty Dollars (\$250.00).
- 5.2 Under no circumstance shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 5.3 Where there has been a breach of this Bylaw, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended.

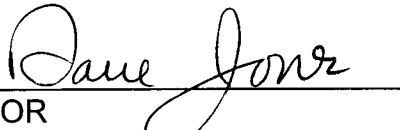
**READ A FIRST TIME** this 11th day of May 1998

  
MAYOR

  
MUNICIPAL SECRETARY

**READ A SECOND TIME** this 8th day of June 1998

**READ A THIRD TIME** this 8th day of June 1998

  
MAYOR

  
MUNICIPAL SECRETARY

**Schedule "A"**  
**Bylaw 33-98**

<u>Section</u>	<u>First Ofence</u>	<u>Second or Subsequent Offence (within 6 months)</u>
3.1	\$100	\$200
3.2	\$100	\$200
3.3	\$100	\$200
4.2	\$ 50	\$100

*BA*