

DATE: May 6, 2019**FILE:** 6130-04**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer***R. Dyson*****RE: Pesticide Use in Regional District Parks****Purpose**

To inform the Electoral Areas Services Committee about the policies and bylaws in place for pesticide use in the Comox Valley and impacts of those policies on operations in regional district parks for information purposes.

Executive Summary

In the Comox Valley, pesticides are regulated through municipal bylaws. The regional district must obtain provincial approval to regulate pesticides and to date this approval has not been achieved.

The Comox Valley Regional District (CVRD) has a regional education and awareness program, “Nature Works”, which encourages the use of pesticide alternatives and spreads awareness about creating pesticide-free lawns and gardens.

CVRD Bylaw No. 2347 “Regional District Weed Control Regulation Bylaw 2001”, ensures land owners clear property of noxious weeds. This bylaw ensures noxious weeds are eradicated by ‘any means necessary’ (Section 5(2) of Bylaw 2347).

The CVRD does not have a specified pesticide use bylaw in place but has a policy on pesticide use on regional district property (appendix B). This policy states there shall be no cosmetic use of pesticides on regional district properties with the exception of golf courses. This blanket policy does not address the use of pesticides on regional district properties for non-cosmetic purposes such as the eradication of invasive plant species.

In 2016, provincial regulations were altered to ensure that pesticides only be used by those who have proper training and proper certification. Relevant invasive plant species regulation includes:

- *Weed Control Act* – requires the occupier of lands to control noxious weeds growing or located on land and premises. This legislation is meant to help protect the provinces natural resources, economy and society from the negative impacts of invasive plant material.
- *Integrated Pest Management Act* – regulates use of pesticides that may be used to control invasive plant infestations.

In 2014 the Comox Valley Regional Invasive Species Partnership was formed to address the negative impacts of invasive species in the Comox Valley. Partners in this initiative include the Town of Comox, the Village of Cumberland, the City of Courtenay and the CVRD.

The CVRD parks mandate includes the protection of natural diversity. Invasive plant species have the potential to displace native plant species by competing for water, nutrients and space. This could ultimately negatively impact the integrity of sensitive ecosystems and threaten biodiversity. Some invasive species have been known to impact human health and safety.

To effectively combat invasive plant species, parks employs a variety of strategies. The strategy employed is directly related to the invasive plant species of concern and the sensitivity of the site. Strategies include:

- The use of expert counsel
- Mechanical treatment (human-powered and machine)
- Chemical treatment

Pesticide use considerations:

- Provincial regulations and restrictions are in place to ensure the proper use of pesticides.
- Chemical treatments in the regional parks is limited. In 2018 no chemical treatments were applied in CVRD parks.
- Parks employs licensed professionals when conducting pesticide treatment.
- Some invasive plant species can only be eradicated with the use of pesticides. For example, cutting pulling and mowing of knotweed simply stimulates growth.
- A regional program aimed at eradicating knotweed and giant hogweed currently exists and involves all four local governments. This program is in partnership with the Coastal Invasive Species Committee. The program uses commercial grade herbicide to treat infected sites.
- Health Canada regularly reviews the health and safety standards of pesticides.

Prepared by:

M. Harrison

Mark Harrison
Parks and Active
Transportation Planner

Concurrence:

D. DeMarzo

Doug DeMarzo
Acting General Manager of
Community Services

Attachments: Appendix A – “Bylaw 2347 – Regional District Weed Control Regulation Bylaw”
Appendix B – “Policy 5280-05 – Pesticide use on regional district property”



**REGIONAL DISTRICT WEED
CONTROL REGULATION
BYLAW**

The following is a consolidated copy of Bylaw 2347 being “Regional District Weed Control Regulation Bylaw 2001” and includes the following bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
2347	Regional District Weed Control Regulation Bylaw 2001”	March 26, 2001	To eradicate noxious weeds located in Areas A, B, C and K.
2704	Regional District Weed Control Regulation Bylaw 2001”, Amendment Bylaw No. 1	Sept 27, 2004	Amends Schedule A by adding 7 more noxious weeds
2760	Regional District Weed Control Regulation Bylaw 2001”, Amendment Bylaw No. 2	Feb 23, 2005	Amends Schedule A by adding Dalmatian Toadflax
2774	Regional District Weed Control Regulation Bylaw 2001”, Amendment Bylaw No. 3	March 25, 2005	Amends Schedule A by adding Himalayan Blackberry

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 2347

A BYLAW TO REGULATE NOXIOUS WEEDS

WHEREAS the Board of the Regional District of Comox-Strathcona adopted Bylaw No. 2346 being “Regional District Weed Control Service Establishment Bylaw 2001” on the 26th day of March, 2001;

AND WHEREAS under Section 797.1(1)(d) of the Local Government Act, a Regional District may exercise the regulatory powers of a municipality under Section 725(1)(e) of the Local Government Act to require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;

AND WHEREAS the Regional District deems the plants listed in Schedule ‘A’ to this Bylaw to be noxious weeds;

AND WHEREAS the Regional District wishes to enact a Bylaw to eradicate the noxious weeds listed in Schedule ‘A’ within Electoral Areas ‘A’, ‘B’, ‘C’ and ‘K’ of the Regional District of Comox-Strathcona;

NOW THEREFORE, the Board of the Regional District of Comox-Strathcona, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the “**REGIONAL DISTRICT WEED CONTROL REGULATION BYLAW 2001**”

2. DEFINITIONS

In this Bylaw:

- | | | |
|----|---------------------------|---|
| a) | Administration Officer | means a person appointed under that title by the Board pursuant to its powers under the Local Government Act. |
| b) | Board | means the Board of the Regional District of Comox-Strathcona |
| c) | Bylaw Enforcement Officer | means a person appointed by or contracted by the Board to enforce this Bylaw. |
| d) | Occupier | has the same meaning as in the Local Government Act. |
| e) | Owner | has the same meaning as in the Local Government Act. |
| f) | Real property | has the same meaning as in the Local Government Act. |
| g) | Regional District | means the Regional District of Comox-Strathcona |

3. PROHIBITION

Every owner or occupier of real property in Electoral Areas ‘A’, ‘B’, ‘C’ and ‘K’ of the Regional District of Comox-Strathcona, or that person’s agent, shall ensure that his or her property be cleared of, and remain free from, all noxious weeds listed in Schedule ‘A’ to this Bylaw.

4. AUTHORIZED INSPECTION OFFICER

A Bylaw Enforcement Officer or the Administration Officer is authorized to enter upon any real property within the Regional District at all reasonable times, after having given notice to the owner or occupier, for the purpose of inspecting the same property in order to ascertain whether noxious weeds listed in Schedule ‘A’ to this Bylaw are present.

5. NOTIFICATION TO OWNERS AND OCCUPIERS

- 1) If the Administration Officer determines that there are noxious weeds present on any property within the Regional District, he or she shall notify the owner or occupier of such real property, by letter, to take steps to eradicate the weeds within fourteen (14) days of the date of the inspection.
- 2) If, after the expiry of 14 days from the date inspection, the noxious weeds have not been eradicated to the satisfaction of the Administration Officer and no appeal from the Administration Officer’s order has been filed, it shall be lawful for the Regional District, by its employees, agents or contractors, to enter upon such real property to eradicate the noxious weeds by any means necessary, at the expense of the person defaulting.

6. COSTS OF ERADICATION

The charges incurred by the Regional District for eradicating the weeds, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes applicable in respect of such real property as taxes in arrears.

7. NOTICE

Where notice is to be given pursuant to this bylaw, such notice shall be given in writing. Notice shall be deemed sufficiently delivered if:

- a) personally service upon the owner or occupier of the property affected by such notice; or
- b) mailed by registered mail to the address of the real property or the last known address of the owner or occupier, and subsequently signed for by or on behalf of the owner or occupier.

8. PENALTY

Every person who contravenes a provision of this Bylaw commits an offence and is liable on summary conviction to the penalties prescribed by the Offence Act.

9. SEVERABILITY

If any provision of this Bylaw is found invalid by any court of competent jurisdiction, the offending portion shall be severed. Such decision shall not affect the validity of the remaining portions of this bylaw.

10. HEADINGS

The headings in this Bylaw are inserted for convenience and reference only and in no way define, limit or enlarge the scope of this bylaw or any portion thereof.

11. COMING INTO FORCE

This bylaw shall come into force and take effect on or after the date of its adoption.

READ A FIRST AND SECOND TIME THIS 26TH DAY OF MARCH 2001.

READ A THIRD TIME THIS 26TH DAY OF MARCH 2001.

ADOPTED THIS 26TH DAY OF MARCH 2001.

“D.M. Andrews”

Chair

“B. Randall”

Manager of Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw 2347 being “Regional District Weed Control Regulation Bylaw 2001” as adopted by the Board of the Regional District of Comox-Strathocna on the 26th day of March, 2001.

“B. Randall”

Manager of Corporate Administration

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 2774 (AMENDMENT)

“REGIONAL DISTRICT WEED CONTROL REGULATION BYLAW 2001, AMENDMENT BYLAW NO. 3”

SCHEDULE ‘A’

Purple Loosestrife	(Lythrum Salicaria)
Japanese Knotweed	(Polygonum cuspidatum)
Yellow Flag Iris	(Iris pseudacorus)
Spotted Knapweed	(Centaurea biersteinii)
English Ivy	(Hedera helix)
Giant Cow Parsnip (Hogweed)	Heracleum mantegazzianum)
Scotch Broom	(Cytisus scoparius)
Gorse	(Ulex europaeus)
Dalmatian Toadflax	(Linaria dalmatica)
Himalayan Blackberry	(Rubus discolor)

Subject: Pesticide use on regional district property	
Category: Community Services	Procedure Reference: 5280-05

PURPOSE

To establish a policy to address the use of pesticides on regional district properties.

POLICY

There shall be no cosmetic use of pesticides on properties owned, leased, or otherwise managed by the Comox Valley Regional District with the exception of golf courses where an Integrated Pest Management Plan must be put in place to reduce pesticide use to the absolute minimum.

PROCEDURE

All managers of regional district property to be advised in writing of this policy.

Approval History

Policy adopted	May 27, 2002
Amended:	