

THE CORPORATION OF THE TOWN OF COBALT

BY-LAW NO. 2002-017

BEING a By-Law to regulate and control the use of pesticides within the Town of Cobalt.

WHEREAS the Municipal Act, R.S.O. 1990c. M.45, s 102 allows municipalities in Ontario to respond expeditiously to new challenges facing municipalities in protecting the general welfare of residents in their territory, and such authority has been unanimously confirmed by the Supreme Court of Canada on June 28, 2001, in its decision on 114957 Canada LTEE (Spraytech, societe D'Arrosage) and services des espaces verts ltee/ Chemlawn, vs. the municipality of Hudson, Quebec, the Municipality of THE CORPORATION OF THE TOWN OF COBALT passes by-law 2002-017.


NOW THEREFORE the Council of the Town of Cobalt enacts as follows:

1. **Definitions:** For the purposes of this by-law, the following words and phrases shall have the following meanings:
 - "PESTICIDE" means any substance, matter, or micro-organism intended to control, destroy, reduce, attract or repel, directly or indirectly, an organism, which is noxious, harmful, or annoying for a human being, fauna, vegetation, crops or other goods, or intended to regulate the growth of vegetation, excluding medicine or vaccine;
 - "FARMER" means a farm producer or horticulturist.
2. The spreading and use of a pesticide is prohibited throughout the territory of the Municipality.
3. Notwithstanding article 2, it is permitted to use a pesticide in the following cases:
 - a.) in a public or private swimming pool;
 - b.) to purify water intended for the use of human beings or animals;
 - c.) outside of a building;
 - d.) to control or destroy animals which constitute a danger for human beings;
 - e.) to control or destroy plants which constitute a danger for human beings who are allergic thereto.
4. Notwithstanding article 2, a farmer using a pesticide on an immovable tract which is exploited for purposes of agriculture or horticulture, in a hot house or in the open, is requested to

- a.) register, by written declaration, with the Town, in the month of March of each year, the products which he stores and which he will be using during that year.
 - b.) Also provide, in the written declaration at article 4a.), the schedule of application of said products and the area(s) of his property where the products will be applied.
5. Notwithstanding Article 2, it is permitted to use a biological pesticide to control or destroy insects, which constitute a danger for human beings.
6. Any person, corporation or individual in contravention of this by-law shall be subject to a fine of not more than \$ 10,000.00.
7. That this by-law take force and effect on November 1, 2002

READ a first and second time this 14th day of May 2002

READ a third time and passed this 11th day of June 2002


Mayor


Clerk-Treasurer



Certified to be a true copy of By-law No.
2002-017 of the Corporation of the
Town of Cobalt passed in Council on
the 11 day of June, 2002


STEPH PALMATEER, Clerk
-Town of Cobalt