

Authority: Board of Health Report No. 3, Clause No. 1,
adopted as amended, by City of Toronto Council on May 21, 22 and 23, 2003
Enacted by Council: May 23, 2003

CITY OF TORONTO

BY-LAW No. 456-2003

To adopt a new City of Toronto Municipal Code Chapter 612, Pesticides, Use of.

WHEREAS environmental protection has emerged as a fundamental value in Canadian society and the common future of every Canadian community depends on a healthy environment; and

WHEREAS the Council of the City of Toronto wishes to respond to the concerns expressed by City residents about health risks associated with the use of pesticides within the City of Toronto; and

WHEREAS avoiding unnecessary exposure to pesticides conforms to the precautionary principle as it applies to the use of pesticides; and

WHEREAS minimizing the use of pesticides will promote the health of the inhabitants of the City of Toronto; and

WHEREAS pesticides used in lawn and garden care are known to enter streams and rivers, which discharge into Lake Ontario, the source of drinking water for the City of Toronto;

WHEREAS under section 130 of the *Municipal Act, 2001*, by-laws may be passed by a municipality to provide for the protection of the health, safety and well-being of residents in the municipality; and

WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality, passed under the authority of the *Municipal Act, 2001*, is guilty of an offence;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter:

Chapter 612

PESTICIDES, USE OF

§ 612-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENCLOSED – Closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, which openings are equipped with doors which are kept closed except when actually in use for egress or ingress.

HEALTH HAZARD – A pest which has or is likely to have an adverse effect on the health of any person.

INFESTATION – The presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage.

PEST – An animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism.

PESTICIDE – Includes

- A. A product, an organism or a substance that is a registered control product under the federal Pest Control Products Act which is used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects.
- B. Despite Subsection A, a pesticide does not include:
 - (1) A product that uses pheromones to lure pests, sticky media to trap pests or ‘quick-kill’ traps for vertebrate species considered pests such as mice and rats.
 - (2) A product that is or contains any of the following active ingredients:
 - (a) A soap;
 - (b) A mineral oil, also called dormant or horticultural oil;
 - (c) Silicon dioxide, also called diatomaceous earth;
 - (d) Bt (*Bacillus thuringiensis*), nematodes and other biological control organisms;
 - (e) Borax, also called boric acid or boracic acid;
 - (f) Ferric phosphate;
 - (g) Acetic acid;
 - (h) Pyrethrum or pyrethrins;
 - (i) Fatty acids; or
 - (j) Sulphur.

§ 612-2. Restrictions.

- A. No person shall apply or cause or permit the application of pesticides within the boundaries of the City.
- B. The provision set out in Subsection A does not apply when pesticides are used:
- (1) To disinfect swimming pools, whirlpools, spas or wading pools;
 - (2) To purify water intended for the use of humans or animals;
 - (3) Within an enclosed building;
 - (4) To control termites;
 - (5) To control or destroy a health hazard;
 - (6) To control or destroy pests which have caused infestation to property;
 - (7) To exterminate or repel rodents;
 - (8) As a wood preservative;
 - (9) As an insecticide bait which is enclosed by the manufacturer in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans and pets;
 - (10) For injection into trees, stumps or wooden poles;
 - (11) To comply with the *Weed Control Act* and the regulations made thereunder; or
 - (12) As an insect repellent for personal use.

§ 612-3. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence and upon conviction, is liable to a fine or penalty provided for in the *Provincial Offences Act*.

2. This by-law comes into force on April 1, 2004.

ENACTED AND PASSED this 23rd day of May, A.D. 2003.

MEL LASTMAN,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)