

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2007-123

A by-law to amend By-law 2007-036,
being a by-law to regulate the use of
pesticides within the Town of Oakville

WHEREAS section 11(2), clause 6 of the *Municipal Act, 2001*, as amended, authorizes The Corporation of the Town of Oakville to enact by-laws which provide for the protection of the "health, safety and well being" of Town residents;

AND WHEREAS Council passed By-law 2007-036 (the "Pesticide By-Law") to respond to the concerns expressed by Town residents about the health risks associated with the use of pesticides;

AND WHEREAS it is desirable to amend the Pesticide By-law as set forth below;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF OAKVILLE ENACTS AS FOLLOWS:

1. (1) Section 1 of the Pesticide By-Law is hereby amended by adding the following definition:

Pest - means 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.
- (2) Section 1 of the Pesticide By-law is hereby further amended by renumbering subsections iii. and iv. under the definition of Pesticide, to subsections i. and ii. respectively.
2. Section 3 of the Pesticide By-Law is hereby amended by deleting 3 e. and 3 j. and replacing them with the following respectively:
 - e. For injection into or painting on trees, stumps or wooden poles;
 - j. On an I.P.M. accredited golf course or at the Oakville Lawn Bowling green, provided that any such use or application is in keeping with the integrated pest management program in place at the golf course or lawn bowling green;
3. Section 3 of the Pesticide By-law is hereby further amended by adding the following subsections:
 - k. To control buckthorn;
 - l. At a hydro substation, a utility distribution station or within a hydro or railway corridor; or
 - m. As an insect repellent applied on the person.

4. Section 4 of the Pesticide By-law is hereby deleted and replaced with the following:

4.
 - a) Every individual who is convicted of an offence is liable to a fine of not less than \$250 and not more than \$5,000 for a first offence and to a fine of not more than \$10,000 for a subsequent offence.
 - b) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence and not as provided in a).
 - c) For the purposes of subsections a) and b), an offence is a subsequent offence if there has been a previous conviction under this by-law.

PASSED by the Council this 3rd day of July, 2007.



MAYOR Rob Burton



A/CLERK Vicki Tytaneck