

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the provisions of the Pesticide Use Reduction Bylaw to regulate pesticide uses which constitute noxious or offensive business activities in connection with small-scale commercial urban food production.

Under its statutory powers, including section 8(3) and 64(j) of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “PESTICIDE USE REDUCTION BYLAW, AMENDMENT BYLAW (NO. 1)”.

**Pesticide Use Reduction Bylaw**

- 2 Bylaw No. 07-061, the Pesticide Use Reduction Bylaw, is amended:

- (a) by adding the following to the end of the preamble:

“The purpose of this Bylaw is also to regulate pesticide uses in connection with small-scale commercial urban food production which constitute noxious or offensive business activities.”;

- (b) in the Contents by:

- (i) inserting the following after PART 3 – PERMITS:

“PART 4 – SMALL-SCALE COMMERCIAL URBAN FOOD PRODUCTION

13 Pesticide use in small-scale commercial urban food production”;

- (ii) striking out the words “PART 4 – GENERAL” and substituting the words “PART 5 – GENERAL”;

- (ii) renumbering “13 Inspections” as “14 Inspections”;

- (iii) renumbering “14 Offences and Penalties” as “15 Offences and Penalties”;

- (iii) striking out the word “and” after the words “section 8(3)(j)” and substituting it with a comma;

- (iv) inserting the words “and section 64(j)” before the words “of the *Community Charter*”;

- (c) in section 2, by inserting the following definition immediately after the definition of “sensitive ecosystem”:

““small-scale commercial urban food production” has the same meaning as small-scale commercial urban food production in the Zoning Regulation Bylaw”.

(d) in section 3(2), by:

- (i) striking out the upper case “T” in “This” and substituting a lower case “t”;
- (ii) inserting the words “Subject to Part 4,” before the words “this bylaw”;

(e) by inserting the following Part 4 immediately after PART 3 – PERMITS:

**“PART 4 - SMALL-SCALE COMMERCIAL URBAN FOOD PRODUCTION**

**Pesticide use in small-scale commercial urban food production**

- 13      (1)      A person must not apply or otherwise use any pesticides, other than permitted pesticides, on public land or private land in connection with small-scale commercial urban food production, unless that person first obtains a permit.
- (2)      A person may apply to the Director for a permit to apply or otherwise use pesticides on public land or private land in connection with small-scale commercial urban food production in accordance with section 9 and must pay the permit fee set out in section 10.
- (3)      The Director may either:
- (a)      issue a permit for the use of pesticides in connection with small-scale commercial urban food production if the Director is satisfied that it will not constitute a noxious or offensive business activity; or
  - (b)      refuse to issue a permit for the use of pesticides in connection with small-scale commercial urban food production where the Director determines that paragraph (a) does not apply.
- (4)      The Director may issue a permit for the use of pesticides in connection with small-scale commercial urban food production without conditions, or with conditions relating to the following:
- (a)      the pest or the species of plant to which the pesticide may be applied;
  - (b)      the area of land on which the pesticide may be applied; and
  - (c)      the period of time in which the pesticide may be applied.
- (5)      The owner or occupier of real property that is subject to a decision of the Director to issue or refuse a permit, or to impose conditions on a permit, pursuant to this section is entitled to apply to Council to have the decision reconsidered.

- (6) An application for reconsideration pursuant to subsection (5) must be made in writing to the City's City Clerk within 30 days of receiving notice of the Director's decision.”;
- (f) by striking out the words “PART 4 – GENERAL” and substituting the words “PART 5 – GENERAL”;
- (g) by renumbering section 13 as section 14; and
- (h) by renumbering section 14 as section 15.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CITY CLERK

MAYOR