



BY-LAW 2008-84

TO AMEND By-law 2008-17, being a By-law to license, regulate and govern Pesticide Applicators within the Town of Markham

WHEREAS section 150(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipal council to pass by-laws for the licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS the Town of Markham has passed By-law 2008-17 to licence, regulate and govern Pesticide Applicators :

AND WHEREAS Pesticide Applicators licensed under By-law 2008-17 may apply pesticide under s.2(b)(vi) of By-law 2007-146 to control an infestation pursuant to an application filed under s. 2(c) of By-law 2007-146 ;

AND WHEREAS Ontario Regulation 914 under the Ontario *Pesticides Act*, requires pesticide applicators to post prescribed signs upon property on which pesticides registered under the federal *Pest Control Products Act*, which may include the low impact pest control products permitted under Schedule A of By-law 2007-146, have been applied;

AND WHEREAS Council has determined that supplementary lawn signage would enable residents to differentiate between low impact pest control products permitted under By-law 2007-146 and pesticides having higher toxicity levels;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. Section 1 of By-law 2008-17 entitled "A By-law to license, regulate and govern Pesticide Applicators within the Town of Markham" is amended by adding thereto immediately after the definition of "Licensing Officer", the following:

"LOW IMPACT PEST CONTROL PRODUCT NOTICE" shall mean a lawn sign, in the form prescribed by the Town of Markham, notifying of the application of low impact pest control products as permitted by Schedule A of By-law 2007-146;

2. Section 1 of said by-law 2008-17 is further amended by adding thereto, immediately after the definition of "Pesticide", the following:

"PESTICIDE APPLICATION NOTICE" shall mean a lawn sign in the form prescribed by the Town of Markham notifying of the application of pesticides for an infestation as permitted by s.2(b)(vi) of By-law 2007-146;

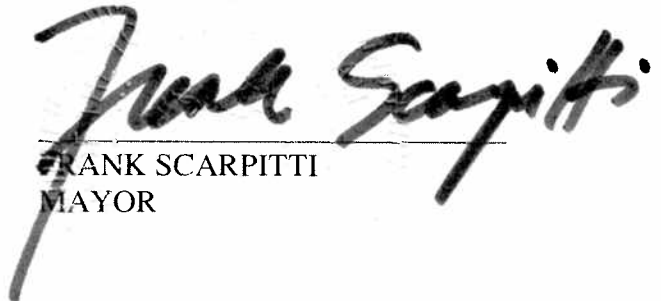
3. The said by-law 2008-17 is further is amended by adding thereto immediately after Section 7(c) the following clauses:

"(d) where pesticide is being applied for an infestation under s. 2(b)(vi) of By-law 2007-146, post in a conspicuous location in the application area, a PESTICIDE APPLICATION NOTICE immediately before the application begins, and shall not remove the Pesticide Application Notice until 48 hours have elapsed following completion of the pesticide application;

- (e) where low impact pest control products permitted under Schedule A of By-law 2007-146, which are registered under the federal Pest Control Products Act are being applied, post in a conspicuous location in the application area, a LOW IMPACT PEST CONTROL PRODUCT NOTICE, immediately before application of the product, and shall not remove such notice until 48 hours have elapsed following completion of the application of the low impact pest control products;
- (f) notwithstanding s.4(e), where pesticides have been applied pursuant to s.2(b)(vi) of By-law 2007-146, and low impact pest control products permitted under Schedule A of By-law 2007-146 have also been applied to the same property during the same time frame, post only the PESTICIDE APPLICATION NOTICE."

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
13TH DAY OF MAY, 2008.


KIMBERLEY KITTERINGHAM
DEPUTY CLERK


FRANK SCARPITTI
MAYOR