

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

BY-LAW NO. 2022-016

BEING A BY-LAW TO PROHIBIT THE USE OF CHEMICAL FERTILIZERS,
HERBICIDES AND PESTICIDES WITHIN 50 METRES OF LAKE BERNARD

WHEREAS Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, grants to a municipality the authority to pass by-laws respecting the health, safety and well-being of persons, the protection of persons and property, the economic, social and environmental well-being of the municipality;

WHEREAS Council of The Corporation of the Village of Sundridge has expressed its desire to protect the water quality and health of the water bodies within the Village of Sundridge by reducing chemical fertilizer, herbicide and pesticide inputs;

WHEREAS Council of the Corporation of the Village of Sundridge has determined that chemical fertilizer, herbicide and pesticide use have potential negative health and environmental effects on the water quality within the municipality and should be regulated to mitigate the impacts on health and environment;

WHEREAS The nutrient loading from chemical fertilizer, herbicides and pesticides has been identified as a significant factor contributing to algae growth and low dissolved oxygen conditions;

WHEREAS These conditions can lead to a loss of enjoyment of the water quality and may lead to health effects and decline in property value;

AND WHEREAS Council of The Corporation of the Village of Sundridge wishes to prohibit the use of chemical fertilizers, herbicides and pesticides, from the date of passing;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF SUNDRIDGE ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this by-law, the following words and phrases shall have the following meanings:

(1) “**chemical fertilizer**” means any material of synthetic, manmade origin that is applied to soil or to plant tissues to supply plant nutrients, but does not include compost or mulch.

(2) “**herbicides**” means any synthetic chemical product that kills plants or prevents them from growing.

(3) “**person**” means an individual and includes a corporation and their heirs, executors, administrators or other legal representatives of the property.

(4) “**pesticide**” means a synthetic substance used for destroying insects or other organisms harmful to cultivated plants.

(5) “**Officer**” means a municipal law enforcement officer or other person appointed by bylaw to enforce the provision of this by-law.

2. PROHIBITION

(1) No person shall use, spread, cause, permit to be spread any chemical fertilizer on any lot which is located within fifty (50) metres of the shoreline of Lake Bernard within the Village of Sundridge.

(2) No person shall use, spread, cause, permit to be spread any herbicide on any lot which is located within fifty (50) metres of the shoreline of Lake Bernard within the Village of Sundridge.

(3) No person shall use, spread, cause, permit to be spread any pesticide on any lot which is located within fifty (50) metres of the shoreline of Lake Bernard within the Village of Sundridge.

3. ENFORCEMENT AND PENALTY PROVISIONS

(1) The By-law Enforcement Officer or a Provincial Offences Officer is hereby authorized to enforce the provision of this by-law.

(2) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for by the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

(3) Where a conviction is entered under this section of the by-law, in addition to any other remedy or penalty provided by the law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

(4) No person shall hinder or obstruct an Officer in the enforcement of this by-law.

(5) Any person who is alleged to have contravened any section of this by-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer in the execution of his duties.

4. SCHEDULE “A”

Schedule “A” attached hereto shall be and does form part of this by-law

Part 1 Offences short form wording and set fines for such offences.

- I. Once the by-law has been approved, the short form wording and set fines will be applied for with the Provincial Offences Courts to have them approved.*
- II. These offences can be issued as a Part 1 ticket on the persons committing the offences on the day of offence, or within 30 days of the offence.*

ENACTED AND PASSED THIS 23th DAY OF MARCH 2022.

Original Signed by Mayor Hall
Lyle Hall, Mayor

Original Signed by Nancy Austin
Nancy Austin, Clerk-Administrator

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

**PART 1 PROVINCIAL OFFENCES ACT By-law Number 2022-016: Use of Chemical
Fertilizers and Pesticides**

SCHEDULE "A"

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Use of Chemical Fertilizer where prohibited	2 (1)	\$500.00
2	Use of Herbicide where prohibited	2 (2)	\$500.00
3	Use of Pesticide where prohibited	2 (3)	\$500.00
4	Hinder Officer	3 (4)	\$500.00

Note: the general penalty provision for the offences listed above is section 3(2) of bylaw 2022-016, a certified copy of which has been filed.