

General Letter



City of Kingston

216 Ontario Street
Kingston, Ontario
Canada K7L 2Z3

www.cityofkingston.ca

where history and innovation thrive

2008-05-21

All Municipalities in Ontario with a population over 50,000

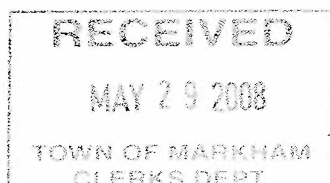
Dear Sirs:

RE: MOTION (9) – MAY 20, 2008 – BILL 64 – PESTICIDE ACT

I would confirm that Kingston City Council at its regular meeting held on May 20, 2008, approved the following Motion (9):

- (9) Moved by Councillor Schmolka
Seconded by Deputy Mayor Matheson
- WHEREAS** the City of Kingston passed a by-law regarding the cosmetic use of pesticides on December 18, 2007, with the by-law coming into effect on October 15, 2008; and,
WHEREAS the Province of Ontario has given first reading to Bill 64, "An Act to Amend the Pesticide Act to prohibit the use and sale of pesticides that may be used for cosmetic purposes"; and,
WHEREAS Bill 64 is posted on the Environmental Registry, EBR 010-3348 with a deadline for comments of May 22, 2008; and,
WHEREAS Bill 64 does not, in some aspects, protect the public from pesticide use as effectively as Kingston's by-law will when it comes into force; and,
WHEREAS the proposed provincial law says in section 7.1(5) that "A municipal by-law is inoperative if it addresses the use, sale, offer for sale or transfer of a pesticide that may be used for a cosmetic purpose", thereby overriding Kingston's by-law;
THEREFORE BE IT RESOLVED THAT City staff be directed to respond to the Environmental Registry posting by the deadline stating that the City of Kingston:
- supports Bill 64 generally **CARRIED**
 - does not support section 7.1(5) which makes municipal by-laws regarding pesticides inoperative **CARRIED**
 - requests that the provincial government's pesticide law follow the approach in The Smoke Free Ontario Act which states that "if there is conflict between [the Act] and a provision of another Act, a regulation or a municipal by-law that deals with smoking, the provision that is more restrictive of smoking prevails." **CARRIED**
 - requests that the provincial government allow municipalities to retain their power to make pesticide bylaws acknowledging public health and local needs and consistent with recent changes to the Municipal Act that recognize municipalities' powers to act to protect human health and the environment; **CARRIED**

...continued on Page 2



Clerk's Department
Corporate Services

Phone: (613) 546-4291 ext. 1247 Fax: (613) 546-5232 cdowns@cityofkingston.ca

City of Kingston

216 Ontario Street
Kingston, Ontario
Canada K7L 2Z3

Motion (9), May 20, 2008, continued

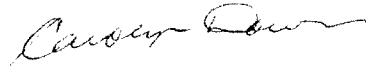
Page 2

- and further -

THAT Council's decision be sent to all municipalities with a population over 50,000 in Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and the Honourable John Gerretsen, Ontario Minister of the Environment as soon as possible.

CARRIED

Yours truly,



Carolyn Downs
City Clerk

/ki

Cc: Councillor V. Schmolka

File No. P18



**Clerk's Department
Corporate Services**

Phone: (613) 546-4291 ext. 1247 Fax: (613) 546-5232 cdowns@cityofkingston.ca