

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0047

Sponsored by: <b>Councilmembers Simon, Rogers, Miller and Jones</b>	<b>An Ordinance</b> prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and regulating the use of pesticides by entities receiving County funds, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, The use of pesticides with known carcinogens in Cuyahoga County is of such great concern to the County Council that in order to protect the health, safety and welfare of Cuyahoga County residents this ordinance is being adopted. The County Council desires to formalize Cuyahoga County's official policy of not using pesticides on County property by prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way including both aerial spraying and ground applications; and,

WHEREAS, it is necessary that this Ordinance become effective immediately in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county department.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

### **SECTION 1. Definitions.**

As used in this Ordinance,

**“Covered Entity”** shall mean any board, commission, agency, corporation, or other entity or authority over which the County Council does or does not have direct, immediate supervision of operational, daily management decisions, which receives County funds.

**“Pesticide”** shall mean any spray adjuvant, substance or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to vegetation, man, animals or households, or be present in any agricultural or non-agricultural environment, including fungicides, herbicides, insecticides, nematicides, rodenticides, dessicants, defoliants, and plant growth regulators.

**SECTION 2. Prohibition of the use of Pesticides on County Owned Property.**

- (a) The use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and buildings owned and maintained by Cuyahoga County, is hereby prohibited.
- (b) The “use of pesticides” shall include both aerial and ground spraying and or dusting and all other ground applications.

**SECTION 3. Exception.**

The use of pesticides may be approved on a case-by-case basis by adoption of a Resolution receiving the affirmative vote of eight of the members of Council at a full County Council meeting with a mandatory finding that the health, safety and welfare of the community is so threatened that an emergency exists, that no reasonable alternative is available and the prohibition of the use of pesticides would create the potential for allowing a significant adverse impact on the County.

**SECTION 4. Organic Pest Management and Integrated Pest Management.**

Organic Pest Management (OPM) strives first and foremost to prevent pest problems through the application of natural, organic horticultural and maintenance practices. OPM shall incorporate the principles of **Integrated Pest Management (IPM)** in its program.

IPM is an ecologically-sound approach to suppressing and eliminating pest populations to keep them from causing health, economic, or aesthetic injury. IPM utilizes site-specific information about pest biology and behavior, environmental conditions, and the dynamics of human characteristics and activities in dealing with the prevention and control of pests that interfere with the purpose and use of a particular site.

The following steps outline the basic approach used in an IPM program:

- (a) Monitoring and scouting the turf of landscape in question;
- (b) Accurate record-keeping documenting any potential pest problems;
- (c) Evaluation of the site with regard to any injury caused by a pest in question and a determination made on which course of treatment to follow;
- (d) Chosen treatment to be the least damaging to the general environment and one that best preserves the natural ecosystem;

- (e) Chosen treatment to be the most likely to produce long-term reductions in pest control requirements. The effective implementation must be operationally feasible, and must be cost effective in the short and long term;
- (f) Chosen treatment must minimize negative impact to non-target organisms;
- (g) Chosen treatment must be the least disruptive of natural controls available;
- (h) Chosen treatment must be the least hazardous to human health.

**SECTION 5. Restriction of the Use of Pesticides on Property Owned by Entities Receiving County Funds.**

Every Covered Entity shall adopt an OPM which includes an IPM approach to pest management.

**SECTION 6. Notification.**

Residents of Cuyahoga County have a right to know when pesticides are being used in their neighborhood on private property in order to allow time to take precautions to protect themselves, their family, pets and property from hazards of pesticide exposures.

The following steps outline required notification by Covered Entities:

- (a) Covered Entities shall provide sufficient notice to neighboring property occupants prior to the use of pesticides on private property.
- (b) Timing of notice: Covered Entities shall provide the sufficient notice within a minimum of 48 hours prior to the application of pesticides.
- (c) Type of notices required: Covered Entities must place a visible 8 ½ x 11 **Pesticide Alert** notice on a form approved by the County Board of Health in a conspicuous place where the pesticide application will occur and shall deliver an approved written notice 48 hours in advance either by a mail service or a hand delivered notice attached to an accessible front door or front gate if locked of every separate residential unit within 150 feet of the posted property. The notice shall include the address and approximate location of the pesticide application, date and estimated time of use, the type of pesticide being used and an appropriate toll-free number for information regarding the product content and potential impacts.

- (d) Distance of notification coverage: All separate residential units within 150 feet of the parcel where pesticide application is to occur shall receive proper written notification as stated above.

**SECTION 7. Alternative Methods.**

Natural, organic turf and landscape cultural practices and maintenance shall be the method of choice for a Covered Entity to understand, prevent, and control potential pest problems, except for the following:

- (a) The pest situation poses a threat to human health and/or environment;  
and
- (b) Viable alternatives consistent with open policy do not exist.

**SECTION 8. Effective Date.**

Provided this Ordinance receives the affirmative vote of eight of the members of Council, it shall take effect immediately upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided in a consistent manner, and so that the usual and daily operations of government may continue to function.

**SECTION 9.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: September 27, 2011  
Committee(s) Assigned: Environment & Sustainability

Additional Sponsorship Requested on the Floor: September 27, 2011

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011