



Legislation Text

File #: O-348-22, Version: 1

Council Members Gadus, Komives and Melden

Amending the Toledo Municipal Code by enacting a new Section 1777.18, Pesticide Prohibition and Transparency; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo recognizes that many pesticides are toxic and that the use of these pesticides is a threat to the health, safety and welfare of the residents of Toledo. In order to promote a healthy environment and protect the public from the hazards of pesticides, and for implementation of sustainable land management practices, it shall be the policy of the City of Toledo to eliminate toxic pesticide use in and on all property owned, controlled or maintained by the City. The City recognizes that there is an ongoing need to manage pests to protect public health and safety, our environment and City property, so therefore hereby establishes an Environmental Board of Review to review the consideration of Organic Pest Management (OPM) and Integrated Pest Management (IPM) strategies.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 1777.18 of the Toledo Municipal Code is enacted as follows:

1777.18 PESTICIDE PROHIBITION AND TRANSPARENCY.

(a) Definitions. As used in this section certain terms are defined as follows:

- (1) "Pesticide" means any substance produced or distributed for preventing, destroying or repelling any insects, weeds, rodents, fungi, nematodes, mites, spiders or other forms of plant or animal life or viruses (such as any herbicide, insecticide, acaricide, nematocide, rodenticide or fungicide), except viruses on or in living humans or other animals. This includes any fertilizer mixture which contains Pesticides within it.
- (2) "Application of a Pesticide" means the placement for effect of any Pesticide at or on the exterior site where Pest control or other response is desired.
- (3) "Pest" means any organism, plant or animal, targeted for elimination or control by a Pesticide.
- (4) "City Property" means any land owned, controlled or maintained by the City.
- (5) "Exempt Property" means land not owned, controlled or maintained by the City of Toledo, and includes tree lawns adjacent to public rights-of-way.

(b) Prohibition of Pesticide Use. Except as provided in divisions (c) and (d) of this section, no person shall apply any Pesticide on the gardens, lawns, lands, grounds or other exterior premises of any City

Property.

(c) Exceptions.

- (1) Properties defined as Exempt Property herein are not subject to this section.
- (2) The ground-level application of larvicides, adulticides, and rodenticides is permitted as a public health measure necessary to reduce the spread of disease pursuant to recommendations and guidance provided by the Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, and the Ohio Department of Agriculture. Any rodenticides shall be placed in tamper-proof products, unless designed and registered for specific environments inaccessible to humans and pets. Under no circumstances shall aerial spraying or roadside spraying be permitted.

(d) Request for Pesticide Application.

- (1) In the event Pesticide Application is considered necessary on City Property, a request for Pesticide Application shall be submitted to the Environmental Review Board, as established in paragraph (2) herein.
- (2) The Environmental Review Board (“Board”) is hereby created to hear and decide upon requests for Pesticide Application on City Property. The Board shall consist of the following:
 - (A) the Director of the Department of Parks and Youth Services or designee;
 - (B) the Director of the Department of Public Utilities or Designee;
 - (C) the Chair of the City Council Water Quality and Sustainability Committee;
 - (D) a member of the public with knowledge of pesticide use and organic and integrated pest management strategies, to be appointed by the Mayor subject to Council Confirmation; and
 - (E) a representative of the Lucas County Regional Board of Health, to be designated by that agency.
- (3) The Board shall meet as needed in response to requests for permission to apply Pesticides on City Property. The Board shall elect its Chair, who shall serve as the primary contact for the Board and to whom requests shall be given.
- (4) The Board shall determine what form a request may take and what documentation is required.
- (5) Prior to the approval of a request for pesticide application, the Board shall conduct a review of the applicant's consideration of Organic Pest Management (OPM) and Integrated Pest Management (IPM) strategies.
- (6) The Board may grant permission for the Application of Pesticides under controlled and limited conditions when the Board determines that such application is necessary for the public health and safety, the control of invasive plants, or the preservation of property, and will not pose a danger to City residents.

- (7) A majority vote of those present, in person or via remote conference connection, is required to approve a request for Pesticide Application on City Property.
- (e) Transparency. The City of Toledo shall publish data on its website of all Pesticides applied to City Properties each year. Per Ohio Environmental Protection Agency standards, this data will include the brand name of chemical applied, the volume applied, the date applied, and the name of the licensed applicator.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and 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.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and the protection of the residents of the City of Toledo from the potential harms of pesticide exposure.

Vote on emergency clause: yeas 11, nays 0.

Passed: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

September 15, 2022
Wade Kapszukiewicz
Mayor