



**City of Northampton**  
MASSACHUSETTS

*In the Year Two Thousand and Nineteen*

Upon the Recommendation of Councilor Alisa F. Klein

**19.166 AN ORDINANCE**  
**REQUIRING THE USE OF ORGANIC PEST MANAGEMENT PRACTICES IN THE MUNICIPAL PLACES**  
**WHERE CHILDREN PLAY**  
**“KEEPING CHILDREN SAFE FROM PESTICIDES”**

**Purpose**

The purpose of this ordinance is to safeguard the health and welfare of the children and other residents of the City of Northampton by protecting them from pesticides and requiring the adoption of Organic Pest Management (OPM) practices for the turf and landscape of the city’s municipally-owned parks, playing fields, and playgrounds. This ordinance, to be known as the “Keeping Children Safe from Pesticides Ordinance” is designed to, over a period of four years, reduce and ultimately eliminate the use of chemical fertilizers and pesticides by implementing an organic management program in the places children play.

The “Keeping Children Safe from Pesticides Ordinance” recognizes that the use of pesticides may have unintended and profound effects upon indigenous and desirable plants, surface and ground water, bees, desirable insects, birds, fish, wildlife, pets, people, and especially children in the vicinity of treated areas. It recognizes that all citizens, particularly children, fetuses, and people with immune deficiencies, are vulnerable to the deleterious effects of pesticides and have a right to protection from exposure to the hazards pesticides pose. The City of Northampton recognizes that it is in the best interest of the public health of Northampton’s residents and visitors to reduce and ultimately eradicate the use of pesticides in the municipal places where children play.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

*That Chapter \_\_\_\_\_ (Article \_\_\_\_\_) of the Code of Ordinances be amended as follows:*

§ \_\_\_\_\_.

**A. Definitions. For purposes of this section:**

1. “Pesticides” means any spray adjuvant, substance, or mixture of synthetic chemical 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, humans, animals, or households, including fungicides, herbicides, rodenticides, insecticides, acaracides, nematocides, larvicides, defoliant, and

plant growth regulators. This includes any fertilizer mixture that includes pesticides within it.

2. "Organic Pest Management (OPM)" means an approach to eliminating pests using only products derived only from natural (animal or vegetable) ingredients such as natural oils, minerals from the earth, and plants.
3. "Municipal places where children play" means city-owned parks, playing fields, and playgrounds with the exception of those playing fields and playgrounds and any other municipal properties controlled by the Northampton Public and Smith Vocational school districts.
4. "Public health" means the science and practice of protecting and improving the health of a community through prevention and interventions that protect the entire population from illness, disease, and injury.
5. "Pests" means any agent (animal, plant, insect, organism, or microorganism) targeted for elimination or control by a pesticide.

**B. Organic Pest Management.** Except as provided in Section D, over a period of four (4) years from the date of ratification of this ordinance, the turf and landscape management of parks, playing fields, and playgrounds owned by the City of Northampton will be transitioned to an Organic Pest Management System. Four years from the date of the ratification of this ordinance, the use of pesticides on parks, playing fields, and playgrounds owned by the City of Northampton will be prohibited.

**C. Enforcement.**

1. The City of Northampton shall be responsible for the enforcement of this Ordinance and its agents shall be authorized to issue statements of offense.
2. Any citizen or entity may commence a civil action on his, her or its own behalf — (I) against any person or entity who is alleged to be in violation of (A) a standard or limitation under this Ordinance, or (B) an order or directive issued by the City, or its employees, with respect to a standard or limitation under this Ordinance; or (II) against the City where there is alleged a failure of the City, and or its agents, employees, or contractors, to comply with, perform or refrain from any act, duty, standard or limitation under this Ordinance.
3. Any citizen or entity who wholly or partially prevails in a civil action brought to enforce any provision of this Ordinance shall recover from any defendant all of his, her or its attorney's fees and costs incurred in preparing, bringing and prosecuting of such civil action.

**D. Exceptions.** The prohibition shall not apply:

1. To properties under the jurisdiction of the Northampton Public and Smith Vocational school districts.
2. In situations of public health emergency. The application of pesticides is permitted as a public health measure necessary to reduce the spread of disease and in situations that pose an imminent threat of serious injury to persons or property. Any pesticide application authorized under this ordinance shall be administered in accordance with all state and federal statutes and applicable administrative regulations.
3. The Department of Health will hear and decide upon requests for permission to apply pesticides in situations of public health emergency or when necessary as in D2, above. The Department of Health shall decide upon the request to use pesticides at a duly noticed public meeting and shall have the authority to grant a temporary, limited-use waiver, on a case-by-case basis, only after having determined that the petitioner has reasonably exhausted all non-chemical methods of controlling the public health emergency. Authorization for pesticide use shall not be given except upon consideration of the alternatives to pesticide use, potential property damage, potential effects upon ground or surface water, and the potential impacts upon the human and natural environment. Authorization will be granted for a limited and specific purpose and for a defined period of time only.

**E. Notification of Pesticide Use.**

1. Public notice will be provided whenever pesticides are used as per the Exception process outlined in Section C above, in the municipal places children play.
2. Warning signs shall be posted at least 48 hours prior to application and shall be left in place for at least 72 hours after actual application or until expiration of any time of safe reentry as indicated by the pesticide label, whichever is longer.
3. All signs required under this Section shall be at least 36" X 11" in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid material substantial enough to be easily read for at least the length of time required after application in all weather conditions. Signs will be placed at intervals of no less than 20 feet apart around the perimeter of the area in which the pesticide is to be applied.
4. All signs under this Section shall contain red lettering upon a white background. The signs shall have lettering not less than 20" in height and shall be conspicuous and clearly legible. All signs shall bear the words "**DANGER - AREA TREATED WITH PESTICIDE - DO NOT ENTER. FOR MORE INFORMATION, CALL \_\_\_\_\_.**"

**F. Effective Date.** This ordinance shall be in force from and after its passage, publication and recording according to law.