



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 C, 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. 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 director of the Health Department or their designee will hear and decide upon requests for permission to apply pesticides in situations of public health emergency or when necessary as in C2, above. The Health Department 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.

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