

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 6.10 (WEED ABATEMENT PROCEDURES) AND ADDING CHAPTER 6.11 (INTEGRATED PEST MANAGEMENT) TO TITLE 6 (HEALTH AND SANITATION) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 955-2019

The City Council of the City of Fort Bragg ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. It is in the public interest that the City regulate the application of pesticides on public property.
2. The adoption of this ordinance is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Cal. Code of Regulations Article 19, Sections 15307 and 15308 for actions by regulatory agencies for the protection of natural resources and protection of the environment.

Section 2. Chapter 6.10 of Title 6 (Health and Sanitation) entitled **WEED ABATEMENT PROCEDURES** is hereby repealed in its entirety and replaced with the following:

**CHAPTER 6.10
WEED ABATEMENT PROCEDURES**

6.10.010 WEED ABATEMENT PROCEDURES

- A. For weeds and vegetation growing on private property, the City will utilize the Weed Abatement Procedures as set forth in Cal. Government Code §§ 39501 et seq. and Chapter 6.12, Nuisances.
- B. For weeds and vegetation growing on City property, no pesticide containing a chemical identified as prohibited by the City's Integrated Pest Management Plan list shall be used to abate or control weeds in the public right-of-way or on City property. All weed abatement on City property and in the public right-of-way shall be done in compliance with Chapter 6.11, Integrated Pest Management.

Section 3. Chapter 6.11 entitled **INTEGRATED PEST MANAGEMENT** is hereby added to Title 6 (Health and Sanitation) as follows:

CHAPTER 6.11 INTEGRATED PEST MANAGEMENT

6.11.010 DEFINITIONS.

BEST MANAGEMENT PRACTICES or **BMP** means actions based on current science and technology that have been proven to be effective in the control and management of the site or pests to prevent or reduce the incidence of pest problems, with careful consideration given to protect public health and safety, wildlife and the environment.

CITY PROPERTY means property, rights of way, and easements that are owned by the City of Fort Bragg.

INTEGRATED PEST MANAGEMENT or **IPM** means a decision-making and record-keeping process for managing pests that uses monitoring to determine pest injury levels and combines biological, cultural, mechanical, physical, and chemical tools and other management practices to control pests in a safe, cost effective, and environmentally sound manner that contributes to the protection of public health and sustainability. This method uses extensive knowledge about pests, such as infestations, thresholds, life histories, environmental requirements, and natural enemies to complement and facilitate biological and other natural control of pests. The method involves the use of non-chemical pest control methods and the careful use of least-toxic chemical methods when non-chemical methods have been exhausted or are not feasible.

PEST means any pest as defined in Section 12754.5 of Chapter 2 of Division 7 of the California Food and Agricultural Code. Pest includes any of the following that is or is liable to become, dangerous or detrimental to the public health or the agricultural or nonagricultural environment of the state:

- (1) Any insect, predatory animal, rodent, nematode or weed;
- (2) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria or other microorganism (except viruses, fungi, bacteria or other microorganisms on or in living man or other living animals);
- (3) Anything that the Secretary of the California Department of Food and Agriculture or the Director of Pesticide Regulation for the California Department of Food and Agriculture by regulation declares to be a pest.

PEST CONTROL means the use of any substance, pesticide, method, or device to do any of the following:

- (a) Control pests.
- (b) Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.
- (c) Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants. (Enacted by Stats. 1967, Ch. 15.)

PESTICIDE means any substance, or mixture of substances, that is intended to be used for controlling, destroying, repelling, or mitigating any pest or organism, excluding antimicrobial pesticide(s) as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).

6.11.020 PESTICIDE USE PROHIBITED.

- A. The City Council shall adopt by Resolution an Integrated Pest Management Plan for use of pesticides on City property.
- B. The City shall not use any pesticide containing a chemical prohibited by the City's adopted Integrated Pest Management Plan on or in any City owned, operated or maintained property, building or facility except in accordance with the City's Pest Management Plan.
- C. **Exemption.** A City department may apply for an exemption to the pesticide prohibition in the event that a pest outbreak poses an immediate threat to public health, will result in detriment to the environment or an environmentally sensitive habitat area or significant economic damage will result from failure to use a pesticide prohibited pursuant to Section 6.11.020, provided that all other options contained in the Integrated Pest Management Plan have been investigated and a compelling need to use the pesticide exists. The application for an exemption shall be filed with the Public Works Director.

This exemption shall not apply to the use of any pesticide for the purpose of improving or maintaining water quality for drinking water treatment, waste water treatment, and related water collection, distribution and treatment facilities.

6.11.030 BEST MANAGEMENT PRACTICES FOR PESTICIDES APPLICATION.

In approaching a pest management issue, the following steps shall be taken to ensure that any pesticide use as authorized by this Chapter is reduced to the maximum extent practicable.

- A. Any employee or contractor hired to apply pesticides on City Property must have pesticide safety training prior to the use of any pesticide, regardless of toxicity. A record must be made of each employee applying pesticides, and evidence of training certified by the trainer/supervisor.
- B. No pesticides or fertilizers shall be applied during irrigation or within 48 hours of predicted rainfall with greater than 50% probability as predicted by the National Oceanic and Atmospheric Administration (NOAA).
- C. Pesticide Storage, Transportation and Disposal.
 - 1. Storage – Pesticides used by the City shall be stored in a manner consistent with the label requirements of the products being used.
 - 2. Transportation – Pesticides shall be transported in a manner consistent with the label requirements of the products being used. Containers shall be secured during transport in a manner that will prevent spillage into or out of the vehicle.
 - 3. Empty Containers – Empty pesticide containers, other than bags, must be rinsed and drained into the spraying equipment on site by the applicator, at the time of use, using the triple rinse method. Rinse solution should be applied to the treated areas or otherwise safely disposed of.
 - 4. Required Labels – All pesticide containers must be labeled with the following information:
 - a) Name of pesticide
 - b) Category of pesticide

- c) EPA registration number
 - d) Active ingredient
5. Spills - Small spills of pesticides shall be cleaned up immediately with absorbent material. For major toxic pesticide spills, the Police Department must be contacted to request Emergency Response Personnel for spill clean-up. The location of the spill, what pesticide was spilt, the pesticide's category, and its proximity to storm drains.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 5. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on November 25, 2019 and adopted at a regular meeting of the City of Fort Bragg held on December 9, 2019 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

William V. Lee
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: November 27, 2019 and December 19, 2019 (by summary).
EFFECTIVE DATE: January 8, 2020.