

ORDINANCE NO. 131-1995(PSH), As Amended

By Council Member Evans

An Ordinance enacting and adopting a new Chapter 1785, entitled "Application of Pesticides", to be contained in Part Seventeen - Health Code - of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency.

WHEREAS, relatively little is known about the long-term effects of pesticides upon human beings and the environment; and

WHEREAS, exposure to the toxic chemicals classified as pesticides can cause illness in susceptible persons; and

WHEREAS, exposure to pesticides can be particularly dangerous to children; and

WHEREAS, it is in the best interest of the City and its residents to reduce the risk of involuntary exposure to pesticides by prohibiting the use of said chemicals on public grounds, child day-care centers, schools and libraries.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The following Ordinance shall be and hereby is adopted and enacted in its entirety as Chapter 1785 of the Codified Ordinances of the City of Cleveland Heights:

CHAPTER 1785  
Application of Pesticides

1785.01 DEFINITIONS.

As used in this Chapter:

- (a) "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 (i.e., 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.
- (b) "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.
- (c) "School" means any preschool, nursery school, kindergarten, elementary school, or high school.

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- (d) "Child day-care" means administering to the needs of infants, toddlers, pre-school children and school children outside of school hours for consideration by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
- (e) "Child day-care center" means any place in which child day-care is provided, excluding child day-care provided in the permanent residence of the provider if provided to no more than six children at one time, including any children of the provider who are under six years of age and on the premises, and no more than three of the children on the premises at any one time are under two years of age.
- (f) "Public property" means any land owned by the City or by any other governmental entity, including, without limitation, public parks and public playgrounds.

1785.02 PROHIBITION ON PESTICIDE USE

Except as provided in Section 1785.03 of this Code, no person shall apply any pesticide on the gardens, lawns, lands, grounds or other exterior premises of any of the following facilities: Schools, child day-care centers, public properties or libraries.

1785.03 ENVIRONMENTAL REVIEW BOARD

An Environmental Review Board is hereby created to hear and determine requests for permission to apply pesticides in specific cases. The Board shall consist of the City Manager and the Director of the Department of Community Services, or their representatives, and the Chairman of the Public Safety and Health Committee of Council, or a member of that Committee. 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 or the preservation of property and will not pose a danger to City residents.

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1785.04 PENALTY

A violation of this Chapter shall be a minor misdemeanor on the first offense, and a fourth degree misdemeanor on a second or subsequent offense.

SECTION 2. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to enact this Ordinance during the current yard-maintenance season. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CAROL EDWARDS, Mayor  
President of the Council

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ROBERT B. CERTNER  
Clerk of Council

PASSED: September 18, 1995

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