

PROPOSED

AMENDED
November 7, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 36

Bill No. 76-16

Introduced by Mr. Trumbauer and Mr. Pruski

By the County Council, October 4, 2016

Introduced and first read on October 4, 2016
Public Hearing set for and held on November 7, 2016
Public Hearing on AMENDED BILL set for November 21, 2016
Bill Expires January 7, 2017

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Recreation and Parks – Playgrounds – Pesticide
2 Application

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4 FOR the purpose of defining “playground”; prohibiting the application of pesticides on
5 playgrounds in County parks; providing that a report of the implementation of this
6 Ordinance be prepared by the Department of Public Works; providing for the
7 termination of this Ordinance; and generally related to County parks.
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9 BY repealing and reenacting with amendments: § 14-1-105
10 Anne Arundel County Code (2005, as amended)
11

12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
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ARTICLE 14. RECREATION AND PARKS

TITLE 1. IN GENERAL.

14-1-105. Integrated Pest Management Plan.

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21 (a) **Definitions.** [For purposes of] IN this section, THE FOLLOWING WORDS HAVE THE
22 MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (1) “[least] LEAST toxic pesticide” means a substance not listed by the United
2 States Environmental Protection Agency as a pesticide in Toxicity Category I or II, a
3 carcinogen, or an inert ingredient of toxicological concern.
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5 ~~(2) “PLAYGROUND” MEANS AN ACTIVE RECREATIONAL USE WITH SPECIALIZED~~
6 ~~PLAY EQUIPMENT AND FACILITIES AS WELL AS COMMON PLAY AREAS FOR CHILDREN.~~
7

8 (2) “PLAYGROUND” MEANS A DELINEATED OUTDOOR PLAY AREA WITH
9 SPECIALIZED PLAY EQUIPMENT SET ASIDE FOR ACTIVE RECREATIONAL USE BY
10 CHILDREN BUT DOES NOT INCLUDE OPEN AREAS OR PLAYING FIELDS.
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12 (b) **Plan required.** EXCEPT AS PROVIDED IN SUBSECTION (C), [An] AN Integrated
13 Pest Management Plan that meets or exceeds the standards required for school
14 playgrounds and athletic fields under the Agriculture Article of the State Code and
15 provides for the use of only the least toxic pesticides available is required for all County
16 parks and athletic fields.
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18 (C) **Playgrounds; Pesticides Prohibited.** EXCEPT AS PROVIDED IN SUBSECTION (F),
19 THE DEPARTMENT MAY NOT APPLY PESTICIDES ON A PLAYGROUND IN A COUNTY PARK.
20 ALTERNATIVE METHODS FOR REMOVAL OF VEGETATION AND PESTS SHALL BE
21 IMPLEMENTED FOR ALL PLAYGROUNDS. FAILURE TO CONTROL GROWTH OF WEEDS AND
22 OTHER VEGETATION AT PLAYGROUNDS DOES NOT CONSTITUTE AN EMERGENCY PEST
23 SITUATION FOR PURPOSES OF SUBSECTION (F).
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25 [(c)] (D) **Notice of plan.** The Department shall:
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27 (1) post a copy of the Department’s Integrated Pest Management Plan and any
28 proposed updates to the Plan on the County website; and
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30 (2) post a notice of the Plan at each County park and athletic facility that shall
31 include:
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33 (i) a statement that explains the Integrated Pest Management Plan and lists any
34 pesticide that may be used as part of the Plan;
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36 (ii) the street address, website address, and telephone number for the Department
37 for questions regarding the Integrated Pest Management Plan; and
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39 (iii) a statement that the Department maintains the product label or material
40 safety data sheet of each pesticide used by the Department, that the label or data sheet is
41 available for review, and that the Department may be contacted for additional
42 information and comment.
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44 [(d)] (E) **Notification prior to application.** At least 24 hours before a pesticide is
45 applied at a park or athletic facility, the Department shall post a notice at the park at
46 which the pesticide is to be applied. The notice shall include:
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48 (1) the common name of the pesticide;
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50 (2) the location of the application;
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1 (3) the planned date and time of application;

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3 (4) any United States Environmental Protection Agency warning regarding
4 exposure to the pesticide to be applied;

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6 (5) a brief description of potential adverse effects based upon the material
7 safety data sheet of the pesticide to be applied; and

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9 (6) a notice that weather conditions or other circumstances may cause the
10 actual date of application to be postponed to a later date or dates, for which notice will be
11 provided if the date is more than 14 days after the planned application date.

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13 [(e)] (F) **Emergency pest control.** A pesticide may be applied without prior
14 notification only if an emergency pest situation exists. Within 24 hours after an
15 emergency pesticide application, the Department shall post at the park a notice that a
16 pesticide was applied for emergency pest control. The notice shall include:

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18 (1) the common name of the pesticide applied;

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20 (2) the approximate location of the application;

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22 (3) the date of application; and

23
24 (4) the reason for the emergency application.

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26 SECTION 2. And be it further enacted, That, within the eleventh month after the
27 effective date of this Ordinance, the Department of Public Works shall report to the
28 County Executive and the County Council on the implementation of this Ordinance.

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30 SECTION 3. And be it further enacted, That the provisions of this Ordinance shall
31 remain in effect for 15 months from the date this Ordinance becomes effective, after
32 which it shall stand repealed and with no further action required by the County Council,
33 be of no further force and effect.

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35 SECTION 2. 4. And be it further enacted, That this Ordinance shall take effect 45
36 days from the date it becomes law.