

RESOLUTION #1-R-23

ON THE ADOPTION OF LANGUAGE TO CONTROL THE UNINTENDED MISUSE OR AND OVERUSE OF PESTICIDES, HERBICIDES AND FERTILIZERS ON PUBLIC PROPERTY

Date: February 15, 2023

Submitted By: Alderperson Del Toro – District 4, Alderperson Meltzer – District 2, Alderperson Fenton – District 6, Alderperson Schultz – District 9, Alderperson Wolff – District 12

Referred To: Legal Services Department, Department of Public Works, Department of Parks & Recreation, Health Department

Resolution Summary:

This resolution commits to educating our community regarding the proper use of lawn care chemicals including fertilizer, and pesticides. The resolution takes into consideration that chemicals should be applied with using the explicit guidelines stated by their labels and only under certain conditions. This resolution reflects the city's commitment to a cleaner environment and protects the health and well-being of users the public right of way.

WHEREAS, the runoff from private application and overuse of chemical fertilizers and lawn care products can enter into our local waterways and negatively impact water quality; and

WHEREAS, the misuse of chemical non-organic lawn treatments causes unintended drift and scatter on city sidewalks and adjacent properties which can be hazardous to the health of our citizen's, our pet's and our urban wildlife populations; and

WHEREAS, spray application of chemical fertilizers, herbicides and pesticides are ineffective when applied under certain environmental conditions and may drift by wind dispersal or wash off into our stormwater system; and

WHEREAS, the City of Appleton is committed to good stewardship of our natural ecosystems as evidenced by our standing certifications as a Bird City, Bee City, Monarch City and Tree City USA, and

WHEREAS, the City of Appleton is committed to maintaining a healthy watershed and reducing chemical runoff into our water bodies; and

WHEREAS, the City of Appleton adopted a Health in all Policies ordinance which inherently covers regulations governing public property including city sidewalks, terraces and other public rights-of-way and the misuse of potentially hazardous applications of non-organic controls which may be absorbed or ingested by our citizens and our pets; and

WHEREAS, the Municipal Code of the City of Appleton includes definitions, regulations and means of enforcement of private citizen requirements to maintain safe, open and hazard-free sidewalks; and

WHEREAS, Wisconsin Law offers protection (ATCP 29.50) against overspray and chemical drift of pesticide that protects local and commercial food producers;

LET IT BE RESOLVED that the city is committed to working to educate the public about best use of lawn care chemicals, guidelines and regulations, reporting methods and will include educational information of such on the City website, social media, and in any applicable city mailings and publications; and

BE IT FURTHER RESOLVED, that chemical fertilizers (to include sprays, granular and powder form pesticides (which include herbicides and insecticides) shall not be applied to city-owned public rights-of-way, which is commonly the edge of the sidewalk adjacent to the property owner. These rules and regulations are to apply to all private and public property with areas less than 5 acres; and

BE IT FURTHER RESOLVED, that liquid or aerosolized chemical pesticides and fertilizers applied by private citizens, shall be applied only to their property and should not spread beyond property boundaries into city-owned or privately-owned neighboring properties. Application of lawn-care chemicals must follow the application guidelines stated on the chemical's label where the "label is the law"; and

BE IT FURTHER RESOLVED, that chemical fertilizers and pesticides shall not be applied on any property during any rainy days (or potentially rainy weather) or on windy days (winds in excess of 5 miles per hour) or at temperatures above 80°F (the point where these chemicals can become volatilized and ineffective); and

BE IT FURTHER RESOLVED, that any property that uses chemical fertilizers and pesticides, whether personally applied or contracted, shall display visible signage of the exact chemical compounds being applied to their lawns along with contact information for local poison control in case of bystander or pedestrian unintentional exposure, and

BE IT FURTHER RESOLVED, that any lawn care chemical application will not be allowed in areas within 250 ft from any site identified by Driftwatch, FieldWatch and BeeCheck state registry; and

BE IT FURTHER RESOLVED, any application by a private citizen which can be identified as being in violation of these pesticide application guidelines may be subject to the same fines established for violation of existing sidewalk policy, and;

BE IT FURTHER RESOLVED, that in extreme cases where manual removal or mowing of noxious weeds as defined by the state of WI has proven to be ineffective, a permit to spray may be applied for and granted by the city for application of chemical treatments in areas less than 5 acres.
