ORDINANCE # 08-01
AN ORDINANCE OF THE ALBANY CITY COUNCIL REGARDING INTEGRATED PEST MANAGEMENT (IPM) POLICY AND REGULATIONS

WHEREAS, Chapter XVII of the Albany Municipal Code deals with Public Health within the City of Albany; and

WHEREAS, in 2004 the City Council adopted the Albany Parks and Recreation Master Plan which contains the following goal: *"Develop a pest management policy that favors the use of organic or natural methods. Through a thorough and public process, consider the careful and limited use of chemicals of the least toxic nature"*; and

WHEREAS, the City wishes to formalize its current informal practice to refrain from the use of pesticides, herbicides, fungicides, or similar products for purposes of pest control with regard to City property through adoption of an Integrated Pest Management (IPM) policy applicable to all City property and all City departments and contractors; and

WHEREAS, the purpose of an Integrated Pest Management (IPM) policy is to protect human health and the environment, and to establish a set of standard practices for design, maintenance, and operation of buildings and landscaping to minimize pest problems, address any pest problems by non-chemical methods, and to employ only the least-toxic chemical methods as a last resort and in the context of carefully integrated pest management planning to prevent the need for repeated use of chemical controls; and

WHEREAS, the City wishes to ensure that its purchases and use of public resources are consistent with integrated pest management (IPM) policies and practices, that the City plays a leadership role in developing both ecologically sensitive and aesthetically pleasing landscapes and structures, and that the City models environmental stewardship in its buildings and grounds maintenance practices; and

WHEREAS, the City, in carrying out its operations, wishes to follow the Precautionary Principle that assumes that pesticides pose risks to human health and the environment, with special risks to children; and

WHEREAS, in 2006 the City Park and Recreation Commission established an Integrated Pest Management (IPM) Task Force charged with the task of developing a pest management policy for consideration by the Commission and the City Council; and

WHEREAS, the IPM Task Force conducted publicly noticed meetings during 2006 and 2007, where the members reviewed policy documents and regulations of other jurisdictions, consulted with an IPM advisor and City Public Works staff, and considered research material on the subject; and

WHEREAS, on October 15, 2007 the IPM Task Force held a publicly noticed meeting where it approved a draft IPM Policy for review and approval by the Park and Recreation Commission, and ultimate review and approval by the City Council, that focuses on long-term pest prevention to eliminate the use of pesticides to the maximum extent feasible with regard to City property; and

WHEREAS, the Park and Recreation Commission held a publicly noticed meeting and heard public testimony on the draft IPM Policy on November 15, 2007 and December 13, 2007; and

WHEREAS, the proposed ordinance is categorically exempt from the requirements of California Environmental Quality Act ("CEQA") per Section 15308, "Actions by Regulatory Agencies for Protection of the Environment" of the CEQA Guidelines, which exempts actions taken by regulatory agencies for protection of the environment; and

WHEREAS, the Albany City Council, on January 22, 2008 after due public notice, held a public meeting on the proposed amendment to Chapter XVII Public Health regarding integrated pest management, and following said public hearing introduced this Ordinance for First Reading, and approved Resolution # 08-3 adopting an Integrated Pest Management Policy.

NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 17-XXX INTEGRATED PEST MANAGEMENT POLICY AND REGULATIONS

17-XX Purpose.

The Integrated Pest Management (IPM) Ordinance, which shall apply to all City owned, operated or maintained property, is adopted in order to protect human health and the environment and to authorize the establishment of a set of policies and standard practices for design, maintenance, and operation of building and landscaping to minimize pest problems, address any pest problems by non-chemical methods, and to employ only the least-toxic methods as a last resort and in the context of carefully integrated pest management planning to prevent the need for repeated use of chemical controls.

17. Definitions.

In accordance with the definitions contained in the Integrated Pest Management Policy and Regulations.

17.XX Contents of an Integrated Pest Management Policy.

The City Council shall establish by resolution, and review and update as necessary, *Integrated Pest Management Policy and Regulations,* and associated policies, and authorize the Park and Recreation Commission to periodically review these documents and forward recommended revisions if any. No Council action is necessary, if no revisions are proposed. The IPM Policy, and associated policies shall include, in the Council's discretion but not be limited to, the following elements:

a) Implementation process for developing an IPM Program
b) Designation of a City IPM Coordinator, City IPM Team, and professional IPM Advisor
c) Establishment of an IPM Oversight Committee, composed of citizens and City Commissioners
d) Procedures for Education/Training of Staff
e) Policy regarding Ban on Use of Toxicity Category I, II, and Certain Other Pesticides per state and federal regulations and other standards
f) Standards for Banning Certain Types of Fertilizers in keeping with the goal of using natural and organic fertilizers
g) Establishment of Special Protection Zones where pesticide use is prohibited except through the exemption process
h) Procedures for IPM Recordkeeping and Reporting
i) Identification of qualified pesticide applicators
j) Posting Procedures/Content of Notices of Pesticide Use
k) Methods of Product Selection and Placement on a Reduced Risk Pesticide List (RRPL)
l) Methods of Product Selection and Placement on an Environmentally Preferable Fertilizer List (EPFL)
m) Exemption and Appeal process
n) Storage of Pesticides and Fertilizers
o) Reviewing Plans for Public Landscape and New Construction projects
p) Community Education and Outreach

The Integrated Pest Management Policy shall be based on the recommendation of the Park and Recreation Commission.

17.XX Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, and phrase of this Article irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions

of this Article are declared to be severable.

PASSED AND ADOPTED by the City Council of the City of Albany, after a duly notice public hearing, at its meeting held on the ____ day of _____, 2007, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor Robert S. Lieber