

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 21, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on Pesticides – Healthy Outdoor Public Spaces. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 17, 2022.

HEALTHY OUTDOOR PUBLIC SPACES

§ ____-1. – Purpose.

The City of Norwalk recognizes that the health and safety of its residents is of paramount concern and that high standards for the promotion and protection of the health and safety of the people must underlie municipal action. It is also in the best interest of the City and its residents to protect the ecological integrity of the Long Island Sound and Norwalk's rivers and streams and to improve and protect water quality throughout the region.

Pesticides necessarily contaminate soil microbiology, plant life, wildlife, marine species, groundwater, rivers, and water wells. These lethal chemicals blindly kill and make no distinction between the unwanted pests and beneficial insects and healthy organisms. Many of these beneficial insects can help limit unwanted pests on properties where Organic Land Management practices are used.

Pregnant women, children, and pets are particularly vulnerable to the adverse health effects of pesticides, including cancer, respiratory, endocrinological, and neurodevelopmental disorders. Existing federal and state regulation of pesticides does not and cannot guarantee their safety. Fortunately, there are numerous effective and safe alternative solutions, as well as best property practices, that can be employed for sustainable lawn, soil, land, garden, and tree care.

Therefore, the City of Norwalk hereby creates this Chapter to promote a healthy environment that protects its residents, waterways, and wildlife from the risks inherent in pesticides by prohibiting or restricting their use on all City-owned public grounds, including but not limited to, parks, beaches, trails, recreation centers, and playgrounds.

§ ____-2. – Definitions.

“City Property” means any property owned, occupied, or controlled by the City of Norwalk, including but not limited to, school grounds, parks, playgrounds, lawns, streets, sidewalks, grassy areas adjacent to city streets and sidewalks, right-of-ways, waters, waterways, fields, athletic fields, trails, beaches, and open spaces.

“Invasive Fauna Species” means any insect or animal species not native to the Connecticut ecosystem whose introduction to such ecosystem does or is likely to cause economic or environmental harm or harm to human health.

“Invasive Plant Species” means any non-native plants recorded on the Connecticut Invasive Plant List pursuant to Sections 22a-381a-e of the Connecticut General Statutes, as amended from time to time.

“IPMT” means the interdepartmental pest management team established to evaluate applications and make determinations under this Chapter. The IPMT shall be composed of the Director of Health, Director of

Recreation and Parks, ~~Chief of Operations, and the senior~~Senior_ Conservation Officer, ~~Chief of Operations, and Director of Transportation, Mobility and Parking,~~ or their respective designees. The Director of ~~Health~~Recreation and Parks, or his, her, or their designee, shall serve as Chair of the IPMT.

“*Organic Land Management*” refers to a problem-solving strategy that prioritizes a natural, organic approach to turfgrass and landscape management, and care of trees and shrubs without the use of pesticides. It mandates the use of natural, organic practices that promote healthy soil and plant life as a preventive measure against the onset of turf and landscape pest problems.

“*Organic Product*” means any products or materials:

- (1) Sanctioned as organic in accordance with the Organic Materials Review Institute (OMRI);
- (2) Whose active ingredients are all listed in the OMRI Generic Materials List;
- (3) Listed in the National Organic Program (NOP) Code of Federal Regulations Title 7-Subtitle B - Chapter I - Subchapter M - Part 205 - Subpart G - Section §205.601, as amended from time to time;
- (4) Designated and labeled as “for organic production” per the NOP; or
- (5) As prescribed by certified organic agents or contractors accredited through the Northeast Organic Farming Association (NOFA), provided that such prescription is in accordance with the land care and maintenance practices sanctioned by NOFA in its Standards for Organic Land Care for clients who ask for organic services.

“*Prohibited Product*” means any product, material, substance, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that contains (1) Glyphosate, (2) 2,4-D, (3) 1,3-D, (4) Neonicotinoids, or (5) Chlorpyrifos.

“*Restricted Product*” means any product, material, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that is not an “Organic Product” or a “Prohibited Product.”

“*Tidal Wetlands*” shall have the meaning set forth in the Connecticut Tidal Wetlands Act, as the same may be amended from time to time.

“*Watercourse*” shall have the meaning set forth in Section 22a-39-2 of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

“*Wetlands*” shall have the meaning set forth in Section 22a-39-2 of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

§ ____-3. – Use of Pesticides on City Property.

Neither the City of Norwalk, nor any commission, board, authority, or other body established thereby, nor any officer, employee, contractor, or agent of the City of Norwalk or such commission, board, authority, or other body, shall use or apply any Organic Product, Restricted Product, or Prohibited Product on City Property, except as expressly provided in this Chapter.

§ ____-4. – Use of Organic Products and Restricted Products.

- A. Any officer, employee, or agent of the City, or any commission, board, authority, or other body established thereby, may apply to the IPMT for permission to use an Organic Product or Restricted Product on City Property to remediate an imminent threat to human health, the environment, or to the public welfare and safety. The IPMT may grant the application upon a finding that:

- (1) A situation exists that poses an imminent threat to human health, the environment, or to the public welfare and safety;
- (2) Reasonable attempts have been made to remediate the condition using Organic Land Management practices and that such practices have failed to reasonably remediate the condition;
- (3) The applicant will, to the greatest extent practicable, minimize the impact of the Organic Product or Restricted Product on abutting properties or any Tidal Wetland, Watercourse, or Wetland; and
- (4) The proposed Organic Product or Restricted Product has proven to be effective against such condition; provided, however, that the IPMT shall not approve the use of a Restricted Product in any situation where an Organic Product has been proven to be effective against such condition.

In addition, the application must include a Pest Management Plan to prevent the post remediation reoccurrence of the condition using Organic Land Management practices. If approved, the use of the Organic Product or Restricted Product may continue until the condition is eliminated or until such earlier time as the IPMT may determine.

- B. Notwithstanding the foregoing, no use of Restricted Products shall be made (1) at schools or on school grounds unless requested by the principal of such school, or (2) within 200 feet of a Tidal Wetland, Watercourse, or Wetland.
- C. The application and the determination of the IPMT shall be posted on the City of Norwalk website and made available in hardcopy at the ~~Health~~ Department of Recreation and Parks for public inspection during normal business hours.

§ ____ -5. – Use of Prohibited Products.

The use of Prohibited Products on City Property is prohibited in all cases, except where, as of the effective date of this Chapter, ~~an existing protocol uses~~ such Prohibited Product is used on City Property to control the presence of ~~an Invasive Species~~ poison ivy; provided, however, that in no event shall such Prohibited Product be used within 200 feet of a Tidal Wetland, Watercourse, or Wetland.

§ ____ -6. – Exemption.

Notwithstanding any other provision of this Chapter, Organic Products and Restricted Products may be used on ~~the tees and greens of~~ a municipal golf course for maintenance, provided that the golf course follows the “Environmental Principles for Golf Courses in the United States” established by the United States Golf Association ~~is designated through Audubon International as a Certified Audubon Cooperative Sanctuary~~ and, provided further, that the golf course will, to the greatest extent practicable, minimize the impact of the Organic Products or Restricted Products on abutting properties or any Tidal Wetland, Watercourse, or Wetland ~~no such products are used within 200 feet of a Tidal Wetland, Watercourse, or Wetland~~. The Director of such golf course shall, on a monthly basis, deliver a written report to the IPMT of all Organic Products and Restricted Products used during the preceding month. Such report shall include the information required in Section 8 B below.

§ ____ 7. – Land Management Plan.

- A. The Director of Recreation and Parks and Director of Public Works shall, on an annual basis, develop a Land Management Plan for all City Property. Organic Land Management practices shall be the method of choice to understand, prevent, and control actual and potential plants to be considered noxious weeds or Invasive Plant Species or Invasive Fauna Species in such Land Management Plan. The essential practices of Organic Land Management include, but are not limited to:

- (1) Regular soil testing;
- (2) Addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farming Association;
- (3) Selections of plantings using criteria of hardiness, suitability to native conditions, drought, disease, pest resistance, and ease of maintenance;
- (4) Modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- (5) The use of physical controls, including hand-weeding and over-seeding;
- (6) The use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- (7) Through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and,
- (8) Eliminating pest habitats and conditions supportive of pest population increases.

- B. Notwithstanding the foregoing, the Land Management Plan may, with the approval of the IPMT as provided under Section 4 of this Chapter, include the use of Organic Products and Restricted Products.
- C. The Director of Recreation and Parks and Director of Public Works shall promptly deliver a written copy of the Land Management Plan and any updates thereto to the IPMT. In addition, the Director of Recreation and Parks and Director of Public Works shall, on a monthly basis, deliver a written report to the IPMT of all Organic Products and Restricted Products used pursuant to such plan during the preceding month. Such report shall include the information required in Section 8 B below.

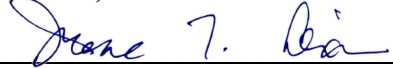
§____-8. – Reporting and Record Keeping.

- A. The Director of ~~Health~~Recreation and Parks, as Chair of the IPMT, or his, her, or their designee, shall, on an annual basis, or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council specifying all Organic Products, Restricted Products, and Prohibited Products used on City Property in the prior ~~calendar~~fiscal year. Such report shall also be posted on the City of Norwalk website and be made available in hardcopy at the ~~Health~~-Department of Recreation and Parks for public inspection during normal business hours.
- B. The written report required under this Chapter shall include the following information: (1) the common name of the product used; (2) the trade name of the product used; (3) the registration number designated by the United States Environmental Protection Agency; (4) a copy of the federally required product label listing the product uses and potential product risks; (5) the amount of product applied; (6) the method of application; (7) the location where the product was applied; (8) the square footage of area where the product was applied; (9) the name of the entity applying the pesticide; and (10) whether the person applying the product posted any notices informing the public that the product was applied.

§____-9. – Effective Date.

This Chapter shall be effective ~~[]~~as of January 1, 2023.

Dated at Norwalk, Connecticut this 18th day of May 2022.

ATTEST: 
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, June 10, 2022

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 21, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on Section 72-5D. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 17, 2022.

§ 72-5 **Other uses.**

- A. Numbers shall be Arabic and a minimum of three inches in height and shall be in a color contrasting to the area to which they are affixed.
- B. Numbers shall be located on the top or sides of the main entrance to the building or trailer. In the event that a building has entrances on more than one street, the owner shall number each entrance in a location and format approved by the Fire Marshal.
- C. If the building, trailer or multibuilding complex is more than 50 feet from the street, the owner shall, in addition, number the driveway entrance in a location and format approved by the Fire Marshal. Numbers shall be visible from the street to traffic moving in each direction.
- D. With the exception of single and two family buildings or structures, all buildings or structures shall have the fire fighter safety building marking system sign installed. The fire fighter safety building marking system sign provides information to responding fire fighter personnel regarding the construction type of a building or structure and the potential presence of a roof or floor truss. The fire fighter safety building marking system sign shall be permanently installed in a position to be plainly legible and visible from the street or road fronting the property or as approved by the Fire Marshal, or his, her or their designee. The installation and maintenance of the fire fighter safety building marking system sign shall be the responsibility of the owner/operator of the building or structure. The Fire Marshal, or his, her or their designee, shall provide written or verbal instructions to the owner/operator of a building or structure regarding the information to be included on the sign.

This subsection shall be effective as of November 1, 2022.

Dated at Norwalk, Connecticut this 18th day of May 2022.

ATTEST: Irene 7. Dixon
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, June 10, 2022