

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXXX~~

Town

~~XXXXXX~~

of Bethlehem

Local Law No. 11 of the year 1998

A local law Adding a new Chapter to the Code of the Town of  
(Insert Title)  
Bethlehem Providing for Increased Protection  
for Public Health, Safety and the Environment  
from Exposure to Dangerous Pesticides

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~XXXXXX~~

~~XXXX~~

Town

~~XXXXXX~~

of Bethlehem as follows:

See following pages.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A Local Law Creating a new Section Providing for Increased Protection for Public Health, Safety and the Environment from Exposure to Dangerous Pesticides as follows:

WHEREAS, In consideration of the potential hazards associated with the use of pesticides, the Town of Bethlehem deems it prudent to employ pest control strategies that are the least hazardous to human health, safety and the environment and adopt an integrated pest management program that places first priority on the utilization of non-chemical management practices; and

WHEREAS, There is a national effort by local governments to reduce and eventually eliminate the use of pesticides hazardous to human health, safety and the environment; and

WHEREAS, This Local Law shall apply solely to the actions of the Town or its contractors or subcontractors; and

WHEREAS, Although the Town of Bethlehem government is not the biggest user of pesticides in the Town, nonetheless it is in a unique position to provide leadership and to be a model for demonstrating pesticide use reduction;

1. NOW THEREFORE BE IT RESOLVED, That for the purpose of this Local Law the term 'pest' shall mean and refer to any insect, rodent, fungus, weed, virus, bacteria, or other microorganism (except viruses, bacteria or other micro-organisms on or in living persons or other living animals), that the Commissioner of the New York State Department of Environmental Conservation declares to be a pest and be it further
2. RESOLVED, That for the purpose of this Local Law the term 'pesticide' shall mean and refer to any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant registered as such by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation and all such products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation, and, be it further
3. RESOLVED, That for the purpose of this Local Law the term "anti-microbial pesticide" shall mean and refer to a pesticide as defined by 7 U.S.C. 136 (mm), and be it further
4. RESOLVED, That notwithstanding any other provisions, this Local Law shall not apply to the following:

Pesticides used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants,

wastewater treatment plants, reservoirs, and related collection, distribution, and treatment facilities;

Pesticides used for the treatment of swimming pool water;

Anti-microbial pesticides;

Pesticides in contained baits for the purpose of rodent control; and

Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40 CFR 152.25;

and be it further

5. RESOLVED, That the Town of Bethlehem hereby establishes a Pest Management Committee with the power to recommend least-toxic pest control substances or procedures for the period prior to January 1, 2000 for pest control on property owned, operated, or maintained by the Town of Bethlehem; and to recommend non-chemical pest control substances or procedures for the period after January 1, 2000 on property owned, operated, or maintained by the Town of Bethlehem. Said Committee shall be made up of the Town Supervisor, a Town Board member, one person from each of the following Town Departments: Parks and Recreation, Highway, and Public Works; one resident designated by the Town Supervisor to represent the environmental interests of the general public, and one person designated by the Town Supervisor who is capable of providing technical assistance on non-chemical alternatives for pest control; and be it further
6. RESOLVED, That effective immediately, no Town department or any contractor or subcontractor for pest control purposes shall apply on property owned, operated, or maintained by the Town of Bethlehem, any pesticide classified as Toxicity Category I by the United States Environmental Protection Agency, or any pesticide classified as a known, likely, or probable human carcinogen by the United States Environmental Protection Agency, except as provided for in the ninth or tenth resolved clause of this Local Law; and be it further
7. RESOLVED, That effective January 1, 1999 no Town department, or any contractor or subcontractor employed by the Town, shall apply on any property owned, operated, or maintained by the Town any pesticide classified as Toxicity Category II by the United State Environmental Agency, any pesticide classified as a possible human carcinogen by the United States Environmental Protection Agency, or any pesticide classified as restricted use by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation, except as

provided in the ninth or tenth resolved clause of this Local Law;  
and be it further

8. RESOLVED, That effective January 1, 2000 no Town department, or any contractor or subcontractor employed by the Town, shall apply any pesticide on any property owned, operated, or maintained by the Town, except as provided in the ninth or tenth resolved

clause of this Local Law; and be it further

9. RESOLVED, That should the Town Supervisor, upon consultation with the Pest Management Committee to the extent practicable, determine that a human health or safety emergency warrants the use of a pesticide that would otherwise not be allowed under this Local Law, the Town Supervisor shall have the authority to issue an exception based on the following criteria:

The pest infestation poses an immediate threat to human health or safety;

Viable effective alternatives consistent with this Local Law do not exist;

Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and

Underlying causes of the pest infestation are addressed in order to prevent future outbreaks;

and be it further

10. RESOLVED, that should the Administrator of Parks and Recreation determine that an infestation of stinging insects warrants the use of a pesticide that would otherwise not be allowed under this resolution, the Administrator shall have the authority, without prior consultation with the Town Supervisor, to use such pesticide if the following criteria are met;

The pest infestation poses an immediate threat to human health or safety;

Viable effective alternatives consistent with this Local Law do not exist;

Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and

Underlying causes of the pest infestation are addressed in order to prevent future outbreaks;

and be it further

11. RESOLVED, That should pesticides be used pursuant to the ninth resolved clause of this Local Law, the entity engaged in such application shall conspicuously post at the site of application and to the extent practicable in advance of the actual application, publish or communicate through local mass media such as newspapers, Internet, television or radio, the following information: 1) date of posting; 2) organism targeted; 3) specific location, date, and approximate time of application; 4) method of application; 5) trade name and the active ingredient of the pesticide used; 6) copy of the label; 7) name and telephone number of the person responsible for the application; and 8) poison control telephone number;

and be it further

12. RESOLVED, that should pesticides be used pursuant to the tenth resolved clause of this Local Law, the Administrator shall conspicuously post for forty-eight hours at the immediate area of application, the following information: organism targeted; date and time of application; and trade name and active ingredient of pesticide used.

and be it further

RESOLVED, That any plans for new construction or remodeling of buildings owned, operated, or maintained by the Town of Bethlehem, any plans for designing or redesigning public parks and recreational areas owned, operated, or maintained by the Town of Bethlehem, and any plans for landscaping on property owned, operated, or maintained by the Town of Bethlehem shall contain provisions for the prevention of pest problems by means such as appropriate structural design, pest resistant vegetation, and pest control maintenance and planting practices; and be it further

14. RESOLVED, That the Town Clerk of the Town of Bethlehem is directed to forward certified copies of this Local Law to the appropriate Town Officials.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 11 of 1998 of the ~~(County)(City)~~(Town)(Village) of Bethlehem was duly passed by the Town Board on Oct. 14 1998 in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Kathleen A. Newkirk*

~~Clerk of the County~~ ~~designated by the~~ ~~Clerk~~ ~~Town or Village~~ ~~Clerk~~  
of ~~the~~ ~~County~~ ~~designated~~ ~~by~~ ~~local~~ ~~legislative~~ ~~body~~

(Seal)

Date: October 14, 1998

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Bernard King*

Signature

Town Attorney

Title

~~County~~  
~~City~~ of Bethlehem  
Town  
~~Village~~

Date: October 14, 1998