

**BOROUGH OF HARRINGTON PARK
BERGEN COUNTY, NEW JERSEY**

ORDINANCE #564

**AN ORDINANCE REGULATING THE USE AND APPLICATION OF
PESTICIDES IN THE BOROUGH OF HARRINGTON PARK**

WHEREAS, the Mayor and Council of the Borough of Harrington Park have determined that it is in the best interests of the Borough to adopt an ordinance dealing with the application of pesticides,

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Harrington Park as follows:

1. **SHORT TITLE.** This ordinance shall be known as the Pesticide Control Ordinance.
2. **DEFINITIONS.**
 - (a) **ACT** means the Pesticide Control Act of 1971 as amended (N.J.S.A. 13:1F-1 et seq.)
 - (b) **ACTIVE INGREDIENT** means any ingredient which will prevent, destroy, repel, control or mitigate pests or which will act as a plant regulator, defoliant or desiccant.
 - (c) **ADJACENT AND CONTIGUOUS** means to border upon or touch; for the purpose of this ordinance this includes those properties across the intervening residential street, which would actually touch or border upon the property in question if the street were not present.
 - (d) **AGRICULTURAL COMMODITY** means any plant or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animal.
 - (e) **APPLICATION** means spraying, dusting, vaporizing or any outdoor airborne application of a pesticide, by any person.
 - (f) **BRAND OR BRAND NAME OR TRADE NAME** means the characteristic designation by words, symbols, name, number or trademark of a specific particular pesticide or formulation thereof under which the pesticide is distributed, sold, offered for sale, handled, stored, used or transported in the State of New Jersey.
 - (g) **COMMERCIAL PESTICIDE APPLICATOR** means any person who uses, or supervises the use of any pesticide for any purpose or on any

property other than as provided by the definition of private pesticide applicator.

- (h) CUSTOMER means any person(s) who hires a commercial pesticide applicator business to perform turf or ornamental pest control application on a property owned or rented by him.
- (i) DEP means New Jersey Department of Environmental Protection.
- (j) ENFORCEMENT OFFICER means police.
- (k) EPA means the United States Environmental Protection Agency.
- (l) PERSON means and shall include corporations, companies, associations, societies, firms, partnerships, and joint stock companies, as well as individuals, and shall also include all political subdivisions of the State or any agency or instrumentalities thereof.
- (m) PEST means any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or the microorganism (except viruses, bacteria, or other microorganisms on or in living man or other animal) which is injurious to health or the environment.
- (n) PESTICIDE (also includes HERBICIDE) means and includes any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator, provided that the term "pesticide" shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide or herbicide.
- (o) PRIVATE PESTICIDE APPLICATOR means any person who uses or supervises the use of any pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer, or, if applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.
- (p) RESPONSIBLE PESTICIDE APPLICATOR means any individual who is accountable for the use of a pesticide by himself or any person under his direct supervision.
- (q) RESTRICTED USE PESTICIDE means any pesticide or pesticide use so classified under the provisions of N.J.A.C. 7:30-1 et seq. or so classified by the Administrator of United States Environmental Protection Agency (EPA).
- (r) TARGET SITE means a specific location, including but not limited to any crop, commodity, object, delineated field or area, or structure or part thereof, that is intended to be treated by a pesticide so than any pests therein or thereon are controlled. This term does NOT include any similar site which was not part of the original agreement between the contracting parties even if such site is included on the label or labeling of the pesticide.

- (s) USE means any act of handling or release of a pesticide or exposure of man, property or the environment to a pesticide through acts which include but are not limited to:
 - i. Applying a pesticide, including mixing, loading and any required supervisory action in or near the area of application;
 - ii. Handling, transporting or storing a pesticide or a pesticide container(s);
 - iii. Disposal actions for a pesticide and/or containers or equipment associated with the pesticide.
- 3. COMMERCIAL PESTICIDE APPLICATOR
 - (a) No person shall engage in the activities of a commercial pesticide applicator without having satisfied the applicable requirements established by the DEP and having obtained a valid commercial pesticide applicator registration issued by the department.
 - (b) Each commercial pesticide applicator shall at all time have in his/her possession the valid registration card and shall produce it upon request by proper enforcement officers as well as the customer.
 - (c) Each commercial pesticide applicator must keep records of each application of pesticides in accordance with provisions of state regulations. Such records shall be made available to proper enforcement officers or to customers upon request.
 - (d) No person shall make false or misleading claims through any media relating to the effects of a pesticide, the degree of certification required, or the application methods to be utilized.
 - (e) No person shall falsify or produce fraudulent application records.
- 4. PESTICIDE STORAGE

No person shall store restricted use pesticides without first meeting applicable provisions of state regulations.
- 5. SAFETY EQUIPMENT

All person having employees who use, apply, transport or otherwise handle any pesticide shall make available to such employees any necessary and appropriate safety equipment in good working order and shall train such employees in the proper operation of such safety equipment.
- 6. FINANCIAL RESPONSIBILITY

Businesses required to register pursuant to N.J.A.C. 7:30-7.1 et seq. shall maintain financial responsibility at all times while such registration is in effect. The financial responsibility shall meet or exceed the standards set forth in N.J.A.C. 7:30-7.1 et seq.
- 7. NOTIFICATION - OUTDOOR ORNAMENTAL AND TURF APPLICATIONS

The customer may obtain copies of notices from the commercial pesticide applicator and shall deliver such notices, at least 12 hours prior to the proposed application date, to residents of property adjacent and contiguous to the customer's property, such notice to contain the following information:

 - i. A general statement of the purpose of the notification and procedures to follow to obtain additional updated information;

- ii. The proposed application date(s);
 - iii. The location of the application;
 - iv. The name, address and registration number of the applicator business or the responsible applicator associated with the application;
 - v. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
 - vi. The name, address and phone number of the applicator who may be contacted and is responsible for supplying updated information on the proposed pesticide applications to those person requesting it;
 - vii. Any precautionary statement(s) on the product's Federal registered label;
 - viii. The telephone number of the National Pesticide Telecommunication Network for general pesticide information;
 - ix. The telephone number of the New Jersey Poison Information and Education System for emergency use;
 - x. The telephone number for the DEP Pesticide Control Program for regulation information.
8. **PENALTIES**
Failure to comply with the provisions of this ordinance may result in fines up to \$500.00 and/or a thirty-day jail sentence.
9. **EXCEPTIONS**
- (a) Nothing herein, shall be deemed or construed, to apply in any regard to the application of any pesticide as defined herein which is available to the consumer market and for which use or application, no license or certification is required by any federal or state agency.
 - (b) The provisions of this ordinance shall not apply to any pesticide application which is made for the purpose of producing an agricultural commodity.

This Ordinance shall take affect upon passage and publication as provided by law.