

ORDINANCE 33 - 23

An Ordinance to amend Chapter 1456.01 Registration Required; and to add Chapter 1494, Mosquito Control Treatment

By: Lori Ann Feibel

Whereas, The airborne pesticides used to treat mosquitoes are also poisonous to pollinators and other insects; and

Whereas, Mosquito treatment can drift up to 150' into properties adjacent to the property being treated, effectively resulting in adjacent properties also being treated; and

Whereas, As local governments (including Bexley) have largely discontinued the practice of nuisance-based mosquito treatment, there has been an increase in private mosquito treatment business, and the act of whole-property private mosquito goes deeper into backyards and unlike municipal programs does not allow adjacent property owners to "opt out" of treatment; and

Whereas, In the interests of Bexley residents who keep bees and/or value the positive environmental benefits of healthy native pollinator populations, as well as those who have general concerns regarding the toxicity of chemicals in their air and on their vegetable and other plants, this Ordinance proposes a system whereby mosquito control contractors provide advance notice to adjacent property owners, in order to allow them a chance to cover plants, beekeeping equipment, and avoid having children or pets in yards during the period in which treatment is occurring;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

Section 1.

That 1456.01 of the City of Bexley Codified Ordinances be amended as follows:

1456.01 REGISTRATION REQUIRED.

No person shall engage in or work at the trade or occupation of plumber, General Contractor, [Tree Lawn Landscape Professional](#), **Mosquito Control Contractor**, electrician, sewer tapper or heating and cooling contractor in the City, until that person obtains a registration in accordance with the provisions of this chapter.

"General contractor" as used in this chapter means any person or firm engaged in the construction, alteration or addition of any structure which requires a building permit under the Ohio Basic Building Code or the C.A.B.O. One and Two-Family Dwelling Code as adopted by the City.

“Mosquito Control Contractor” as used in this chapter means any person or firm engaged in the lawful application of airborne pesticides intended for mosquito control.

“Tree Lawn Landscape Professional” as used in this chapter means any person or firm engaged in work in the Tree Lawn that would include any of the following: the planting of new material; the placement of mulch or other similar landscape material; the installation, replacement, or repair of hardscape material.

“Tree Lawn” as used in this chapter refers to that section of the City right-of-way between the sidewalk and the curb.

Occupying homeowners who perform work on their own property with their own hands are not required to be registered but must comply with all other procedures.

Section 2.

That Section 1494, Mosquito Control Treatment be created as follows:

Section 1494 Mosquito Control Treatment

- (a) **Mosquito Control Treatment, Notification Required.** Mosquito Control Contractors, as defined by Section 1456.01, must provide 24 hour advance notice in writing to all adjacent property owners prior to the provision of airborne mosquito control treatment at a property; for the purpose of this section notification via email is acceptable provided that the adjacent property owner has consented to email notification. Written notice shall provide the estimated time of application as well as the chemical(s) being applied, the method of application, as well as any additional information deemed relevant by the Contractor.

Section 3.

This ordinance shall go into effect from and after the period allowed by law.

Passed: _____, 2022

Troy Markham, Council President

Attest: _____
Matt McPeek Clerk of Council

Mayor Ben Kessler

First Reading:
Second Reading:
Third Reading: