

1.17 PESTICIDE ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. POLICY

The Douglas County Board of Supervisors recognizes that the use or misuse of pesticides may have profound affects upon indigenous flora and fauna, surface and ground water, as well as unintended effects upon persons frequenting treated areas for recreational or other purposes. Therefore, it is the express policy of Douglas County to refrain from the use of pesticides upon property it owns, uses or controls, excepting only those situations posing an imminent threat of serious injury to persons, property or agriculture, or where the proper use of pesticides will have a minimal impact upon the treated area, water resources or persons frequenting.

SECTION II. DEFINITIONS

A. "Pesticide" means any substance or mixture of substances labeled or intended for use or used for:

(a) Preventing, destroying, repelling or mitigating any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living persons or other living animals) declared to be a pest under federal or state law (7 U.S.C. Section 136 et seq., and regulations issued under those laws); or

(b) Defoliating plants, inhibiting plant growth or accelerating the drying of plant tissue.

B. "County lands" means any land in which Douglas County owns a fee simple interest.

C. "Sensitive areas" means all lands within 300 feet of lands incorporating schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands.

SECTION III. USE OF PESTICIDES

A. No Douglas County Department shall use or authorize the use of pesticides except as permitted by this ordinance and upon prior approval given by its standing committee. No person may apply pesticides to County lands except upon prior approval

of the standing committee with jurisdiction. No standing committee shall approve the use of pesticides except at a duly noticed meeting of the body. Authorization for pesticide use shall not be given except upon consideration of the alternatives to pesticide use, potential property damage, potential effects upon ground or surface water, the proximity of the application to sensitive areas or other impacts upon the human environment, or any other factor the committee may choose to consider.

B. Any pesticide application authorized under this ordinance shall be administered in accordance with all state and federal statutes and applicable administrative regulations.

SECTION IV. POSTING

A. Whenever pesticides are to be applied to any County lands subject to this ordinance the responsible department or person shall post warning signs that meet the requirements of Paragraphs 3 and 4 herein at least 48 hours prior to application and shall be left in place for at least 72 hours after actual application or until expiration of any time of safe reentry as indicated by the pesticide label, whichever is longer.

B. Posting is not required if pesticides are to be applied to an area that is sufficiently fenced or secured to prevent access to anyone other than Douglas County personnel except as provided in paragraph 6 of this section.

C. All signs required under this Section shall be at least 8½" X 11" in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid material substantial enough to be easily read for at least the length of time required after application under Paragraph 1 in all weather conditions.

D. All signs under this Section shall contain red lettering upon a white background. The signs shall have lettering not less than 2½" in height and shall be conspicuous and clearly legible. All signs shall bear the words "**DANGER - AREA TREATED WITH PESTICIDE - DO NOT ENTER. FOR MORE INFORMATION, CALL _____**", or words or symbols having the same meaning and effect.

E. The posting requirement under this section applies to fields or other outdoor areas only to the extent that the target area to be treated with pesticide borders within 100 feet of a public road, residences of concerned individuals or within 300 feet of sensitive areas. Placards shall be posted at regular intervals along the border between the treated area and the public road, residences of concerned individuals or other sensitive

area, and at normal points of access, with at least one placard being posted for each ¼ mile of border. Treated areas bordering a public road, residences of concerned individuals or other sensitive areas for less than ¼ mile shall be posted with at least one placard.

F. Persons employed in or around areas treated with pesticides whose labels prescribe time intervals for safe re-entry following application shall be given clear notice and warning of each application, including a description of the treated area and the time interval required for safe re-entry into the area. Notice shall be given in such a manner as to be received and readily understood by all employees who may have access to the treated area, including persons of limited English language ability. Compliance with the posting requirement under this section does not relieve any person of the duty to comply with this paragraph.

SECTION V. NOTIFICATION OF CONCERNED INDIVIDUALS

A. The office of the Douglas County Clerk shall maintain a registry which shall list all persons who request advanced notice of pesticide application. This registry shall record the names, address and requests of:

(1) Persons who request pre-application notice of any pesticide application by Douglas County to any property within 300 feet of property owned by that person if a sufficient description of said property is maintained with the registry.

(2) Individuals who are medically-sensitive to pesticides and who request pre-application notice of any pesticide application by Douglas County within 1,000 feet of their residence.

B. Concerned individuals shall maintain current and adequate addresses and property descriptions or their names will be removed from the registry.

C. Concerned individuals shall be entitled to pre-application notice through December 31st of the year in which they make their request.

D. At least 24 hours prior to pesticide application, notice shall be provided to all persons indicated by the registry as falling under the requirements of Paragraph (1) in relation to the specific application(s). The notice shall state the name, address and telephone number of the applicator, the location of the property due to have pesticide applied, the date and time of application(s), and the pesticides expected to be applied. The applicator is also responsible for supplying the information as indicated in Section II upon request.

E. Fulfilling this requirement shall not relieve the applicator of any requirements for prior notification imposed by State or Federal law or other sections of this ordinance.

SECTION VI. EMERGENCY SITUATIONS AND EXEMPTIONS

A. Exempted Property. A standing committee may exempt a pesticide application from some or all requirements of this ordinance, upon a showing by the County department or person seeking the exemption, that the potential for any adverse effect upon the public or to adjoining property is minimal and compliance with the terms of this ordinance is unduly burdensome or impractical. The standing committee must consider the following factors before granting an exemption from any or all of the requirements of this ordinance:

(1) Whether the area to which pesticides are to be applied is sufficiently removed from residences, sensitive areas or other places frequented by the public so that the potential of drifting airborne chemicals poses no danger to persons or property,

(2) Whether access to the area to be exempted is sufficiently restricted or remote that members of the public are unlikely to come into contact with pesticides applied to the exempted area,

(3) Whether the type of pesticide application to be performed is so highly controlled or so extremely localized that it is highly unlikely the application will expose other persons or property to the pesticides during or after application.

B. Emergency Situations. Time frames for notice and posting requirements under this ordinance shall not apply where a County department or other person makes an appropriate showing to the committee with jurisdiction that emergency conditions warrant exemption from these requirements. Emergency situations shall be defined by the standing committee with jurisdiction and shall be limited to those cases where the application of pesticides is needed to control a life threatening situation or situation which poses an imminent threat of serious injury to persons, property or agriculture.

C. Upon emergency application of pesticides, posting and notice in conformity with this ordinance shall take place contemporaneously with or as soon after application as practicable or as otherwise required by law.

SECTION VII. SEVERABILITY

If any section, sentence or clause of this ordinance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII. EFFECTIVE DATE

This ordinance shall be in force from and after its passage, publication and recording according to law.

Dated this 17th day of November 1994.



Instructions for requesting an exemption to apply pesticide on Douglas County property:

1. Contact the office of the County Clerk:

Courthouse Building
1313 Belknap Street, Room 101
Superior, WI 54880

Ph: (715) 395-1341

email: sue.sandvick@douglascountywi.org

Fx: (715) 395-1421

Hours: Monday – Friday, 8:00 am - 4:30 pm

2. Complete and submit “Application for Pesticide Ordinance Exemption Request”
Available from the office of the County Clerk or
at: <http://www.douglascountywi.org/pesticideordinanceexemptionrequest>
3. Work with the office of the County Clerk to schedule attendance at a meeting of the committee(s) of jurisdiction where request will be reviewed for approval.
4. If approved, provide additional information as explained in the “Application for Pesticide Ordinance Exemption Request” or upon request of the committee(s) of jurisdiction.

Explain why the following alternative methods of control were not chosen. If another alternative method was evaluated, please add it and an explanation of why it was not chosen. See "[Alternative Methods for Pesticide Control and Additional Resource Information](#)" for brief descriptions of alternative methods.

Smothering with Black Plastic

Mechanical Removal

Biological

Prescribed Burning

Prescribed Grazing

Smothering Root Systems by Cutting Below Waterline

Use of Natural Growth Inhibitors

Other (Please Specify)

Other (Please Specify)

Permits required by other agencies for this control project.

PESTICIDE INFORMATION

Pesticide chemical name and brand name.

Attach a copy of the [product label](#)² and the [Safety Data Sheet](#)³ for the pesticide.

Name of licensed applicator (required).

Describe pesticide application method and answer the following questions.

How many applications?

When will applications occur?

What devices will be used for application?

Under what circumstances will the application cease (weather, environmental, etc.)?

List the life expectancies of the pesticide in the soil or sediment, water, and plant material (this information can be found on the product label).

List what substances the pesticide forms as it degrades (this information can be found on the product label).

ACKNOWLEDGEMENT

I, _____, have read and understand that I may be required to follow all or some of the requirements for posting and notification of concerned individuals, described in [Douglas County Pesticide Ordinance 1.17](#).⁴ It is also my responsibility to notify property owners adjacent to the property where the treatment area is located.

Signature

Date

If required, upon pesticide exemption approval, provide a [sample of the warning sign that will be used to post treatment](#).⁵

If required, upon pesticide exemption approval, provide a list of parcels owned by: [1\) persons who request pre-application notice of any pesticide application to property within 300 feet of property owned by that person, and 2\) persons who are medically-sensitive to pesticides and who request pre-application notice of any pesticide application within 1,000 feet of their residence](#).⁶

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INTERNAL USE ONLY

DATE RECEIVED	COMMITTEE OF JURISDICTION	NEXT MEETING DATE
STAFF PERSON ASSIGNED	ADDITIONAL APPROVAL/ACTION	

Alternative Methods for Pesticide Control and Additional Resource Information

Check with your state and local regulators for any permitting requirements that may apply to your project for using these alternative methods.

Smothering with black plastic

Kills vegetation and dormant seeds in the soil; most effective for sites with full to part-sun. Method: mow or trim the existing vegetation; lay 3.5 mm or thicker black plastic over the site and secure; leave for 8 or more weeks during hot, sunny weather; remove plastic and plant into dead vegetation without tilling.

Mechanical removal

Management methods that use manual or mechanical means to remove, kill, injure, or alter growing conditions for unwanted plants are termed physical methods. Such methods are relatively expensive and labor intensive, and may need to be used repeatedly or in combination with other management methods. However, for socially sensitive sites and sites with high ecological value, highly selective physical methods may be desirable because of their minimal environmental impact. The physical methods that may be applied to invasive plants in terrestrial and aquatic environments are many and varied. They vary in the type of injury or stress they inflict, their selectivity and potential for non-target impacts, and the procedures, skills, equipment, labor, and funds they require.

Biological control

Natural enemies, as well as a number of other factors, play an important role in regulating plant populations in their native environments. The absence of natural enemies may be an important contributing factor to the invasiveness of some nonnative species. Biological control (or biocontrol) reunites invasive plants with their enemies to restore natural controls and reduce dominance of invasive plants within the plant community. Promoted as a self-sustaining, self-dispersing control method, biocontrol is often used to gradually suppress widespread infestations in low-value or remote areas where other methods are not economically feasible.

Prescribed burning

Fire is a powerful, naturally occurring disturbance that influences a complex network of biological communities and ecological processes. The effect of fire on individual plants and plant communities is variable. In some cases fire may suppress invasive plant species, whereas in other cases fire may promote plant invasion and plant population expansion, which can change the patterns of fire over time and space. Prescribed fires are intentionally set under controlled conditions to achieve specific management objectives. The use of prescribed fire is widely accepted as a primary tool for habitat restoration and management. The effectiveness of fire as an invasive plant management tool depends upon a wide range of variables and is specific to each situation and species. Prescribed fires are typically most beneficial when they mimic natural fire patterns in ecosystems that evolved with fire as a natural disturbance.

Prescribed grazing

Prescribed grazing is the application of domestic livestock grazing at a specified season and intensity to accomplish specific vegetation management goals. While traditional grazing practices are often blamed for promoting plant invasions, prescriptive grazing can be used to control invasive plant populations and enhance desirable vegetation conditions. Prescribed grazing is a relatively new addition to the invasive plant management toolbox, and information related to the impacts of grazing on various invasive plants and plant communities is limited. Prescribed grazing should be used sensibly, with careful consideration of its compatibility with the habitat, land management goals, infestation characteristics, livestock needs, and resources available to implement the program successfully.

Smothering root systems by cutting below waterline

Some emergent aquatic vegetation can be controlled through timely severing of emergent stalks in order to starve the root systems of oxygen eventually killing the whole plant. Treatments usually need to be done multiple times in one growing season or over multiple seasons to be effective.

Use of natural growth inhibitors

The use of compounds found naturally in plants or using natural benign substances to regulate the growth of unwanted plants to diminish their ability to compete with surrounding or restored vegetation.

REFERENCES

¹ Maps can be made using the on-line mapping tool available on the Douglas County website at <http://douglascowi.wgxtreme.com/>. The map must contain the following information. Scale, north arrow, treatment area, road and trails within 100 feet of the treatment area, and these features that are within 300 feet of the treatment area: schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands. Please also indicate on the map where postings will be placed.

² The Environmental Protection Agency (EPA) requires extensive scientific data on the potential health and environmental effects of a pesticide before granting a registration, which is a license to market that product in the United States. EPA evaluates the data and ensures that the label translates the results of those evaluations into a set of conditions, directions, and precautions that define who may use a pesticide, as well as where, how, how much, and how often it may be used. Pesticide product labels provide critical information about how to safely and legally handle and use pesticide products. Unlike most other types of product labels, pesticide labels are legally enforceable, and all of them carry the statement: "It is a violation of Federal law to use this product in a manner inconsistent with its labeling." In other words, the label is the law.

³ Safety Data Sheets (SDS), formerly known as Material Safety Data Sheets (MSDS), describe the hazards of the chemical. Safety Data Sheets have a specific 16-section format that must be used by manufacturers, distributors and importers to convey detailed hazard information to the end user. The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The format of Safety Data Sheets is consistent with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals. More information about Safety Data Sheets can be found from the U.S. Department of Labor, Occupational Safety and Health Administration at <https://www.osha.gov/Publications/OSHA3514.html>.

⁴ Douglas County Pesticide Ordinance 1.17 can be found at <http://www.douglascountywi.org/index.aspx?NID=402> or from the office of the Douglas County Clerk.

⁵ There are specific requirements for posting pesticide treatment sites; the requirements are found in the Douglas County Pesticide Ordinance 1.17 which can be found at <http://www.douglascountywi.org/index.aspx?NID=402> or from the office of the Douglas County Clerk.

⁶ This information may be obtained from the office of the Douglas County Clerk from a registry that is maintained for all persons who request advanced notice of pesticide application.

Additional Information and Resources

Northwoods Weed Cooperative Management Area has compiled information regarding invasive species for both landowners and right-of-way managers, some of it specific to our area, see more at:

www.northwoodscwma.org

Wisconsin Department of Natural Resources, information about invasive species, control, and permits:

<http://dnr.wi.gov/topic/Invasives/>

U.S. Natural Resources Conservation Service, information about invasive species and pests:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/invasive/>

U.S. Department of Agriculture, information about invasive species as it relates to agriculture and forestry:

<http://www.invasivespeciesinfo.gov/plants/controlmech.shtml>

U.S. Environmental Protection Agency, information about pesticide labels:

<http://www.epa.gov/pesticide-labels>

U.S. Fish and Wildlife Service, information about invasive species and control methods:

<http://www.fws.gov/invasives/staffTrainingModule/index.html>

U.S. Department of Labor, Occupational Safety and Health Administration, information about Safety Data Sheets:

<https://www.osha.gov/Publications/OSHA3514.html>

World Health Organization, information about pesticides:

<http://www.who.int/topics/pesticides/en/>

natural growth inhibitors, descriptions and products are available at:

<http://www.americannatural.com/products/disease-weed-controls/phydura.html>