

**Cleveland Heights Ordinance
Prohibits Pesticides
on Schools, Day Cares,
Public Properties and Libraries**

1785.01 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

- (a) "Pesticide" means any substance produced or distributed for preventing, destroying or repelling any insects, weeds, rodents, fungi, nematodes, mites, spiders or other forms of plant or animal life or viruses (such as any herbicide, insecticide, acaricide, nematocide, rodenticide or fungicide), except viruses on or in living humans or other animals. This includes any fertilizer mixture which contains pesticides within it.
- (b) "Application of a pesticide" means the placement for effect of any pesticide at or on the exterior site where pest control or other response is desired.
- (c) "School" means any preschool, nursery school, kindergarten, elementary school, or high school.
- (d) "Child day-care" means administering to the needs of infants, toddlers, pre-school children and school children outside of school hours for consideration by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
- (e) "Child day-care center" means any place in which child day-care is provided, excluding child day-care provided in the permanent residence of the provider if provided to no more than six children at one time, including any children of the provider who are under six years of age and on the premises, and no more than three of the children on the premises at any one time are under two years of age.
- (f) "Public property" means any land owned by the City or by any other governmental entity, including, without limitation, public parks and public playgrounds.

(Ord. 131-1995. Passed 9-18-95.)

1785.02 PROHIBITION ON PESTICIDE USE.

Except as provided in Section [1785.03](#), no person shall apply any pesticide on the gardens, lawns, lands, grounds or other exterior premises of any of the following facilities: schools, child day-care centers, public properties or libraries.

(Ord. 131-1995. Passed 9-18-95.)

1785.03 ENVIRONMENTAL REVIEW BOARD.

An Environmental Review Board is hereby created to hear and determine requests for permission to apply pesticides in specific cases. The Board shall consist of the City Manager and the Director of the Department of Community Services, or their representatives, and the Chairman of the Public Safety and Health Committee of Council, or a member of that Committee. The Board may grant permission for the application of pesticides under controlled and limited conditions when the Board determines that such application is necessary for the public health and safety or the preservation of property and will not pose a danger to City residents.

(Ord. 131-1995. Passed 9-18-95.)

1785.99 PENALTY.

A violation of this chapter shall be a minor misdemeanor on the first offense, and a fourth degree misdemeanor on a second or subsequent offense.

(Ord. 131-1995. Passed 9-18-95.)

