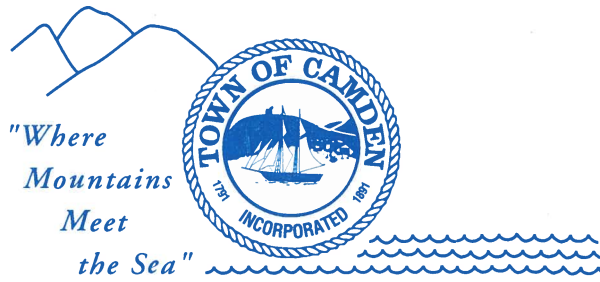


Office of:

Town Manager
Tax Assessor
Tax Collector
Town Clerk
Treasurer
Code Officer
Finance Director
Harbor Clerk



Town Office

P.O. Box 1207
29 Elm Street
Camden, Maine 04843
Phone (207)236-3353
Fax (207)236-7956
<http://www.camdenmaine.gov>

I certify that the following Article of the Town of Camden Special Town Meeting, held on November 5, 2024, was approved by voters with the total number of votes cast being:

2913 yes

626 no

ARTICLE 3

Shall the Town of Camden amend the Camden Code by adding Chapter 194, Pesticides?

***NOTE:** The proposed Chapter would require notification and reporting on the application of pesticides in Camden by State-licensed pesticide applicators. The full text of the proposed ordinance amendments is in the Town Clerk's Office and the Town Website and is available for inspection during regular business hours.*

Katrina Oakes

Katrina Oakes
Town Clerk, Camden, Me

11/18/2024

Date

PROPOSED NEW CODE CHAPTER 194

RELATING TO THE MANAGEMENT, USE and APPLICATION OF HERBICIDES and PESTICIDES

Purpose: To educate the community about the types of herbicides and pesticides being applied in the community, by requiring notification to abutters prior to the application of herbicides/pesticides by licensed applicators and requires licensed applicators to provide an annual report of the types and quantity of herbicides and pesticides applied in Camden.

Pursuant to 30-A M.R.S. § 3001, the State of Maine allows municipalities, through their home rule authority, to enact ordinances dealing with municipal affairs. Pursuant to 22 M.R.S. § 1471-U, Maine municipalities may enact ordinances that apply to pesticide storage, distribution, or use.

§ 194.1 Applicability. This Code shall apply to the outdoor application(s) of any pesticide by Maine licensed applicators on any land in the Town of Camden. The effective date of this Chapter shall be January 1, 2025.

§ 194.2 Definitions.

Application- The spreading of pesticides over or on any outdoor area by any means in liquid or dry form including but not limited to broadcasting, pasting, ground spraying, aerial spraying, foliar application, soil injection, and surface utilization.

Herbicide- See Pesticide

Licensed Applicator- Any person licensed by the State of Maine and regulated by the rules of the Maine Board of Pesticide Control, as may be amended, to apply pesticides as defined, including but not limited to private, agricultural and commercial (master and/or operator) applicators and/or anyone under the direct supervision of a certified applicator.

Pesticide- Any substance or mixture of substances intended to kill, prevent, repel, mitigate, control, or desiccate species designated as a pest, including, but not limited to plants, weeds, insects, or other organisms, and including but not limited to herbicides, fungicides, insecticides, rodenticides, disinfectants, and antibiotics, and any fertilizer mixture which contains any of the foregoing. The term shall also mean any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. Pesticides shall include, but not be limited to registered, limited and general use pesticides as may be defined in State law and as regulated by the Maine Board of Pesticide Control.

§ 194.3 Notice. Prior to the application of any pesticide by a licensed applicator, the applicator shall provide written notice at least two (2) days in advance of the application to the Town of Camden's Planning and Development Department, the direct abutters with whom a property line is shared, and

those properties within two-hundred feet (250') of the application area including those properties across public and private rights of ways or streets.

- A. Notice Content.** The written notice shall include the proposed date and time of the application and shall list the trade names and USEPA registration number of the pesticides that will be applied and shall indicate which pest is being treated. The notice shall also provide a property sketch of the proposed application locations. The notice shall also include the name of the licensed applicator and contact information.

§ 194.4 Signage. Prior to application, but at least thirty (30) minutes before, the licensed applicator shall place and/or post warning signage or placards in conspicuous locations near abutting properties and near public and private streets or right of ways notifying the public and abutting property owners of imminent application of pesticides. Signage shall include the date and time of the application and the trade name and USEPA registration number of the pesticide applied. The wording shall be legible to the average person. Such signage shall be placed every 50' along abutting property lines and/or along public or private streets or right of ways. Signs shall be a minimum of one square feet in printed area and shall be placed a minimum of one foot above the grade, ground or vegetation, and shall remain in place per the State of Maine Board of Pesticide Control's requirements but at a minimum of seven days from the date and time of application. Such signage shall be in addition to any requirements of the Maine Board of Pesticide Control.

§ 194.5 Annual Reporting. In addition to complying with the Maine Board of Pesticides Control rules regarding recordkeeping and reporting, State of Maine licensed applicators doing business in Camden are required to submit an annual summary report to the Town's Planning and Development Office on or before February 1st of each year. The report shall contain the following information for applications of pesticides performed in the Town during the prior calendar year: target site, pesticide brand name, EPA registration number, total undiluted formulation (in pounds or gallons), pests being treated, and total area treated as listed and as amended on the Commercial Applicator Annual Summary Report required by the Board of Pesticide Control.

§ 194.6 Enforcement. The Code Enforcement Officer or their designee shall be responsible for enforcing the provisions of this Chapter. Upon determining that a violation of any provision of this Chapter has occurred, the CEO shall provide written notice to the violator to identify the violation and shall specify a course of remedial action which may include a provision for consent agreements as specified in Chapter 290. Violations shall be subject to the penalties prescribed in 30-A M.R.S. § 4452.

Appeals. An appeal from the action of the Code Enforcement Officer or their designee, under this chapter may be sought through the provisions of Article VII in Chapter 290, Zoning