

**ORDINANCE NO. 08-21**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 78. ZONING. AT ARTICLE IX. SUPPLEMENTAL REGULATIONS. DIVISION 4. LANDSCAPING. BY REVISING SECTION 78-399. MAINTENANCE. SUBSECTION (d) PESTICIDE MANAGEMENT, TO PROVIDE FOR UPDATED REFERENCE TO FLORIDA STATUTES GOVERNING SUCH PESTICIDE MANAGEMENT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Environmental Advisory Committee of the Village of Tequesta met in October 2020 and discussed the Village's existing Pesticide Management section within the Village's Code; and

**WHEREAS**, the Environmental Advisory Committee of the Village of Tequesta unanimously recommended the Village Code be updated to reference current state regulations regarding pest control and pesticides; and

**WHEREAS**, the Village Council of the Village of Tequesta desires to update the Village Code to refer to existing Florida Statutes, as amended from time to time, including the Village's duty to assist with the enforcement of these State regulations; and

**WHEREAS**, the Village Council of the Village of Tequesta acknowledges that Florida Statutes Chapter 482 vests exclusive regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under part 1 of chapter 487, to the State of Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1:** Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations. Division 4. Landscaping. by revising Section 78-399. Maintenance. Subsection (d) Pesticide management, to provide for updated reference to Florida Statutes governing Pesticide Management; providing that Section 78-399 shall hereafter read as follows:

**Sec. 78-399. – Maintenance.**

\* \* \*

(d) *Pesticide management.*

(1) The use of pesticides by commercial entities in Florida is regulated by The Structural Pest Control Act, Chapter 482 of the Florida Statutes. The Structural Pest Control Act, as amended from time to time, preempts all regulations and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under Part I of Florida Statutes Chapter 487, to the State of Florida. In accordance with Sec. 482.032, Florida Statutes, the Village acknowledges its statutorily imposed duty to assist authorized state inspectors and agents in the enforcement of applicable state law and associated rules adopted by the Department of Agriculture and Consumer Services.

(2)(1) All ‘for-hire’ landscape applications of pesticides, including “weed and feed” products and herbicides for weed control, must be performed in accordance with the training, licensure and/or certification requirements of the Structural Pest Control Act, Chapter 482 of the Florida Statutes. All landscape applications of pesticides, including "weed and feed" products, for hire should be made in accordance with state and federal law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.

(3)(2) Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.

(4)(3) When using pesticides, all label instructions of state and federal law should be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

**Section 2:** Each and every other section and subsection of Chapter 78. Zoning. shall remain in full force and effect as previously enacted.

**Section 3:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 4:** Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall become effective immediately upon passage.



**ORDINANCE**

**Date**

8-21

6/10/2021

**Upon Second Reading**

**Motion** Council Member Laurie Brandon

**Second** Council Member Molly Young

|                               | FOR                                 | AGAINST                  | ABSENT                   | CONFLICT                 |
|-------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Mayor Frank D'Ambra, III      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vice-Mayor Kyle Stone         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Laurie Brandon | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Molly Young    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Bruce Prince   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Mayor thereupon declared the Ordinance duly passed and adopted.

**MAYOR OF TEQUESTA:**

Frank D'Ambra, III



**ATTEST:**

Lori McWilliams, MMC  
Village Clerk