

Ordinance No. O-03-2020
 Introduced: December 14, 2020
 Adopted: February 8, 2021

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO AMEND CHAPTER VIII, "HEALTH AND ENVIRONMENTAL REGULATIONS", BY ENACTING ARTICLE 9, "PESTICIDES", TO INCORPORATE CHAPTER 33B, OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC AND TO MAKE CONFORMING CHANGES.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to adopt such ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

WHEREAS, the Mayor and Town Council have determined that it is in the public interest to amend Chapter VIII, "Health and Environmental Regulations", by enacting Article 9, "County Pesticides Law Adopted", and otherwise make conforming changes.

Section 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, that Chapter VIII, "Health and Environmental Regulations", Article 9, "Pesticides" be enacted to read as follows:

ARTICLE 9 PESTICIDES

SECTION 8-901. COUNTY PESTICIDES LAW ADOPTED

(A) CHAPTER 33 B OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC, INCLUDING ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, IS HEREBY ADOPTED AND MADE PART OF THE THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE.

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: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance
 :Indicate matter added in amendment
 : Indicate matter deleted in amendment

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(D) A COPY OF CHAPTER 33B OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

Section 2.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on March 1, 2021 provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

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b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service;

and

d. Published once in the town newsletter.

If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof.

INTRODUCED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the 14th day of December, 2020.

ADOPTED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the 8th day of February, 2021.

EFFECTIVE the 1st day of March, 2021.

ATTEST:

By: *Susan C Engels*
Susan C. Engels, Clerk – Treasurer

TOWN OF KENSINGTON
Tracey C Furman
Tracey C. Furman, Mayor

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney

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