

**Town of Somerset  
Ordinance (Pesticides)**

Resolution No.: 7-20-1  
Introduced: June 1, 2020  
Adopted: July 6, 2020  
Effective Date: 8/11/2020

AN ORDINANCE TO MAKE COUNTY CODE CHAPTER 33B,  
CONCERNING PESTICIDES, APPLICABLE IN THE TOWN OF  
SOMERSET

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Local Government Article, Section 4-111 of the Maryland Code authorizes a municipal corporation within the State, by charter amendment or ordinance, to determine what county legislation is applicable within the boundaries of the municipal corporation;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, Montgomery County, Maryland adopted 2015 L.M.C., ch. 46 (Bill 52-14) to minimize the potential pesticide hazard to people and the environment, consistent with the public interest in the benefits derived from the safe use and application of pesticides, among other purposes, and although enforcement of the law was enjoined as preempted by, and in conflict with, State pesticide law in *Complete Lawn Care, Inc., et al. v. Montgomery County, Md.* (Cir. Ct. Mont. Cnty. Aug. 3, 2017; Nos. 427200V & 427253V), the law was been upheld by the Court of Special Appeals, on appeal, 240 Md.App. 664 (2019);

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 1st day of June, 2020;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 6th day of July, 2020;

WHEREAS, after receiving recommendations from the Parks and Natural Resources Committee and the Environment Committee, and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 6th day of July, 2020, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

\* \* \*

**§ 123-1. County laws applicable.**

The Town is hereby exempt from all legislation heretofore or hereafter enacted by Montgomery County, Maryland, except for the chapters of the Montgomery County Code listed below. Any amendment by the County to such chapters shall become effective within the Town to the extent not disapproved by the Town Council by ordinance. Any repeal by the County of any provision(s) of any chapter listed below or listed in § 123-2 of this chapter shall be effective to repeal such provision(s) within the Town unless an ordinance shall have been adopted by the Town Council expressly enacting such repealed provision(s).

Chapter	Subject Matter	Notes
Chapter 3	Air Quality Control	
* * *		
<b>Chapter 33B</b>	<b>Pesticides</b>	
* * *		

\* \* \*

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:


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

2. This Ordinance shall take effect on the 8<sup>th</sup> day of August, 2020 (36 calendar days after approval by the Mayor).


ATTEST:

TOWN OF SOMERSET

  
Matt Trollinger, Manager/Clerk-Treasurer  
Town of Somerset

  
Marnie Shaur, President  
Town of Somerset

Approved:

  
Jeffrey Slavin, Mayor  
Town of Somerset

Date: 7/6/2020

**Bold and Underline** indicates new material  
~~Strikethrough~~ indicates material deleted  
\* \* \* indicates material unchanged