

Mark Up with Recommended Revisions April 20, 2015

C.R.S. 35-10-112.5

COLORADO REVISED STATUTES

\*\*\* This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013)

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TITLE 35. AGRICULTURE  
PEST AND WEED CONTROL  
ARTICLE 10. PESTICIDE APPLICATORS' ACT

C.R.S. 35-10-112.5 (2013)

35-10-112.5. Statewide uniformity of pesticide control and regulation - exceptions

Note: A complete revision of this Article 35-10, section 112.5 is required to produce a restoration of the authority of local governments to implement local law consistent with the demands of their citizens in order to protect the public health and the environment and the welfare of all inhabitants of the State of Colorado. The purpose of this is to allow democracy to flourish by local government, the most responsive level of government, and notably this is necessary since the regulation of pesticide poisons are not currently regulated in the public interest at either the State or the Federal levels of government.

Following text accomplishes the above stated objectives:

(1) The general assembly hereby determines that the citizens of this state benefit from a system of safe, effective, and scientifically sound pesticide regulation. The general assembly finds that regulation of pesticides shall allow for local governments to regulate pesticides to respond to the specific health, safety and welfare needs of the citizens of such local government jurisdictional boundaries, and for the environmental protection needs within such local government jurisdictional boundaries, but that any such ordinances, standards and rules of control of the use of pesticides enacted by such local governments shall be no less restrictive than those established under Federal law or the law of the State of Colorado.

(2) paragraph (2) is repealed.

(3) (a) Nothing in this article may be construed to limit the authority of a local government to:

(I) Zone for the sale or storage of any pesticide, provide or designate sites for disposal of any pesticide or pesticide container, adopt or enforce building and fire code requirements, regulate the transportation of pesticides consistently with and in no more strict a manner than state and federal law, adopt regulations pursuant to a storm water management program that is consistent with federal or state law, or adopt regulations to protect surface or groundwater drinking water supplies consistent with state or federal law concerning the protection of drinking water supplies;

(II) Take any action specifically authorized or required by any federal or state law or regulation with respect to pesticides, or to take any action otherwise prohibited by this article in order to comply with any specific federal or state requirement or in order to avoid a fine or other penalty under federal or state law;

(III) Regulate the use of pesticides on property owned or leased by the local government;

(IV) Issue local general occupational licenses to persons regulated by this article.

(4) Any local government that promulgates an ordinance that concerns pesticides, that is promulgated pursuant to [section 31-15-707 \(1\) \(b\), C.R.S.](#), or that is promulgated pursuant to any authority described in paragraph (a) of subsection (3) of this section concerning pesticides shall file the following with the department of agriculture:

(a) A certified copy of the ordinance; and

(b) A map or legal description of the geographic area that the local government intends to regulate under the ordinance.