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**THE VILLAGE OF FRANKLIN PARK**  
**COOK COUNTY, ILLINOIS**

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**RESOLUTION**

NUMBER 1819-R-\_\_\_\_

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**A RESOLUTION OF THE VILLAGE OF FRANKLIN PARK, COOK  
COUNTY, ILLINOIS URGING THE STATE OF ILLINOIS TO REPEAL  
PREEMPTION OF LOCAL REGULATIONS OF PESTICIDES**

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**BARRETT F. PEDERSEN, Village President**  
**IRENE AVITIA, Village Clerk**

**JAMES CAPORUSSO**  
**JOHN JOHNSON**  
**CHERYL MCLEAN**  
**WILLIAM RUHL**  
**KAREN SPECIAL**  
**ANDY YBARRA**  
**Trustees**

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Village of Franklin Park – 9500 Belmont Avenue – Franklin Park, Illinois 60131

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COUNTY, ILLINOIS URGING THE STATE OF ILLINOIS TO REPEAL  
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**WHEREAS**, the Village of Franklin Park, Cook County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, residents have been advocating a Village policy to prohibit the use of synthetic pesticides and herbicides on Village property and to discourage their use on private property; and

**WHEREAS**, in 1991, the United States Supreme Court ruled that, absent state law to the contrary, federal pesticide law does not preempt local regulations dealing with the use of pesticides (*Wisconsin Public Intervenor v. Ralph Mortier*); and

**WHEREAS**, in that case, the U.S. Supreme Court ruled that the Federal Insecticide Fungicide Rodenticide Act (FIFRA) leaves local regulation of pesticides in the hands of local authorities under existing state laws; and

**WHEREAS**, in that case, the Attorney General of the State of Illinois filed a friend of the court brief to argue in support of local authority over pesticide regulation; and

**WHEREAS**, in 1983 the State of Illinois adopted an amendment to the Illinois Pesticide Act of 1979 that prohibits local government from regulating the registration, purchase, use, storage and disposal of pesticides; and

**WHEREAS**, Illinois law expressly prohibits local ordinances regulating pesticides, thus making the aforementioned 1991 United States Supreme Court decision irrelevant in Illinois; and

**WHEREAS**, the Village restricts pesticide use on Village property and wishes to retain the right to freely adopt regulations regarding pesticide use in its jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** That the Village President and Board of Trustees of the Village of Franklin Park urge the General Assembly of the State of Illinois to repeal the preemption of local government regulation of pesticides as stated in the Illinois Pesticide Act, Section 3, Paragraph 4; supports re-establishment of the right of local governments to adopt pesticide regulations that are stricter than state laws; will work with other Illinois municipalities and counties to reform state pesticide practices to limit or eliminate use of pesticides; and to overturn state preemption of local pesticide regulations.

**Section 3.** If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any other provision of this Resolution.

**Section 4.** All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 5.** This Resolution shall be in full force and effect upon its passage, approval and publication as provided by law.

**PASSED** by the President and Board of Trustees of the Village of Franklin Park, Cook

County, Illinois this \_\_\_\_\_ day of June 2018, pursuant to a roll call vote, as follows:

	YES	NO	ABSTAIN	ABSENT	PRESENT
CAPORUSSO					
JOHNSON					
MCCLEAN					
RUHL					
SPECIAL					
YBARRA					
PRESIDENT PEDERSEN					
<b>TOTAL</b>					

**APPROVED** by the President of the Village of Franklin Park, Cook County, Illinois on

this \_\_\_\_\_ day of June 2018.

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BARRETT F. PEDERSEN  
VILLAGE PRESIDENT

ATTEST:

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IRENE AVITIA  
VILLAGE CLERK