

TOWN OF FAIRFAX

# PESTICIDE ALERT NEIGHBOR NOTIFICATION

Posting Date: \_\_\_\_\_

This is notification of the intent to use  
pesticides.

**Pesticide Application Date:** \_\_\_\_\_

Street address of pesticide application: \_\_\_\_\_

Approximate location on the property: \_\_\_\_\_

ESTIMATED TIME OF APPLICATION: \_\_\_\_\_

Type of pesticide (e.g., fungicide, herbicide, insecticide) \_\_\_\_\_

Brand name \_\_\_\_\_ Chemical name: \_\_\_\_\_

1-800 telephone number for product information: \_\_\_\_\_

**This notice will remain posted for 48 hours  
following pesticide application.**

Town Code § 8.52.070



# **PESTICIDE ORDINANCE**

## **Fairfax Town Code Title 8 Health and Safety Chapter 8.52**

### **8.52.010. PURPOSE**

- (A) The use of pesticides with known carcinogens in the Town of Fairfax is of such great concern to the Town Council that in order to protect the health, safety and welfare of Fairfax residents this chapter is being adopted. The Town Council is formalizing Fairfax's official policy of not using pesticides on town property by prohibiting the use of pesticides on Fairfax parks, open space parcels and public rights of way including both aerial spraying and ground applications; and, requiring public notice entitled "neighbor notification" prior to pesticide use on private property.
- (B) Residents of Fairfax have a right to know when pesticides are being used in their neighborhood on private property in order to allow time to take precautions to protect themselves, their family, pets and property from the hazards of pesticide exposure.
- (C) (1) The headwaters for Corte Madera Creek are the Fairfax and San Anselmo (Cascade) Creeks which traverse the town limits.
- (2) Coho Salmon and steelhead (native to these creeks) have been listed as threatened under the Federal Endangered Species Act.

### **8.52.020. DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PESTICIDE.** Any spray or adjuvant, substance or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth or for preventing, destroying, repelling or mitigating any pest which may infest or be detrimental to vegetation, man, animals or households, or be present in any agricultural or non-agricultural environment, including fungicides, herbicides, insecticides, nematicides, rodenticides, dessicants, defoliant and plant growth regulators.

### **8.52.030. USE.**

- (A) The use of pesticides on Fairfax parks, open space parcels and public rights of way and buildings maintained by the Town of Fairfax, is hereby prohibited.
- (B) The "use" shall be defined as both aerial and ground spraying and or dusting and all other ground applications.

### **8.52.040. EXCEPTIONS.**

The only exceptions to the use of pesticides under §8.52.030 are the same as those found in §8.52.090; and, in addition an exception may be approved by a two-thirds super majority vote of the full Town Council with a mandatory finding that the health, safety and welfare of the community is so threatened that an emergency exists, that no reasonable alternative is available and the prohibition of the use of pesticides would create the potential for allowing a significant adverse impact on the town.

### **8.52.050. NEIGHBOR NOTIFICATION.**

Prior to the use of pesticides on private property notice shall be required.

#### **8.52.060. TIMING OF NOTICE.**

Neighbors of the affected properties shall receive a minimum of 48 hours' notice prior to the application of pesticides.

#### **8.52.070. TYPE OF NOTICE REQUIRED.**

- (A) A visible 8.5-inch by 11-inch Pesticides Alert notice on a form approved by the Town of Fairfax shall be posted in a conspicuous place on the front of the property where the pesticide application will occur and an approved written notice delivered 48 hours in advance by either a mail service or a hand delivered 8.5-inch by 11-inch notice attached to an accessible front door or front gate if locked of every separate residential unit within 150 feet of the posted property.
- (B) The notice shall include the address and approximate location of the pesticide application, date and estimated time of use, the type of pesticide being used and an appropriate 800 number for information regarding the product content and potential impacts.
- (C) The notice shall remain posted for 48 hours after pesticide use.

#### **8.52.080. DISTANCE OF NOTIFICATION COVERAGE.**

All separate residential units within 150 feet of the parcel where pesticide application is to occur shall receive proper written notification as set forth in §8.52.070.

#### **8.52.090. EXCEPTIONS**

Prior notification provisions of this chapter shall not apply to the following:

- (A) The use of an aerosol product with a directed spray, in containers of 18 fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets; (This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area.)
- (B) The use of non-volatile insect or rodent bait in a tamper resistant container;
- (C) The use of boric acid;
- (D) The use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
- (E) The application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not dust or powder;
- (F) The application of a pesticide by direct injection into a plant; and
- (G) The spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of 32 ounces or less to an area of ground less than nine square feet. Nine square feet is a maximum area to be exempted once per year to prohibit a cumulative exception.

#### **8.52.100. ANNUAL NOTIFICATION.**

Annual notification of Ord. 686 shall be given by the town to all businesses in Fairfax that sell pesticides and all listed Marin County businesses that apply pesticides as a regular service to their customers.

#### **8.52.110. ENFORCEMENT**

The first violation of this chapter within a three year period shall constitute a public nuisance. The second violation within the same three year period shall constitute an infraction. The third violation within the same three year period shall constitute a misdemeanor and the penalties will be applied according to existing law.

## **8.52120. EDUCATION**

Education will be a key component of success for this chapter. In that light, it is suggested that residents refer to the County of Marin and its Master Gardener Program to learn about Integrated Pest Management (IPM) techniques and how they can utilize such a program at their residence. Information may also be obtained from the Marin Stormwater Pollution Prevention Program (MCSTOPP), the Marin Agricultural Commissioner's office and the University of California Agricultural Extension office in Novato.

(Ord. 686, passed March 2, 2001)