



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

Mayor

Mike Ghiringhelli

Council

Susan Brandborg
Niccolo Caldararo
Frank Egger
Lew Tremaine

Dear Fairfax Resident:

The Town Council enacted an ordinance that requires neighbor notification prior to pesticide application on private property. The enclosed ordinance and materials are to help you notify your neighbors. Please adhere to the following to comply with the requirements of the ordinance.

- You must post a visible 8 ½ x 11 **Pesticide Alert** notice in a conspicuous place on the front of your property at least 48 hours in advance of pesticide use. (A copy of the notice is enclosed.)
- Written notification must also be provided 48 hours in advance to every residential unit within 150 feet of the posted property. Mail service or hand delivery is acceptable. (Ten copies of the notice are enclosed.)

The intent of the ordinance is to inform neighbors in the event they want to take steps to close windows, bring pets in, or whatever else might be appropriate to their circumstance.

If you have questions, please contact the Town Hall at 453-1584 or the Police Department at 453-5330.

Sincerely,

Fairfax Town Council

TOWN OF FAIRFAX

Pesticide Alert Neighbor Notification

Posting Date _____

This is notification of the intent to
use pesticides.

Street Address of pesticide application _____

Approximate Location on the property _____

Pesticide Application Date _____

ESTIMATED TIME OF APPLICATION: _____

Type of Pesticide (e.g, fungicide, herbicide, insecticide, etc.): _____

Brand Name _____ Chemical Name _____

1-800 telephone number for product information _____

**This notice will remain posted for 48 hours
following pesticide application
Town Code § 8.40.42.**

FAIRFAX TOWN CODE

TITLE 8

HEALTH AND SAFETY

CHAPTER 8.40

The headwaters for Corte Madera Creek are the Fairfax and San Anselmo (Cascade) Creeks which traverse the town limits. Coho salmon and steelhead (native to these creeks) have been listed as threatened under the Federal endangered Species Act.

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.

8.40.010 Definition:

8.40.40 Neighbor notification:
Prior to the use of pesticides on private property notice shall be required (*see listed exception, Section 8.40.44*)

Pesticides, the Prohibition of Use on Fairfax Parks, Open Space Parcels, and Public Rights of Way Including Both Aerial Spraying and Ground Applications and the Public Notice of Pesticide Use on Private Property

Pesticide: For purposes herein, pesticide shall mean any spray 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, nematocides, rodenticides, desiccants, defoliants, and plant growth regulators.

8.40.41 Timing of Notice:
Neighbors of the affected properties shall receive a minimum of 48 hours notice prior to the application of pesticides.

8.40.010 Purpose:

8.40.30

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 ordinance is being adopted. The Town Council is formalizing Fairfax's official policy of NOT using 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.

The use of pesticides on Fairfax parks, open space parcels and public rights of way and buildings owned and maintained by the Town of Fairfax, is hereby prohibited

8.40.31 Use:

The "use" shall be defined as both aerial and ground spraying and or dusting and all other ground application.

8.40.32 Exceptions:

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.

The only exceptions to the use of pesticides under section 8.40.30 are the same as those found in section 8.40.44; and, in addition an exception may be approved by a 2/3's 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

8.40.43 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 section 8.40.42.

8.40.44 Exceptions

Prior to 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 eighteen 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 a dust or powder;
- F. The application of a pesticide by direct injection into a plant;
- G. The spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two 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.

8.40.50

Annual notification of Ordinance No. 687 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.

8.40.60 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.

8.40.70 Education:

Education will be a key component of success for this ordinance. In that light it is suggested that residents refer to the county of Marin and it's 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.

For additional information, or to obtain a Pesticides Alert Neighbor Notification form, please contact staff at Town Hall.

The Pesticides Alert Neighbor Notification form may be reproduced for compliance with the noticing requirements.

PESTICIDE ORDINANCE

142 Bolinas Road
Fairfax, CA 94930
415-453-1584

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