

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 7, 2003**

For the Meeting of October 14, 2003

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Report of Warrants Issued, September 2003

RECOMMENDATION

That Council acknowledge and file warrant numbers 46721 to 46975 issued during the month of September 2003 in the amount of \$1,485,774.98. The following warrant numbers were voided or cancelled: 46836 and 46929.

BACKGROUND

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment 1: Warrant Registers, September 2003

AGENDA ITEM 1(c)

TOWN OF SAN ANSELMO

TOWN COUNCIL STAFF REPORT

For the meeting of 10-14-03

DATE: 10-9-03

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Red Hill Ave/Sir Francis Drake Blvd Storm Drain Bypass project. Accept the project and authorize filing Notice of Completion. The contractor is Ghilotti Bros. Inc.

RECOMMENDATION

Accept the project and authorize filing Notice of Completion.

BACKGROUND AND DISCUSSION

The Town Council at the meeting of 3-25-03 awarded the contract to Ghilotti Bros. Inc. in the amount of \$558,765.50

The project was completed in accordance with the plans and the specifications. The Council also authorized a contingency of \$83,815.00

Due to the unforeseen and unpredictable conditions under the ground the extra work exceeded the contingency allowance. Refer to final payment for list of extra work.

FISCAL IMPACT

Contract Expenditures:

Original contract	558,765.50
Extra quantities contract	6,734.00

Change orders due to design modifications	45,701.00
Change orders due to unpredictable conditions	113,575.00
Total	724,775.50

Project Expenditures:

Final contract, Ghilotti Bros. Inc.	724,775.50
Repair traffic signal wires, Republic Electric	8,291.85
Repair Service wires to Hub, Republic Electric	4,611.30
Compaction testing, Miller Pacific	2,298.70
Consultants design, Santina and Thompson	95,009.25
Consultants construction, Linhart Petersen Powers	71,477.76
Total	906,464.36

Funding:

FEMA Hazard Mitigation Grant	637,925.00
Measure G	268,539.36
Total	906,464.36

AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 4, 2003**

For the meeting of October 14, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Regular meeting of November 11, 2003

A. RECOMMENDATION

That Council cancel the regularly scheduled meeting of Tuesday, November 11, 2003, due to the Veterans Day holiday, and tentatively reserve Monday, November 10, 2003, for a reschedule date should a meeting be required.

BACKGROUND

The first regular meeting of November 2003 falls on the Veterans Day holiday. Town Hall offices will be closed on that day and staff recommends that the meeting be cancelled.

Should there be pressing need for action that cannot be accommodated at the regular meeting of November 25, staff recommends that Monday, November 10, be reserved as a possible reschedule date.

Respectfully submitted,

Debra Stutsman
Town Administrator

AGENDA ITEM 1(e)
Not available on website

AGENDA ITEM 1(f)

TOWN OF SAN ANSELMO
STAFF REPORT
October 4, 2003

For the meeting of October 14, 2003

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Clean Air Consortium

B. RECOMMENDATION

That Council consider approval of the Town's participation in the initiative of the Bay Area Air Quality Management District – Leading the Way to Attainment: The Clean Air Consortium.

BACKGROUND

Over the last decade there has been an increased awareness and concern about pollution generated from off-road mobile sources such as lawn and garden equipment. The District is asking public agencies to join them and voluntarily reduce activities that pollute on Spare the Air days.

Participation would mean:

- Rescheduling the use of gasoline powered lawn and garden equipment.

- Rescheduling surface coating and painting projects, and
- Postponing refueling vehicles until the end of the day.

These actions can reduce pollution by several tons on the most polluted days. We are also being asked to participate in a consortium of public agencies and publicize clean air efforts, such as:

- Agreeing to abide by the attached checklist
- Signing the attached voluntary agreement
- Allowing the Air District to list the Town as an active participant
- Publicizing our participation as part of on-going public outreach efforts and
- Participating in brief e-mail survey to document the effort.

DISCUSSION

Public Works and Parks Departments would be most affected by the Town's participation in this initiative. Most activities covered by the initiative could be rescheduled fairly easily on Spare the Air days, although time sensitive projects using gas-powered equipment could be affected.

Respectfully submitted,

Debra Stutsman
Town Administrator

AGENDA ITEM 1(g)

TOWN OF SAN ANSELMO
STAFF REPORT
October 6, 2003

For the Meeting of October 14, 2003

TO: Town Council

FROM: Kay Coleman
Community Resources' Director

SUBJECT: Application for Downtown Events
Drake High School Homecoming Parade

RECOMMENDATION

That Council approve the request to hold Drake High School's Homecoming Parade on San Anselmo Avenue from Mariposa Avenue to Bridge Avenue, continuing down Sir Francis Drake Blvd. to the school, on Saturday, October 18, at 12:20 p.m.

BACKGROUND

For the past few years, Drake's Homecoming Parade route has begun at Mariposa and San Anselmo Avenues and followed the same route requested this year. The students appreciate the community support engendered by having the parade go through the downtown area. The response to previous parades was very positive from the community and disruption to traffic was kept to a minimum. This application was submitted by the Leadership Class at Drake, who are very involved with Town activities: Creek Clean Up, the Community Fair, Bulb Planting and the Creekside "Q."

It is anticipated that the parade will take a maximum of ten minutes in any one spot.

DEPARTMENTAL COMMENTS

The Police Department advises that they will be able to field enough uniformed officers to assist with the parade as it crosses seven intersections. The students will be advising the merchants along the parade route, as well as doing some general publicity around the parade and its route.

Respectfully submitted,

Kay Coleman

Attachments:

Application for Downtown Events

**SAN ANSELMO POLICE DEPARTMENT
STAFF REPORT**

For the Meeting of October 14, 2003

To: San Anselmo Town Council

From: Charles L. Maynard, Chief of Police

Subject: Use of COPS Funds

Date: October 1, 2003

RECOMMENDATION

That Council approve the attached resolution authorizing the use of Citizens Option for Public Safety (COPS) funds for maintaining the Police Traffic Officer and Police Dispatcher positions currently funded under the COPS Program. Additionally, the COPS program provides partial funding for the Lead Police Dispatcher position.

BACKGROUND

In May 1998 a request was made to Council to increase the Police Department staff by two (2) sworn positions. Department staff demonstrated the need and justification for these two positions and Council acknowledged that need. At that time Council authorized the addition of one (1) sworn police officer and cited fiscal constraints for the denial of the second position. Since that time the State of California has substantially increased the amount of funding to the COPS program. This increase in funding has since allowed and will continue to allow for the continuation of the enhanced traffic program including the additional Traffic Officer originally hired with COPS funds.

In past years the State of California has provided (COPS) funds to be available to local law enforcement agencies to be used for first line law enforcement. Funds from this program can be used to fund both sworn and non-sworn positions, purchase and maintain equipment and fund technology programs as long as these expenditures can be shown to assist front line law enforcement. The Town of San Anselmo has been the recipient of these funds for the past several years, and will be receiving funds for FY 2003-04 in the amount of \$100,000.

In FY 2001-02 the department received \$100,000 in COPS funding. These funds were earmarked for an additional Police Traffic Officer position. Funds rolling over from the previous year continue to fund a dispatch position as well as partial funding for the Lead Dispatcher position. As explained in a previous staff reports, any funding shortfall in the funding of the Traffic Officer's position will be more than made up through the increase in revenue to the Town generated by this very same position.

**SAN ANSELMO POLICE DEPARTMENT
STAFF REPORT**

Senate Bill 736, authored by Senator Charles Poochigian was signed into law making COPS funding a permanent part of the State budget. The Governor signed this legislation to ensure that additional law enforcement employees hired with COPS funds continue to be employed by local police departments. This legislation lifted the sunset clause on the COPS Program and will ensure funding in future years by making this program a permanent part of the State budget.

CONCLUSION

Continuation of the funding of the Police Traffic Officer, Police Dispatcher and the Lead Dispatcher positions will allow the department to continue its comprehensive traffic safety and enforcement programs and to better serve the residents and visitors of our community. These programs will be funded through a combination of COPS funding and increased traffic fine revenue.



CHARLES L. MAYNARD
Chief of Police

TOWN OF SAN ANSELMO
STAFF REPORT

LEGAL REVIEW

Town Council meeting date:	October 7, 2003
Subject of Staff Report:	COPS resolution
Prepared by:	Debra Stutsman
Phone:	258-4652
Fax:	459-2477
Date sent:	10/7/03

Reviewed by Town Attorney: *Hadden Rock*
Date: *10.8.03*

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
APPROVING THE USE OF FUNDS DISTRIBUTED PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 30061 ET AL.

WHEREAS, Assembly Bill 3229 provided for the Citizens Option for Public Safety (COPS) funds to local law enforcement agencies; and

WHEREAS, the Governor signed Senate Bill 736, that extends the COPS program indefinitely and provides local government law enforcement jurisdictions with annual baseline funding in the amount of \$100,000, for frontline law enforcement personnel and other related equipment, and

WHEREAS the Chief of Police has prepared a recommendation on the use of the COPS funds, pursuant to the requirement of AB 3229; and

WHEREAS, the recommendation is that the funds be used to continue to employ a full time Police Traffic Officer, Police Dispatcher, provide partial funding of the Lead Dispatcher position, and to provide support to the department's records management system.

NOW THEREFORE, BE IT HEREBY RESOLVED that the San Anselmo Town Council approves the recommendation of the Police Chief to appropriate the COPS funds as stated above.

I hereby certify that the foregoing resolution was approved by the San Anselmo Town Council on the 14th day of October 2003, by the following vote, to wit:

AYES:

NOES:

ABSENT:

PETER KILKUS
Mayor

DEBRA STUTSMAN
Town Clerk

AGENDA ITEM 2
Not available on website

AGENDA ITEM 3

TOWN OF SAN ANSELMO
STAFF REPORT
October 6, 2003

For the meeting of October 14, 2003

TO: Town Council
FROM: Thomas Bell
SUBJECT: Animal Control Ordinance

C. RECOMMENDATION

That Council introduce and waive reading of the ordinance adopting by reference Title 8 of the Marin County Code addressing animals and adopting fees to be collected as revised and adopted June 3, 2003, adopt §5-1.02, 5-1.03 and 5-1.04 of the San Anselmo Municipal Code, and set a public hearing for the regular meeting of Tuesday, November 25, 2003 to consider final adoption.

BACKGROUND

The Town and other Marin cities adopted the County's animal services ordinance by reference in order to ensure continuity in enforcement by the Marin Humane Society. The County Board of Supervisors approved a revised Animal Control ordinance and related fee increases on June 3, 2003. The new revised fee ordinance would go into effect once cities/towns adopt the ordinance changes.

DISCUSSION

The procedures for adopting the revised Marin County Code **by reference** are as follows:

- First reading and set public hearing.
- Publish notice of public hearing twice, at least five days apart.
- Provide a copy of the code and the fees for public inspection before public hearing.
- Conduct public hearing and take action.

Staff recommends that the public hearing be set for the regular meeting of Tuesday, November 25, to allow time for proper noticing and public inspection of the proposed ordinance.

The following attachments are included with the report:

- Proposed San Anselmo ordinance adopting by reference Title 8 of the Marin County Code addressing animals and adopting fees (Attachment #1).
- Summary of Marin County ordinance addressing animals (Attachment #2).
- Marin County ordinance establishing increases in fees collected for animal control services (Attachment #3).
- Marin County ordinance amending Title 8 of the Marin County code addressing animals (Attachment #4).

Respectfully submitted,

Thomas Bell
Planning Director

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING §§ 5-1.01, 5-1.02, AND 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE, ADOPTING BY REFERENCE TITLE 8 OF THE MARIN COUNTY CODE ADDRESSING ANIMALS AND ADOPTING FEES TO BE COLLECTED AS REVISED AND ADOPTED JUNE 3, 2003, AND ADOPTING NEW §§ 5-1.01, 5-1.02, AND 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE.

The Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION I. SECTION 5-1.01 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

5-1.01 Adoption Of Marin County Code Addressing Animals

Pursuant to § 50022.9 of the Government Code, the Marin County Code addressing animals, set forth in Title 8 of the Marin County Code, codified in Chapter 8.04 of Title 8 of the Marin County Code along with the fees to be collected for animal

control services, are hereby adopted by reference and shall be in full force and effect within the Town of San Anselmo.

SECTION II. SECTION 5-1.02 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED WITH NEW SECTION 5-1.02 REGARDING PENALTY PROVISIONS OF THE MARIN COUNTY CODE ADDRESSING ANIMALS INCORPORATED BY REFERENCE ARE ENACTED IN FULL AS FOLLOWS:

5-1.02 Penalty For Violations

(a) As provided in Section 8.04.070, any owner failing to procure and pay for a dog license within the period allowed in Section 8.04.030 shall pay a delinquent penalty in the amount set forth by separate ordinance of the Board of Supervisors. The delinquent penalty may be waived where failure to pay is due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the Animal Services Agency or the County Administrator's office. Any person dissatisfied with a determination denying waiver of a delinquent penalty shall be entitled to a hearing which shall be conducted

pursuant to the provisions of Section 8.04.122.

(b) As provided in Section 8.04.184(c) any person who boards, has, keeps, maintains, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any provisions of Sections 8.04.182 through 8.04.184.1 of the Marin County Code shall be guilty of a misdemeanor and shall be subject to imprisonment in a county jail for not more than six months or a fine not to exceed \$1,000 or both.

(c) As provided in Section 8.04.260(a) of the Marin County Code, any person violating any of the provisions of

Section 8.04.179, 8.04.180, 8.04.181, 8.04.225, 8.04.230, 8.04.240, 8.04.245 and 8.04.246 of Chapter 8.04 is guilty of a misdemeanor.

(d) As provided in Section 8.04.260(b) of the Marin County Code, any person violating any other of the provisions of Chapter 8.04 is guilty of an infraction as provided in Section 19.6 of the Penal Code, and upon conviction thereof shall be punished by a fine of not more than fifty dollars for the first offense, and for a second or subsequent offense by a fine of not more than one hundred dollars.

(e) As provided in Section 8.08.030 of the Marin County Code, any person or persons violating any provision or provisions of Chapter 8.08 shall be deemed guilty of a

misdemeanor and punishable at a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

(f) As provided in Section 8.12.020, every owner, claimant or keeper of any dog accustomed to or having the propensity to hunt, chase, course or kill deer who suffers or permits such hound or hounds or other dogs to go or run at large in the County of Marin shall be guilty of a misdemeanor.

(g) As provided in Section 8.12.030, any person violating any provision of Chapter 8.12 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars, nor more than five hundred dollars.

SECTION III. SECTION 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

5-1.03 Exception regarding ostrich farms.

Excluded from the provisions of Section 5-1.01 are ostriches housed at any ostrich farm existing on the operative date of this amendment, so long as the owner or operator of any such ostrich farm obtains a permit from the Marin Humane Society within sixty (60) days thereafter. Any such ostrich farm may continue to exist as permitted until such farm is closed or abandoned for a period of six (6) months.

SECTION IV. THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED

If any section, subsection, sentence, clause or phrase of Title 8 of the Marin County Code addressing animals and the fees to be collected for animal control services adopted by reference by this ordinance should for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the provisions incorporated by this ordinance. The Town Council hereby declares that it would have passed this ordinance incorporating the Marin County Code Addressing Animals and the Fees Collected for Animal Control Services and each section, subsection, sentence, clause or phrase, thereof, irrespective that any one or more sections, subsections, sentences or phrases be declared unconstitutional or invalid.

This ordinance was introduced on the ____ day of _____, 2003 at a regular meeting of the Town Council of the Town of San Anselmo wherein the Council set a public hearing for the ____ day of _____, 2003. After notice of the hearing published pursuant to Gov't. Code § 6066, the Council, at the close of the hearing, adopted the ordinance on the ____ day of _____, 2003 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ASTAIN: _____

PETER KILKUS, MAYOR

ATTEST:

DEBRA STUTSMAN,
TOWN CLERK
SA-GEN ORDINANCESECTION5-1.0I-TITLE8

AGENDA ITEM 4

**TOWN OF SAN ANSELMO
STAFF REPORT**

October 3, 2003

TO: Town Council

FROM: Dean Nyberg, Parks Director

RE: Revised Commercial Applicator Notification Ordinance

For the meeting of October 14, 2003

Recommendation

That Council approve an ordinance requiring notification of adjoining property residents of airborne pesticide applications by commercial pesticide applicators.

Background

Staff was directed to revise the definition of “airborne application” and to direct the ordinance posting requirements to include commercial applicators, only. The substance of such an ordinance would be to require that commercial pesticide applicators notify adjoining property owners at least 24 hours before an airborne pesticide application. The most immediate benefit of adjoining property notification is that it provides a warning to afford people the opportunity to take simple precautions to minimize their exposure. In addition, such a law may spur adoption of less hazardous means of pest control by exempting certain pesticides or types of applications from the notice requirements.

Discussion

The revised definition used in the attached ordinance is: “airborne application means the application of pesticides by misting or spraying plant materials, or by use of a fogger.” Pre-application notification and post-application notification of an airborne application are required by commercial applicators.

A letter has been sent to commercial pesticide applicators doing business in Marin, advising them that the Town is considering an ordinance requiring prior notification to adjacent neighbors before pesticide spraying by commercial applicators. A copy of the proposed ordinance was included for review and comment and the recipients were advised of the date of tonight’s meeting.

Respectfully submitted,

R. Dean Nyberg,
Parks Director

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 5 (SANITATION AND PUBLIC HEALTH) OF THE SAN ANSELMO MUNICIPAL CODE BY ADDING CHAPTER 9 (NOTIFICATION OF COMMERCIAL PESTICIDE APPLICATIONS).

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

Chapter 9 of Title 5 is hereby added to the San Anselmo Municipal Code to read as follows:

Chapter 9

PESTICIDE NOTIFICATION

Sections:

5-9.01 Purpose and Intent

5-9.02 Definitions

5-9.03 Licensing of Commercial Applicators

5-9.04 Maintenance of Records

5-9.05 Emergency Suspension

5-9.06 Pre-application Notification of Airborne Application

5-9.07 Exceptions

5-9.01 Purpose and Intent

- (a) It is the intent of the town council in enacting this chapter to prescribe requirements concerning pesticide notifications in order to preserve the health, safety, and welfare of the inhabitants of the Town. The council finds that there are federal and state laws that regulate pesticides, but that those laws do not exclude local government regulation not inconsistent therewith. The council finds that this chapter is not inconsistent with federal and state laws, and is not preempted by any such laws. The town council finds that the provisions of this chapter address the town's local and municipal concerns of notification of pesticide applications by commercial applicators not addressed by federal or state law.
- (b) The town council finds that wind conditions in the town cause drift to occur during airborne applications of pesticides and that absent pre-application notification, airborne applications of pesticides constitute a nuisance. It is the intent of the town council in enacting this chapter to prescribe requirements concerning the notification of the public of the outdoor use of pesticides. The town council finds that this objective is not inconsistent with federal and state laws, and is not pre-empted by any such laws. The town council further finds that notification of outdoor use is a matter of local and municipal concern.

5-9.02 Definitions

- (a) As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:
- 1. "Airborne Application"** means the application of pesticides by misting or spraying plant materials, or by use of a fogger.
 - 2. "Contracting party"** means a person which hires a commercial applicator or other person to apply pesticides.

3. **“Commercial property”** means property owned or leased by a business, industry, church, or school, on which goods or services are provided to the public.
4. **“Commercial applicator”** means a person who owns or manages any business activity in which pesticides are applied upon the lands of another for hire or who receives, directly or indirectly, any compensation for such activity. This definition does not include maintenance personnel hired by commercial establishments, if such personnel have a variety of maintenance duties.
5. **“Defoliant”** means any substance or mixture of substances intended to cause leaves or foliage to drop from a plant, with or without causing abscission.
6. **“Desiccant”** means any substance or mixture of substances intended to accelerate artificially the drying of plant tissue.
7. **“FIFRA”** means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., as amended.
8. **“Fogger”** means a piece of equipment that breaks some pesticides into very fine droplets (aerosols or smokes) and blows or drifts the fog onto the target area.
9. **“Mist blower”** means spray equipment in which hydraulic atomization of the liquid at the nozzle is aided by an air blast past the source of spray.
10. **“Misting”** means the production of a cloud-like mass or layer of minute globules of pesticide in the air through use of a mist blower or similar device.
11. **“Pest”** means any insect, snail, slug, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism which is declared by the California State Department of Pesticide Regulation.
12. **“Pesticide”** means any substance or mixture of substances intended for destroying or repelling any pest. This includes without limitation fungicides, insecticides, nematocides, herbicides, and rodenticides and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The following products are not pesticides:
 - (a) Deodorizers, bleaching agents, disinfectants, and cleaning agents for which no pesticide claims are made in the sale, or distribution thereof; and
 - (b) Fertilizers and plant nutrients.
13. **“Plant Regulator”** means any substance or mixture of substances intended to accelerate or retard, through physiological action, the rate of growth or maturation or otherwise to alter the behavior of plants or their produce, but does not include a plant nutrient, trace element, nutritional chemical, plant inoculants or soil amendment.
14. **“Spray”** means a mixture of a pesticide with water or other liquid applied in fine droplets.
15. **“User of pesticides”** means any person who applies or causes the emission of a pesticide into the environment, whether by spraying, misting, fogging, dusting, dragging, or other means. Users of pesticide include, without limitation, commercial applicators.

5-9.03 Licensing of Commercial Applicators

No commercial applicator shall engage in the use or application of pesticides without a valid current state license as required by the California State Department of Pesticide Regulation.

5-9.04 Maintenance of Records

- (a) Each commercial applicator shall maintain a record of information concerning each pesticide application. The record shall be consistent with state record keeping requirements.
- (b) Immediately following any pesticide application, each commercial applicator shall provide a full copy to the record set forth in subsection (a) above to the contracting party.

5-9.04 Emergency Suspension

The Town Administrator or the Administrator's designee may suspend any portion of this chapter in the event of an emergency situation which threatens irreparable harm to the health, safety or welfare of the inhabitants of the town or to the town's environment.

5-9.05 Pre-application Notification of Airborne Application

- (a) Prior to airborne application of any pesticide, commercial applicators shall give notice to all occupants of all adjacent properties. For purposes of this section, properties located diagonally from the affected property and touching only on a property corner or other point shall be considered to be adjacent, and rights-of-way shall be disregarded in such determinations.
- (b) The notice shall be given at least twenty-four hours prior to application.
- (c) The notice shall be valid for seven days after it is given.
- (d) The notice may be given by posting signs on the property to be treated or by giving verbal or written notice.
- (e) The notice shall contain at a minimum the following information:
 - (1) Date notice given;
 - (2) Indication that pesticides will be applied and the approximate date of application;
 - (3) The name and telephone number of the contracting party or other user of pesticides; and
 - (4) Date notice expires.
- (f) If notice is given by posting signs on the property to be treated, such signs shall conform to the following criteria:

- (1) There shall be a minimum of one water resistant sign along the principal street frontage of the property.
- (2) Signs shall be placed so that the warning is conspicuous from the public right of way. All required information shall be on one face of the sign.
- (3) For property surrounding commercial buildings or attached dwelling units, signs shall be posted at common access points.
- (4) For town park or open space property, signs shall be posted at each trailhead, street access, or sidewalk entry point, and any additional common access points.
- (5) Signs shall be a minimum of 8 ½ inches by 11 inches in area, and a maximum of 2 square feet in area per face.
- (6) Signs shall be placed at a maximum height of six feet.
- (7) There shall be no greater size of letters for identification of the applicator than for any other information on the sign.
- (8) Signs shall be dark lettering on a bright yellow background.

(g) If a commercial property or an attached (i.e. multi-family) residential dwelling is located adjacent to property on which an airborne application of any pesticide is to occur as set forth above, commercial applicators shall make a reasonable attempt to notify the owner or manager of the property at least forty-eight hours prior to the pesticide application. Upon receipt of such notice, such owner or manager shall not fail to post in a prominent place the information that the adjacent property will be treated.

5-9.06 Post-application notification of Outdoor Application

- (a) Commercial applicators who apply pesticides outdoors shall display at least one warning sign for at least twenty-four hours following each pesticide application or longer if suggested or required by the manufacturer's label. All signs shall be posted at the time of the pesticide application.
- (b) Signs shall conform to the following criteria:
 - (1) Signs shall include the following statement:
“WARNING, PESTICIDES APPLIED
 Name: _____ Phone: _____. Remove sign after 24 hours, or per label requirements.”
 - (2) The name and telephone number shall be either the contracting party or other user of pesticides.
 - (3) Signs shall be at a minimum of four inches by five inches in area per face, and a maximum of 2 square feet in area per face.
- (c) Signs shall comply with all other criteria set forth in Subsection 5-9.05, except subparagraph 5-9.05 (f),(5).

5-9.07 Exceptions

No notice of outdoor application is required pursuant to Section 5-9.06, "Post-application Notification Outdoor Application," under the following circumstances:

- (a) Individual spraying of weeds if the spraying distance is less than three feet; and
- (b) Spot treatment of areas that are less than a total area of 100 square feet on a lot.

Introduced at a regular meeting of the Town Council on _____, and passed and adopted by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on _____, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Town Clerk