

**URBAN FORESTRY TREE BOARD PROCEEDINGS**  
**July 18, 2019**  
**Municipal Services Building, Parks Department Break Room**

Members Present: Nick Nelson, Ruth Ludwig, Richard Kaufman, Robert-Jan Quene

Members Excused: Jane Anklam

Also present: Linda Cadotte, Russ Behlings, Ryan Wintlend, Angie Harker, Rick Heckman

1. Approval of the April 4, 2019 minutes

**MOTION by Nelson, seconded by Quene, and carried to approve the Urban Forestry Tree Board Minutes of April 4, 2019.**

2. Herbicide ordinance – held in committee from the April 4<sup>th</sup>, 2019 meeting. Parks, Recreation and Forestry Director Linda Cadotte distributed the draft Pesticide Ordinance Exemption Request Application (modeled after Douglas County’s application). She also distributed the updated ordinance which would now reference the Pesticide Ordinance Exemption Request.

**MOTION by Ludwig, seconded by Quene, and carried to table the herbicide ordinance until the next meeting.**

3. Updated Tree Permit

Cadotte distributed the updated draft tree permit and ordinance and the documents were reviewed. She indicated some contractors have voiced concerns about having to pay for removal of trees. Members questioned if shrubs and perennials should be included on the permit. Cadotte explained that this permit is geared towards trees and is a tool for the department to keep track of planting, removal and maintenance of trees in the City. She indicated that ESD is currently completing a green audit and that this may be the more appropriate place to address boulevard plantings (other than trees). Members felt comfortable approving the updated tree permit, however since the Pesticide Ordinance Exemption Request has not yet been approved and it is referenced on the permit, this item would need to be tabled until the next meeting.

**MOTION by Quene, seconded by Kaufman, and carried to table the updated tree permit until there is an approved exemption request form to go along with it.**

4. Parks, Recreation & Forestry Director’s Report

Park Superintendent Russ Behlings gave an update on the tree planting, indicating there are over 100 trees in the ground, roughly 260 left to plant and 60-80 stakes in the ground for planting next week with a full crew. There will also be a planting closer to the fall season. Park staff and members discussed what they have observed with success/failure in different locations in the city, with different varieties of trees.

5. Next tentative meeting October 17, 2019 @ 4:30 p.m.

Since two items were held in committee, the board decided to meet on Thursday, August 22 at 4:30 p.m. (prior to the 5 p.m. Parks & Rec Commission meeting).

6. Adjourn. Ludwig announced the meeting adjourned at 5:12 p.m.

7. Gravel bed tour

Minutes submitted to the Council Meeting of August 6, 2019.



Living up to our name.

For Office Use Only:
Permit No. \_\_\_\_\_
Date Received \_\_\_\_\_
Fee Required \_\_\_\_\_
Payment Received \_\_\_\_\_

Tree Permit
Parks, Recreation, and Forestry
1316 N. 14th Street, Suite #200
City of Superior, Wisconsin

- Planting
Removal
Maintenance - Any use of pesticides requires an Exemption Request Application
Special Use (specify in comments)

Applicant Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Contractor Name and License Number (if applicable): \_\_\_\_\_

Address, Phone: \_\_\_\_\_

Description of tree(s) to receive work (location, species, diameter, number) and date work is scheduled to take place.

Multiple horizontal lines for describing tree work.

SPECIAL CONDITIONS:

1. This permit is subject to all rules and regulations pertaining to the Code of Ordinances, City of Superior, Wisconsin, Chapter 90 Parks and Recreation, Article IV Trees and Shrubs, Division 4 Permits and Licenses, Sec. 90-240 Permits required.
2. All trees must be planted according to the *City of Superior's Tree Planting Standards*. See the *Recommended Street Trees* list and for important information on planting in the urban forest.
3. All work shall be completed at the applicant's expense, including clean up and removal of all debris.
4. Standard safety precautions of the tree care industry are to be adhered to at all times. ANSI Z1133.1
5. Traffic control is the responsibility of the applicant and their contractor. All lane closures and restriction require a minimum of a 24-hour notice to Public Works at 715-395-7334.
6. This permit is valid for 90 days from the issued date.
7. Any person requesting removal of a tree that is otherwise determined to be a healthy tree by the City's Certified Arborist may be required to pay \$50/inch diameter to aid in the replacement costs of the tree canopy in the City of Superior.
8. The applicant shall be responsible for contacting Diggers Hotline at 1-800-242-8511, Verification #\_\_\_\_\_.
9. The City assumes no liability in connection with this action.
10. Please contact the City's Certified Arborist for final inspection of work upon completion. 715-715-395-0268.

I hereby certify that I am the owner of the subject property or I have been authorized by the owner(s) of the property to represent this application, and that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be met whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction of the performance of construction.

I understand that the City of Superior may revoke, annul or terminate this permit if applicant fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

***Superior is proud to be celebrating its 20<sup>th</sup> Year as a Tree City USA!***

For Office Use Only: Permit Approved City Arborist or Forester Signature: _____ Date: _____
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#### DIVISION 4. - PERMITS AND LICENSES<sup>41</sup>

Footnotes:

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**Cross reference**— Licenses, permits and business regulations, ch. 74.

Sec. 90-240. - Permits required.

No person shall plant, remove, or perform major alterations on a tree or shrub located in a public area or in the city right-of-way without obtaining a written permit from the city forester or his or her authorized representatives. No fee is required to ~~obtain complete~~ a permit however, if there is a request to remove a healthy tree that is not deemed to be a public nuisance by the City Forester there will be a per diameter replacement cost, as outlined on the permit, to help replace the tree canopy. In reviewing the application for a permit, the city forester shall determine whether the requested action is appropriate, taking into consideration the safety, health and welfare of the public, the location of utilities, public sidewalks, driveways, boulevard signs and street lights, and the health and beauty of the urban forest.

(Ord. No. O17-4024, § 1, 8-15-2017)

Sec. 90-241. - Conditions for issuance of permit.

Each permit issued shall include the location of the site and a description of the work to be performed. Each permit issued shall require the permittee to abide by all arboricultural specifications and standards of practice adopted by the city and the provisions of this article. Each permit shall specify an expiration date by which the permitted activity must be completed. Within three days of completion, the permittee shall notify the city forester or his or her authorized representatives that the work has been completed. The city forester or his or her authorized representatives shall inspect all work and may issue additional orders requiring completion and correction of work that did not comply with the permit or this article.

(Ord. No. O17-4024, § 1, 8-15-2017)

Sec. 90-242. - Exemptions from permit requirements.

- (a) No permit shall be required to weed, fertilize or water trees or shrubs located in a public area or city right-of-way.
- (b) No permit is necessary to plant, maintain or remove trees on private property.

(Ord. No. O17-4024, § 1, 8-15-2017)

Sec. 90-243. - Permits to public utilities.

The city forester may issue permits to a public utility to remove, trim, prune, cut, disturb, alter or perform surgery on any tree or shrub located in a public area or city right-of-way when necessary to maintain a clearance of ten feet from primary conductor lines and five feet from secondary conductor lines. The city forester shall limit the work to be performed to the actual necessities of the utility and may assign his or her authorized representatives to periodically review the work done pursuant to the permit. The expense of inspections shall be charged to the permittee. The permittee shall abide by the terms and

conditions of section 90-241. In lieu of obtaining individual permits, a public utility may enter into an annual working agreement with the city forester for utility clearance pruning on the condition that the city forester review and approve all pruning done pursuant to the agreement.

(Ord. No. O17-4024, § 1, 8-15-2017)

Sec. 90-244. - Contractors.

No person, other than a person working on his or her own property, shall be permitted to prune or remove trees in excess of 20 feet in height unless the person holds a valid contractor's license issued by the city and has met all licensing and insurance requirements for contractors as set forth in sections 34-57(a)(2) and 34-60.

(Ord. No. O17-4024, § 1, 8-15-2017)

Secs. 90-245—90-266. - Reserved.



For Office Use Only:

Permit No. \_\_\_\_\_

Date Received \_\_\_\_\_

Instructions for requesting an exemption to apply pesticide on City of Superior property:

1. Contact:

Parks, Recreation and Forestry  
1316 N 14<sup>th</sup> Street, Suite #200  
Superior, WI 54880

Phone: (715) 395-7270

E-mail: [parks@ci.superior.wi.us](mailto:parks@ci.superior.wi.us)

Hours: Monday – Friday, 8:00 am - 4:30 pm

2. Complete and submit “Application for Pesticide Ordinance Exemption Request”

Available from the office of the Parks, Recreation and Forestry

at: <https://www.ci.superior.wi.us/553/Trees-Urban-Forest>

3. Work with the Parks, Recreation and Forestry Department to schedule attendance at a meeting of the committee(s) of jurisdiction where request will be reviewed for approval.

4. If approved, provide additional information as explained in the “Application for Pesticide Ordinance Exemption Request” or upon request of the committee(s) of jurisdiction.



**PESTICIDE ORDINANCE EXEMPTION  
REQUEST APPLICATION**

*All areas must be completed*

Living up to our name.

<b>CONTACT INFORMATION</b>	
Organization Name	Point of Contact Name, Relationship to Organization
Address	E-mail
Phone	Fax
<b>EMERGENCY CONTACT INFORMATION</b>	
Point of Contact Name, Relationship to Organization	
Address	E-mail
Phone	Fax
<b>PROPERTY DETAILS</b>	
Property Location	
<p><i>Map<sup>1</sup> must be attached indicating treatment areas</i></p>	
<b>PROJECT DETAILS</b>	
<p>Briefly describe the project; include the name of the species to be controlled and why, and any follow-up monitoring.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	



Explain why the following alternative methods of control were not chosen. If another alternative method was evaluated, please add it and an explanation of why it was not chosen. See "[Alternative Methods for Pesticide Control and Additional Resource Information](#)" for brief descriptions of alternative methods.

*Smothering with Black Plastic*

*Mechanical Removal*

*Biological*

*Prescribed Burning*

*Prescribed Grazing*

*Smothering Root Systems by Cutting Below Waterline*

*Use of Natural Growth Inhibitors*

*Other (Please Specify)*

*Other (Please Specify)*

**Permits required by other agencies for this control project.**

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**PESTICIDE INFORMATION**

Pesticide chemical name and brand name.

*Attach a copy of the product label<sup>2</sup> and the Safety Data Sheet<sup>3</sup> for the pesticide.*

Name of licensed applicator (required).

Describe pesticide application method and answer the following questions.

*How many applications?*

*When will applications occur?*

*What devices will be used for application?*

*Under what circumstances will the application cease (weather, environmental, etc.)?*

List the life expectancies of the pesticide in the soil or sediment, water, and plant material (this information can be found on the product label).

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List what substances the pesticide forms as it degrades (this information can be found on the product label).

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**TREATMENT AREA PLAN**

**Describe restoration plan for the treatment area to prevent future growth of unwanted or invasive species. Be sure to include scientific and common names for any species to be planted or seeded.**

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**Describe plan to minimize and address any collateral damage from treatment.**

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***Attach emergency spill plan for handling pesticide chemicals.***

## ACKNOWLEDGEMENT

I, \_\_\_\_\_, have read and understand that I may be required to follow all or some of the requirements for posting and notification of concerned individuals, described in [City of Superior Ordinance Article II, Sec 62-19<sup>4</sup>](#) It is also my responsibility to notify property owners adjacent to the property where the treatment area is located.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

If required, upon pesticide exemption approval, provide a [sample of the warning sign that will be used to post treatment.](#)<sup>5</sup>

If required, upon pesticide exemption approval, provide a list of parcels owned by: [1\) persons who request pre-application notice of any pesticide application to property within 300 feet of property owned by that person, and 2\) persons who are medically-sensitive to pesticides and who request pre-application notice of any pesticide application within 1,000 feet of their residence.](#)<sup>6</sup>

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### INTERNAL USE ONLY

DATE RECEIVED	COMMITTEE OF JURISDICTION	NEXT MEETING DATE
STAFF PERSON ASSIGNED	ADDITIONAL APPROVAL/ACTION	

## **Alternative Methods for Pesticide Control and Additional Resource Information**

*Check with your state and local regulators for any permitting requirements that may apply to your project for using these alternative methods.*

### Smothering with black plastic

Kills vegetation and dormant seeds in the soil; most effective for sites with full to part-sun. Method: mow or trim the existing vegetation; lay 3.5 mm or thicker black plastic over the site and secure; leave for 8 or more weeks during hot, sunny weather; remove plastic and plant into dead vegetation without tilling.

### Mechanical removal

Management methods that use manual or mechanical means to remove, kill, injure, or alter growing conditions for unwanted plants are termed physical methods. Such methods are relatively expensive and labor intensive, and may need to be used repeatedly or in combination with other management methods. However, for socially sensitive sites and sites with high ecological value, highly selective physical methods may be desirable because of their minimal environmental impact. The physical methods that may be applied to invasive plants in terrestrial and aquatic environments are many and varied. They vary in the type of injury or stress they inflict, their selectivity and potential for non-target impacts, and the procedures, skills, equipment, labor, and funds they require.

### Biological control

Natural enemies, as well as a number of other factors, play an important role in regulating plant populations in their native environments. The absence of natural enemies may be an important contributing factor to the invasiveness of some nonnative species. Biological control (or biocontrol) reunites invasive plants with their enemies to restore natural controls and reduce dominance of invasive plants within the plant community. Promoted as a self-sustaining, self-dispersing control method, biocontrol is often used to gradually suppress widespread infestations in low-value or remote areas where other methods are not economically feasible.

### Prescribed burning

Fire is a powerful, naturally occurring disturbance that influences a complex network of biological communities and ecological processes. The effect of fire on individual plants and plant communities is variable. In some cases fire may suppress invasive plant species, whereas in other cases fire may promote plant invasion and plant population expansion, which can change the patterns of fire over time and space. Prescribed fires are intentionally set under controlled conditions to achieve specific management objectives. The use of prescribed fire is widely accepted as a primary tool for habitat restoration and management. The effectiveness of fire as an invasive plant management tool depends upon a wide range of variables and is specific to each situation and species. Prescribed fires are typically most beneficial when they mimic natural fire patterns in ecosystems that evolved with fire as a natural disturbance.

### Prescribed grazing

Prescribed grazing is the application of domestic livestock grazing at a specified season and intensity to accomplish specific vegetation management goals. While traditional grazing practices are often blamed for promoting plant invasions, prescriptive grazing can be used to control invasive plant populations and enhance desirable vegetation conditions. Prescribed grazing is a relatively new addition to the invasive plant management toolbox, and information related to the impacts of grazing on various invasive plants and plant communities is limited. Prescribed grazing should be used sensibly, with careful consideration of its compatibility with the habitat, land management goals, infestation characteristics, livestock needs, and resources available to implement the program successfully.

### Smothering root systems by cutting below waterline

Some emergent aquatic vegetation can be controlled through timely severing of emergent stalks in order to starve the root systems of oxygen eventually killing the whole plant. Treatments usually need to be done multiple times in one growing season or over multiple seasons to be effective.

### Use of natural growth inhibitors

The use of compounds found naturally in plants or using natural benign substances to regulate the growth of unwanted plants to diminish their ability to compete with surrounding or restored vegetation.

## REFERENCES

<sup>1</sup> Maps can be made using the on-line mapping tool available on the Douglas County website at <http://douglascowi.wgxtreme.com/>. The map must contain the following information. Scale, north arrow, treatment area, road and trails within 100 feet of the treatment area, and these features that are within 300 feet of the treatment area: schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands. Please also indicate on the map where postings will be placed.

<sup>2</sup> The Environmental Protection Agency (EPA) requires extensive scientific data on the potential health and environmental effects of a pesticide before granting a registration, which is a license to market that product in the United States. EPA evaluates the data and ensures that the label translates the results of those evaluations into a set of conditions, directions, and precautions that define who may use a pesticide, as well as where, how, how much, and how often it may be used. Pesticide product labels provide critical information about how to safely and legally handle and use pesticide products. Unlike most other types of product labels, pesticide labels are legally enforceable, and all of them carry the statement: "It is a violation of Federal law to use this product in a manner inconsistent with its labeling." In other words, the label is the law.

<sup>3</sup> Safety Data Sheets (SDS), formerly known as Material Safety Data Sheets (MSDS), describe the hazards of the chemical. Safety Data Sheets have a specific 16-section format that must be used by manufacturers, distributors and importers to convey detailed hazard information to the end user. The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The format of Safety Data Sheets is consistent with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals. More information about Safety Data Sheets can be found from the U.S. Department of Labor, Occupational Safety and Health Administration at <https://www.osha.gov/Publications/OSHA3514.html>.

<sup>4</sup> City of Superior Use of Pesticides Ordinance Article II, Section 62-16 can be found at [https://library.municode.com/wi/superior/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH62HESA\\_ARTIPE](https://library.municode.com/wi/superior/codes/code_of_ordinances?nodeId=PTIICOOR_CH62HESA_ARTIPE) or from the Parks, Recreation and Forestry Office.

<sup>5</sup> There are specific requirements for posting pesticide treatment sites; the requirements are found in the City of Superior's Pesticide Ordinance which can be found at [https://library.municode.com/wi/superior/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH62HESA\\_ARTIPE\\_S62-19PO](https://library.municode.com/wi/superior/codes/code_of_ordinances?nodeId=PTIICOOR_CH62HESA_ARTIPE_S62-19PO) or from the office of the Douglas County Clerk.

<sup>6</sup> This information may be obtained from the office of the City of Superior Clerk from a registry that is maintained for all persons who request advanced notice of pesticide application.

## **Additional Information and Resources**

Northwoods Weed Cooperative Management Area has compiled information regarding invasive species for both landowners and right-of-way managers, some of it specific to our area, see more at:

[www.northwoodscwma.org](http://www.northwoodscwma.org)

Wisconsin Department of Natural Resources, information about invasive species, control, and permits:

<http://dnr.wi.gov/topic/Invasives/>

U.S. Natural Resources Conservation Service, information about invasive species and pests:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/invasive/>

U.S. Department of Agriculture, information about invasive species as it relates to agriculture and forestry:

<http://www.invasivespeciesinfo.gov/plants/controlmech.shtml>

U.S. Environmental Protection Agency, information about pesticide labels:

<http://www.epa.gov/pesticide-labels>

U.S. Fish and Wildlife Service, information about invasive species and control methods:

<http://www.fws.gov/invasives/staffTrainingModule/index.html>

U.S. Department of Labor, Occupational Safety and Health Administration, information about Safety Data Sheets:

<https://www.osha.gov/Publications/OSHA3514.html>

World Health Organization, information about pesticides:

<http://www.who.int/topics/pesticides/en/>

natural growth inhibitors, descriptions and products are available at:

<http://www.americannatural.com/products/disease-weed-controls/phydura.html>

## ARTICLE II. - PESTICIDES

### Sec. 62-16. - Pesticide.

The use or misuse of pesticides may have profound affects upon indigenous flora and fauna, surface water and groundwater, as well as unintended effects upon persons frequenting treated areas for recreational or other purposes. It is the express policy of the city to refrain from the use of pesticides upon property it owns, uses or controls, excepting only those situations posing an imminent threat of serious injury to persons, property or agriculture, or where the proper use of pesticides will have a minimal impact upon the treated area, water resources or persons frequenting.

(Code 1971, § 17-13)

### Sec. 62-17. - Definitions.

As used in this article, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City lands* means any land in which the city owns a fee simple interest.

*Pesticide* means any substance or mixture of substances labeled or intended for use or used for:

- (1) Preventing, destroying, repelling or mitigating any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living persons or other living animals) declared to be a pest under federal or state law (7 USC 136 et seq., and regulations issued under those laws); or
- (2) Defoliating plants, inhibiting plant growth or accelerating the drying of plant tissue.

*Sensitive areas* means all lands within 300 feet of lands incorporating schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands.

(Code 1971, § 17-14)

### Sec. 62-18. - Use of pesticides.

- (a) No city department, except the Nemadji Golf Course, shall use or authorize the use of pesticides except as permitted by this article and upon prior approval given by the common council. No person may apply pesticides to city lands except upon ~~prior completion and approval of the Pesticide Ordinance Exemption Request by~~ the common council. No council or council committee shall approve the use of pesticides except at a duly noticed meeting of the body. Authorization for pesticide use shall not be given except upon consideration of the alternatives to pesticide use, potential property damage, potential effects upon ground or surface water, the proximity of the application to sensitive areas or other impacts upon the human environment, or any other factor the committee may choose to consider.
- (b) Any pesticide application authorized under this chapter shall be administered in accordance with all state and federal statutes and applicable administrative regulations.

(Code 1971, § 17-15)

### Sec. 62-19. - Posting.



- (a) *Warning signs.* Whenever pesticides are to be applied to any city lands subject to this chapter, the responsible department or person shall post warning signs that meet the requirements of section 62-18 and this section herein at least 48 hours prior to application and shall be left in place for at least 72 hours after actual application or until expiration of any time of safe reentry as indicated by the pesticide label, whichever is longer.
- (b) *When posting is not required.* Posting is not required if pesticides are to be applied to an area that is sufficiently fenced or secured to prevent access to anyone other than city personnel except as provided in section 62-21.
- (c) *Sign dimensions.* All signs required under this section shall be at least 8½ inches by 11 inches in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12 inches and the top of the sign is not more than 48 inches above the ground. The signs shall be of rigid material substantial enough to be easily read for at least the length of time required after application under all weather conditions.
- (d) *Lettering and required text of signs.* All signs under this section shall contain red lettering upon a white background. The signs shall have lettering not less than 2½ inches in height and shall be conspicuous and clearly legible. All signs shall bear the words "DANGER - AREA TREATED WITH PESTICIDE - DO NOT ENTER. FOR MORE INFORMATION CALL \_\_\_\_\_" or words or symbols having the same meaning and effect.
- (e) *Application of posting requirements.* The posting requirement under this section applies to fields or other outdoor areas only to the extent that the target area to be treated with pesticide borders within 100 feet of a public road, residences of concerned individuals or within 300 feet of sensitive areas. Placards shall be posted at regular intervals along the border between the treated area and the public road, residences of concerned individuals or other sensitive areas, and at normal points of access. Treated areas bordering a public road, residences of concerned individuals or other sensitive areas shall be posted with at least one placard.
- (f) *Persons employed in or around areas to be treated.* Persons employed in or around areas treated with pesticides whose labels prescribe time intervals for safe reentry following application shall be given clear notice and warning of each application, including a description of the treated area and the time interval required for safe reentry into the area. Notice shall be given in such a manner as to be received and readily understood by all employees who may have access to the treated area, including persons of limited English language ability. Compliance with the posting requirement under this section does not relieve any person of the duty to comply with this section.

(Code 1971, § 17-16)

Sec. 62-20. - Notification of concerned individuals.

- (a) *Registry.* The office of the city clerk shall maintain a registry which shall list all persons who request advanced notice of pesticide application. This registry shall record the names, addresses and requests of:
  - (1) Persons who request preapplication notice of any pesticide application by the city to any property within 150 feet of property owned by that person if a sufficient description of said property is maintained with the registry.
  - (2) Individuals who are medically-sensitive to pesticides and who request preapplication notice of any pesticide application by the city with in 150 feet of their residence.
- (b) *Current address and property descriptions.* Concerned individuals shall maintain current and adequate addresses and property descriptions or their names will be removed from the registry.
- (c) *Preapplication notice.* Concerned individuals shall be entitled to preapplication notice through December 31 of the year in which they make their request.

- (d) *Notice of pesticide application.* At least 24 hours prior to pesticide application, notice shall be provided to all persons indicated by the registry as falling under the requirements of section 62-16 in relation to the specific application. The notice shall state the name, address and telephone number of the applicator, the location of the property due to have pesticide applied, the date and time of application, and the pesticides expected to be applied. The applicator is also responsible for supplying the information as indicated in this section upon request.
- (e) *State and federal requirements.* Fulfilling this requirement shall not relieve the applicator of any requirements for prior notification imposed by state or federal law or other sections of this article.

(Code 1971, § 17-17)

Sec. 62-21. - Emergency situations and exemptions.

- (a) *Exempted property .* The common council may exempt a pesticide application from some or all requirements of this article, upon a showing by the city department or person seeking the exemption, that the potential for any adverse effect upon the public or to adjoining property is minimal and compliance with the terms of this article is unduly burdensome or impractical. The council must consider the following factors before granting an exemption from any or all of the requirements of this article:
  - (1) Whether the area to which pesticides are to be applied is sufficiently removed from residences, sensitive areas or other places frequented by the public so that the potential of drifting airborne chemicals poses no danger to persons or property.
  - (2) Whether access to the area to be exempted is sufficiently restricted or remote that members of the public are unlikely to come into contact with pesticides applied to the exempted area.
  - (3) Whether the type of pesticide application to be performed is so highly controlled or so extremely localized that it is highly unlikely the application will expose other persons or property to the pesticides during or after application.
- (b) *Emergency situations .* Time frames for notice and posting requirements under this article shall not apply when a city department or other person makes an appropriate showing to the council with the jurisdiction that emergency conditions warrant exemption from these requirements. Emergency situations shall be defined by the council with jurisdiction and shall be limited to those cases where the application of pesticides is needed to control a life threatening situation or situation which poses an imminent threat of serious injury to persons, property or agriculture.
- (c) *Emergency application of pesticides.* Upon emergency application of pesticides, posting and notice in conformity with this chapter shall take place contemporaneously with or as soon after application as practicable or as otherwise required by law.

(Code 1971, § 17-18)

Secs. 62-22—62-30. - Reserved.