

See AO 2004-100 (S-1)

Submitted by: Assemblymembers Whittle,
Jennings, and Tesche
Prepared by: Department of Assembly
For reading: June 22, 2004

ANCHORAGE, ALASKA
AO No. 2004-100 (S)

1 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CHAPTER
2 15.75 OF THE ANCHORAGE MUNICIPAL CODE REGARDING PESTICIDE
3 CONTROL TO ADD DEFINITIONS AND TO MODIFY PUBLIC NOTICE FOR
4 COMMERCIAL PESTICIDE APPLICATION; AND TO AMEND ANCHORAGE
5 MUNICIPAL CODE SECTION 14.60.030 BY INCREASING FINES FOR
6 VIOLATION OF ANCHORAGE MUNICIPAL CODE 15.75 WITHIN THE
7 DEPARTMENT OF HEALTH AND HUMAN SERVICES.
8

9
10 The Anchorage Assembly ordains:

11
12 **Section 1.** That the Anchorage Municipal Code 15.75 is hereby
13 amended by deleting certain definitions as follows: *(other definitions in the*
14 *reference section are not affected and are therefore not set out)*

15
16 **15.75.020 Definitions**

17 ***

18
19 [CUSTOM SPRAYING INCLUDES THE APPLICATION OF
20 PESTICIDES OR BROADCAST CHEMICALS IN OR ON ANY FOOD
21 HANDLING OR STORAGE FACILITY OR OTHER PUBLIC PLACE.]

22 ***

23
24
25 **Section 2.** That the Anchorage Municipal Code 15.75.020 is
26 hereby amended by adding the following definitions to read as follows: *(other*
27 *definitions in the reference section are not affected and therefore are not set out)*

28
29 Active ingredient(s) in pesticides means the portion of the
30 formulation that will prevent, destroy, repel or mitigate a pest.

31
32 Antimicrobial pesticide means a pesticide that is intended to
33 disinfect, sanitize reduce or mitigate growth or development of microbial
34 organisms; or protect inanimate objects, industrial processes or systems,
35 surfaces, water or other chemical substances from contamination, fouling or
36 deterioration caused by bacteria, viruses, fungi, protozoa, algae or slime.
37
38

1 Signal word means the word or words that designate a degree or
2 level of product hazard seriousness assigned to registered pesticides by the U.S.
3 Environmental Protection Agency and are: Danger (Category 1), highly toxic;
4 Warning (Category II), moderately toxic; Caution (Category III), slightly toxic; and
5 None Required (Category IV), not acutely toxic.

6
7 **Section 3.** Anchorage Municipal Code section 15.75.060 is
8 hereby amended to read as follows:

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10 **15.75.060 Notice of application by commercial applicators**

11
12 A. A person who engages in the business of applying pesticides or
13 broadcast chemicals must give written notice as provided by this chapter
14 [SECTION] every time that they [THE PERSON] plan to [IS GOING TO] apply by
15 spraying a pesticide or broadcast chemical out of doors. School use and
16 notification shall be exempt from this chapter and meet all requirements of State
17 of Alaska regulations 18 AAC 90.625.

18
19 B. Notice must be given at least 48 [24] hours before application
20 and not more than 120 [96] hours before application. Notices on a treated
21 property shall remain in place until at least 48 hours following pesticide or
22 broadcast chemical spraying.

23
24 C. The person shall [MUST] post one or more copies of the notice
25 on the property to be sprayed and provide at least one copy of the notice to [ON]
26 each residence and [OR] commercial building located on property which is within
27 150 feet of [CONTIGUOUS TO] the property to be sprayed.

28
29
30
31 D. Notice need not be given;

- 32 1. For use of single application aerosol cans against biting or
33 stinging insects when applied according to label directions;
34 2. For insect or rodent baits in tamper-resistant containers;
35 3. For antimicrobial pesticides being used in commercial food
36 establishments and drinking water wells;
37 4. In emergency situations; or,
38 5. If application is being made to a single, specific point on a
39 property, and no property boundary is within 150 feet of that
40 point.

41
42 [IF THE PESTICIDE OR BROADCAST CHEMICAL WILL BE APPLIED ONLY
43 TO THE EXTERIOR SURFACE OF A BUILDING AND IF THE PESTICIDE OR
44 BROADCAST CHEMICAL WILL NOT BE APPLIED TO PLANTS OR ANIMALS.]

45
46 E. The person must distribute [POST THE] notices in a manner
47 which is reasonably calculated to provide actual notice of pesticide or broadcast

1 chemical spraying to persons living or doing business on property within 150 feet
2 of perimeters of [CONTIGUOUS TO] the property to be sprayed.

3
4 F. The notice shall include a large font header "Pesticide
5 Application" and be at least 8- 1/2 inches by 11 inches. It shall [MUST] include
6 the trade name of each pesticide or broadcast chemical;[,] the [CHEMICAL
7 NAME, TO THE EXTENT AVAILABLE, OF THE PRINCIPAL] active ingredient(s)
8 in each pesticide or broadcast chemical;[,] the signal word if one exists; the exact
9 date and approximate time that the pesticide or broadcast chemical is planned to
10 be or will be sprayed;[,] the area to be treated; the rate, mode and concentration
11 of application; the manufacturer's recommended re-entry time; the name,
12 address, and telephone number of the permit holder;[,] the name, address, and
13 telephone number of the person from whom copies of the Material Safety Data
14 Sheet (MSDS) may be obtained; a warning that the pesticide or broadcast
15 chemical is or may be harmful;[,] a statement of recommended precautions; and
16 the statement "If you have concerns, please contact your health care provider".
17 Legibility of posted notices shall be assured for at least 48 hours after application
18 of pesticide or broadcast chemical. The department shall [WILL] provide samples
19 of such notices and substantial compliance with such notices will constitute
20 compliance with this chapter.

21
22 G. Notices provided to residents and commercial establishments
23 as required within 150 feet of the sprayed site may be in the form of door-
24 hangers.

25
26 **Section 4.** Anchorage Municipal Code section 15.75.065 is
27 hereby amended to read as follows: *The remainder of this section is not affected*
28 *and is therefore not set out.)*

29
30 A. The municipality shall give written notice in the manner
31 described in section 15.75.060.C and described in this section before it applies in
32 any manner any pesticide or broadcast chemical in public parks or sport playing
33 fields.

34
35 B. Notice must be given at least 48 [24] hours before application
36 and not more than 96 hours before application. Posted notices shall remain in
37 place for at least 48 hours following pesticide or broadcast chemical application.

38
39 C. The municipality shall [MUST] post notices at sites treated
40 within public parks and at main entrances of public parks that have been treated
41 and at intervals not less than 100 feet along the perimeter of the sports playing
42 field area to be treated if perimeter length exceed 100 feet [ONE COPY OF THE
43 NOTICE] and in a manner which is reasonably calculated to provide actual notice
44 to persons using the public parks or sports playing fields.

45
46 D. The notice shall include a large font header "Pesticide
47 Application" and be at least 8- 1/2 inches by 11 inches. It shall [MUST] include

1 the trade name of each pesticide or broadcast chemical;[,] the [CHEMICAL
2 NAME, TO THE EXTENT AVAILABLE, OF THE PRINCIPAL] active ingredients
3 in each pesticide or broadcast chemical;[,] the signal word if one exists; the exact
4 date and approximate time that the pesticide or broadcast chemical is planned to
5 be or will be applied [SPRAYED;[,] the area to be treated; the rate, mode and
6 concentration of application; the manufacturer's recommended re-entry time; the
7 name, address, and telephone number of the permit holder;[,] the name,
8 address, and telephone number of the person from whom copies of the Material
9 Safety Data Sheet (MSDS) may be obtained; a warning that the pesticide or
10 broadcast chemical is or may be harmful;[,] a statement of recommended
11 precautions; and the statement "If you have concerns, please contact your health
12 care provider". Legibility of posted notices shall be assured for at least 48 hours
13 after application of pesticide or broadcast chemical. The department shall [WILL]
14 provide samples of such notices and substantial compliance with such notices
15 will constitute compliance with this chapter.

16
17 **Section 5.** Anchorage Municipal Code section 14.60.030 is
18 hereby amended to read as follows: *The remainder of this section is not affected*
19 *and is therefore not set out.)*

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21 **14.60.030 Fine schedule**

22	***	***	***
23			
24	15.75.030	Pesticide permit:	
25	A.	Failure to obtain valid permit	<u>200.00</u> [75.00]
26	B.	Failure to follow permit	<u>200.00</u> [75.00]
27			
28	15.75.060	Notice of application	
29		(identify specific violation)	<u>200.00</u> [75.00]
30			
31	***	***	***

32
33 **Section 6.** This ordinance shall become effective January 1, 2005

34
35
36 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
37 _____, 2004.

38
39
40
41 _____
42 Chair

43 ATTEST:

44
45
46 _____
47 Municipal Clerk

**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

AO 2004-100(S)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED 06/22/04
	PESTICIDE CONTROL	INDICATE DOCUMENTS ATTACHED AO
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dick Trainl
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Mertl Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manager	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	LAID ON THE TABLE ITEM - NEW PUBLIC HEARINGS 14.1.2.	
6	ASSEMBLY MEETING DATE	7 PUBLIC HEARING DATE REQUESTED