

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-6-04
IMMEDIATE RECONSIDERATION
FAILED 7-6-04

Submitted by: Assemblymembers Whittle,
Jennings, and Tesche
Prepared by: Department of Assembly
For reading: July 6, 2004

ANCHORAGE, ALASKA
AO No. 2004-100 (S-1) *As Amended*

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

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

Section 3. Anchorage Municipal Code section 15.75.050 is hereby amended to read as follows:

15.75.050 Commercial application prohibited during certain wind conditions.

A person who engages in the business of applying pesticides or broadcast chemicals may not apply by spraying any pesticide or broadcast chemicals out of doors if the wind speed exceeds five knots [PER HOUR] at the site of application.

Section 4. Anchorage Municipal Code section 15.75.060 is hereby amended to read as follows:

15.75.060 Notice of application by commercial applicators

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

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

C. The person shall [MUST] post one or more copies of the notice on the property to be sprayed and provide at least one copy of the notice to [ON] each residence and [OR] commercial building located on property which is within 150 feet of [CONTIGUOUS TO] the specific area [PROPERTY] to be sprayed. If the pesticide or broadcast chemicals will be sprayed only on the exterior surface of a building and not more than four feet above grade and if the pesticide or broadcast chemical will not be applied to plants or vertebrate animals, only those properties contiguous and adjacent to the treated property and within 150' of the specific area to be sprayed need be noticed. For the purposes of this section contiguous shall refer to those properties having a common boundary or edge and adjacent shall refer to properties near or close but not necessarily touching (properties separated by a street, alleyway, or stream).

D. Notice need not be given:

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

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

E. The person must distribute [POST THE] notices in a manner which is reasonably calculated to provide actual notice of pesticide or broadcast chemical spraying [TO PERSONS LIVING OR DOING BUSINESS ON PROPERTY CONTIGUOUS TO THE PROPERTY TO BE SPRAYED].

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

G. The required notices provided to residents and commercial establishments may be in the form of door-hangers or a mailing.

Section 5. Anchorage Municipal Code section 15.75.065 is hereby amended to read as follows: *The remainder of this section is not affected and is therefore not set out.*)

A. The municipality shall give written notice in the manner

described in section 15.75.060.C and described in this section before it applies in any manner any pesticide or broadcast chemical out of doors [IN PUBLIC PARKS].

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

C. The municipality shall [MUST] post notices at areas treated as well as at main entrances of public parks that have been treated and at intervals not less than 100 feet along the perimeter of sports playing field area to be treated if perimeter length exceed 100 feet [ONE COPY OF THE NOTICE] and in a manner which is reasonably calculated to provide actual notice of pesticide or broadcast chemical application [TO PERSONS USING THE PUBLIC PARKS].

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

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

14.60.030 Fine schedule

15.75.030 Pesticide permit:

A. Failure to obtain valid permit 200.00 [75.00]

B. Failure to follow permit 200.00 [75.00]

15.75.060 Notice of application

(identify specific violation) 200.00 [75.00]

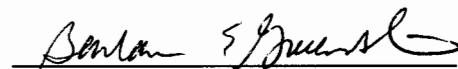
1
2 ***

3
4 **Section 6.** This ordinance shall become effective January 1, 2005

5
6
7 PASSED AND APPROVED by the Anchorage Assembly this 6th day of
8 July, 2004.

9
10
11 
12 Chair

13
14 ATTEST:

15
16
17 
18 Municipal Clerk