

See AO 2004-100(S-1)

Submitted by: Assemblymembers Whittle,
Jennings, and Tesche

Prepared by: Department of Assembly

For reading: June 8, 2004

ANCHORAGE, ALASKA

AO No. 2004-100

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

1 Certified applicator means a person approved by the State of
2 Alaska under 18 AAC 90.300 to apply pesticides as a custom, commercial or
3 contract applicator.

4
5 Custom, commercial or contract applicator means an applicator
6 who uses or supervises the use of a pesticide on property other than the
7 applicator's, whether or not the use is for profit or hire.

8
9 Custom, commercial or contract use means to apply or offer to
10 apply, pesticides on property other than the applicator's, whether or not the use
11 is for profit or hire.

12
13 Signal word means the word or words that designate a degree or
14 level of product hazard seriousness assigned to registered pesticides by the U.S.
15 Environmental Protection Agency and are: Danger (Category 1), highly toxic;
16 Warning (Category II), moderately toxic; Caution (Category III), slightly toxic; and
17 None Required (Category IV), not acutely toxic.

18
19 **Section 3.** Anchorage Municipal Code section 15.75.060 is
20 hereby amended to read as follows:

21
22 **15.75.060 Notice of application by custom, commercial, or**
23 **contract applicator[S]**

24
25 A. A custom, commercial, or contract applicator [PERSON WHO
26 ENGAGES IN THE BUSINESS OF APPLYING] of pesticides or broadcast
27 chemicals must be a certified applicator, meet requirements of custom,
28 commercial or contract use as specified in this chapter and give written notice as
29 provided by this chapter [SECTION] every time that they [THE PERSON] plan to
30 [IS GOING TO] apply by spraying a pesticide or broadcast chemical out of doors.
31 School use and notification shall be exempt from this chapter and meet all
32 requirements of State of Alaska regulations 18 AAC 90.625.

33
34 B. Notice must be given at least 48 [24] hours before application
35 and not more than 96 hours before application. Notices on a treated site shall
36 remain in place until at least 48 hours following pesticide or broadcast chemical
37 spraying.

38
39 C. A custom, commercial or contract applicator shall [THE
40 PERSON MUST] post one or more copies of the notice on the property to be
41 sprayed and provide at least one copy of the notice to [ON] each residence and
42 [OR] commercial building located on property which is within 150 feet of
43 [CONTIGUOUS TO] the property to be sprayed.

44
45 D. Notice need not be given:

46 1. For use of single application aerosol cans against biting or

- 1 stinging insects when applied according to label directions;
- 2 2. For insect or rodent baits in tamper-resistant containers;
- 3 3. For antimicrobial pesticides being used in commercial food
- 4 establishments and drinking water wells; and
- 5 4. In emergency situations.

6

7 [IF THE PESTICIDE OR BROADCAST CHEMICAL WILL BE APPLIED ONLY

8 TO THE EXTERIOR SURFACE OF A BUILDING AND IF THE PESTICIDE OR

9 BROADCAST CHEMICAL WILL NOT BE APPLIED TO PLANTS OR ANIMALS.]

10

11 E. A custom, commercial or contract applicator [THE PERSON]

12 must notify and post [THE] notices in a manner which is reasonably calculated to

13 provide actual notice of pesticide or broadcast chemical spraying to persons

14 living or doing business on property within 150 feet of perimeters of

15 [CONTIGUOUS TO] the property to be sprayed.

16

17 F. The notice shall include a large font header "Pesticide

18 Application" and be at least 8- 1/2 inches by 11 inches. It shall [MUST] include

19 the trade name of each pesticide or broadcast chemical;[,] the [CHEMICAL

20 NAME, TO THE EXTENT AVAILABLE, OF THE PRINCIPAL] active ingredient(s)

21 in each pesticide or broadcast chemical;[,] the signal word if one exists; the exact

22 date and approximate time that the pesticide or broadcast chemical is planned to

23 be or will be sprayed;[,] the area to be treated; the rate, mode and concentration

24 of application; the manufacturer's recommended re-entry time; the name,

25 address, and telephone number of the permit holder;[,] the name, address, and

26 telephone number of the person from whom copies of the Material Safety Data

27 Sheet (MSDS) may be obtained; a warning that the pesticide or broadcast

28 chemical is or may be harmful;[,] a statement of recommended precautions; and

29 the statement "If you have concerns, please contact your health care provider".

30 Legibility of posted notices shall be assured for at least 48 hours after application

31 of pesticide or broadcast chemical. The department shall [WILL] provide samples

32 of such notices and substantial compliance with such notices will constitute

33 compliance with this chapter.

34

35 G. Notices provided to residents and commercial establishments

36 as required within 150 feet of the sprayed site may be in the form of door-

37 hangers.

38

39 **Section 4.** Anchorage Municipal Code section 15.75.065 is

40 hereby amended to read as follows: *The remainder of this section is not affected*

41 *and is therefore not set out.)*

42

43 A. The municipality shall give written notice in the manner

44 described in section 15.75.060.C and described in this section before it applies in

45 any manner any pesticide or broadcast chemical in public parks or sport playing

46 fields.

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

C. The municipality shall [MUST] post notices at main entrances of public parks that have been treated and at intervals not less than 100 feet along the perimeter of the public park or sports playing field area to be treated if perimeter lengths exceed 100 feet [ONE COPY OF THE NOTICE] and in a manner which is reasonably calculated to provide actual notice 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 _____ day of
8 _____, 2004.

9
10
11
12
13
14 _____
15 Chair

16 ATTEST:

17
18
19 _____
20 Municipal Clerk
21



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 469 -2004

Meeting Date: June 8, 2004

1 **From:** Assemblymembers Whittle, Jennings, and Tesche
2 **Subject:** AO 2004-100 **AMENDING ANCHORAGE MUNICIPAL CODE**
3 **CHAPTER 15.75 REGARDING PESTICIDE CONTROL**
4

5 Current code provisions pertaining to application of pesticides were adopted in 1986
6 and have not been updated since. Recently, it was requested that the public notification
7 sections of the current code be reviewed and updated. A meeting was held with
8 stakeholders including commercial pesticide applicators, pesticide regulators for the
9 State of Alaska, several community groups, the Department of Health and Human
10 Services, the Administration, and the Assembly. As many suggestions as possible were
11 incorporated into the draft document as well as several definitions from the State
12 regulations with the goal of crafting an ordinance that is reasonable, practical and
13 enforceable.
14

15 Since fines for violations of AMC 15.75 were also set in 1986, a generally-supported
16 recommendation from the community meeting was to increase fines to help assure
17 compliance with code provisions.
18

19 There are other sections of the Pesticide Control ordinance that may need updating.
20 Because the effective date of this ordinance is not until January 1, 2005, we are
21 requesting the Administration create a working group of as many stakeholders as
22 possible over the next several months to review remaining portions of the code and
23 develop best options for policy development.
24

25 Your approval of AO 2004-100 is recommended.
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27
28

29 Prepared by: Mike Gutierrez, Utility Budget Analyst
30 Reviewed by: Elvi Gray Jackson, Director – Budget and Legislative Services
31 Respectfully submitted: Brian Whittle, Assemblymember;
32 Pamela Jennings, Assemblymember
33 Allan Tesche, Assemblymember

Content Information**Content ID :** 001860**Type:** Ordinance - AOAN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING
CHAPTER 15.75 OF THE ANCHORAGE MUNICIPAL CODE REGARDING**Title:** PESTICIDE CONTROL TO ADD DEFINITIONS AND TO MODIFY PUBLIC
NOTICE FOR COMMERCIAL PESTICIDE APPLICATION; AND TO
AMEND ANCHORAGE MUNICIPAL CODE SECTION 14**Author:** gray-jacksone**Initiating**
Dept: Assembly**Date**
Prepared: 5/28/04 1:12 PM**Assembly**
Meeting 06/08/04
Date**Public**
Hearing 06/22/04
Date:

CLERK'S OFFICE

2004 JUN - 1 AM 11:59

M.O.A

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	5/28/04 1:28 PM	Checkin	gray-jacksone	Public	001860

CONSENT AGENDA - INTRODUCTION