

See AO 2005-38(S-3)

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Department of Health and
Human Services
For Reading: April 19, 2005

ANCHORAGE, ALASKA
AO NO. 2005 – 38(S-2)

1 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE
2 MUNICIPAL CODE CHAPTER 15.75 REGARDING PESTICIDE CONTROL TO MODIFY
3 DRIFT PROTECTION AND PUBLIC NOTICE FOR COMMERCIAL PESTICIDE
4 APPLICATION AND APPLICATION BY THE MUNICIPALITY OF ANCHORAGE

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:
7

8 **Section 1.** Anchorage Municipal Code section 15.75.020 is hereby amended by adding
9 certain definitions to read as follows (*other definitions in the section are not affected and*
10 *therefore not set out*):
11

12 **15.75.020** **Definitions.**

13 *** **

14 *Department* means the Municipality of Anchorage Department of Health and Human
15 Services.
16

17 *** **

18 *Notice and/or notification* means a written announcement of pesticide or broadcast
19 chemical spraying which includes specific information required in this chapter.
20

21 *** **

22 *Post and/or posting* means affixing a notice to a structure, area, property or vegetation to
23 be sprayed and maintaining such notice as specified in this chapter.
24

25 *** **

26 *Structure* means that which is built or constructed, an edifice or building of any kind, or
27 any piece of artificially built up or composed of parts joined together in some definite
28 manner.
29

30 *** **

31 (GAAB 16.75.010; AO No. 2004-100(S-1), §§ 1, 2, 1-1-05)

32 *Cross references:* Definitions and rules of construction generally, § 1.05.020.
33
34
35

1 **Section 2.** Anchorage Municipal Code section 15.75.050 is hereby amended as follows:
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3 **15.75.050 Commercial application prohibited during certain wind conditions.**
4

5 A person who engages in the business of applying pesticides or broadcast chemicals may
6 not apply by spraying any pesticide or broadcast chemicals out of doors in a manner that
7 results in pesticide drift or if the wind speed at the site of application exceeds the
8 maximum wind speed stated in the labeling, or seven (7) miles per hour, [FIVE KNOTS]
9 if no wind speed is stated in the labeling [AT THE SITE OF APPLICATION].
10

11 (AO No. 86-112; AO No. 2004-(S-1), §3, 1-1-05)
12

13 **Section 3.** Anchorage Municipal Code section 15.75.060 is hereby repealed and reenacted to
14 read as follows:
15

16 **15.75.060 Notice of application of pesticides or broadcast chemicals by a person**
17 **engaged in the business of applying pesticides or broadcast chemicals.**
18

- 19 A. A person who engages in the business of applying pesticides or broadcast
20 chemicals shall give written notice as provided by this chapter every time they
21 plan to apply and/or have applied by spraying a pesticide or broadcast chemical
22 out of doors. School use and notification shall be exempt from this chapter and
23 shall meet all requirements of 18 AAC 90.625.
24
- 25 B. Unless otherwise provided for in this section, a person engaged in the business of
26 applying pesticides or broadcast chemicals shall provide notice not more than one
27 hundred twenty (120) hours before application and at least forty-eight (48) hours
28 before application, as specified in this section. Notice(s) shall be posted on a
29 property to be treated at least forty-eight (48) hours before application and shall be
30 constructed and situated so as to remain legible and in place for at least forty-eight
31 (48) hours following pesticide or broadcast chemical spraying.
32
- 33 1. *Notice to multi-unit dwellings and/or multi-tenant commercial properties.*
34 Notwithstanding other provisions of this section, if the spraying service for
35 a given property is procured by other than the tenant(s) or occupant(s) of a
36 single family dwelling, notice as specified in this section shall be provided
37 forty-eight (48) hours prior to spraying of pesticides(s) or broadcast
38 chemical(s) to all tenants and occupants at the property. This includes
39 non-owner occupied single family homes, multi-unit dwellings and
40 commercial properties. The owner of the property shall retain the
41 responsibility for providing notice to building tenants and/or occupants. A
42 person engaged in the business of applying pesticide(s) and/or broadcast
43 chemical(s) shall provide a copy of the notice(s) as required in this chapter
44 to the property owner or manager in sufficient time to reasonably allow for

1 copying and distribution prior to the required forty-eight (48) hour notice
2 period.

3
4 2. A person engaging in the business of applying pesticide(s) or broadcast
5 chemical(s) shall distribute and post notices in a manner reasonably
6 calculated to provide actual awareness of pesticide or broadcast chemical.

7
8 3. The notice shall include a large font header "Pesticide Application" and
9 shall be at least 8 ½ inches by 11 inches in size. The notice shall include:

- 10
11 a. The trade name of each pesticide or broadcast chemical;
12 b. The active ingredient(s) in each pesticide or broadcast chemical;
13 c. The signal word, if one exists;
14 d. The exact date and approximate time the pesticide or broadcast
15 chemical is planned to be or will be applied;
16 e. The area to be treated;
17 f. The rate, mode and concentration of application;
18 g. The manufacturer's recommended re-entry time;
19 h. The name, address, and telephone number of the permit holder, and
20 shall indicate the permit holder is the person from whom copies of
21 the Material Safety Data Sheet (MSDS) may be obtained;
22 i. A warning that the pesticide or broadcast chemical is or may be
23 harmful;
24 j. A statement of recommended precautions; and
25 k. The statement, "If you have concerns, please contact your health
26 care provider".
27

28 Legibility of posted notices shall be assured for at least forty-eight (48)
29 hours after application of pesticide or broadcast chemical. The
30 Department shall provide samples of notices and substantial compliance
31 with notices shall constitute compliance with this chapter.
32

33 4. The required notices provided to residents and commercial establishments
34 prior to spraying or application may be in the form of door-hangers, a
35 mailing, or other methods conveying the same information as approved by
36 the Department.
37

38 C. *Notice for spraying buildings or structures.*

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40 1. If a pesticide or broadcast chemical is to be sprayed only on the exterior
41 surface of a building or structure, and the linear distance to the nearest
42 property line is ten (10) feet or greater, notice prior to spraying shall not be
43 required. A notice shall be posted on the property where the pesticide is to

1 be applied immediately prior to spraying and shall remain in place for at
2 least forty-eight (48) hours following spraying.

- 3
4 2. If a pesticide or broadcast chemical is to be sprayed only on the exterior
5 surface of a building or structure, and the linear distance to the nearest
6 property line is less than ten (10) feet, notice prior to the spraying is
7 required for all properties within ten (10) feet of the area to be sprayed.

8
9 D. *Notice for spraying other than on buildings or structures.*

- 10
11 1. If a pesticide or broadcast chemical(s) is to be sprayed not more than six
12 (6) feet above grade, and the linear distance to the nearest property line is
13 ten (10) feet or greater, notice prior to spraying shall not be required. A
14 notice shall be posted on the property where the pesticide is to be applied
15 immediately prior to spraying and shall remain in place for at least forty-
16 eight (48) hours following spraying.

- 17
18 2. If a pesticide or broadcast chemical(s) is to be sprayed not more than six
19 (6) feet above grade, and the linear distance to the nearest property line is
20 less than ten (10) feet, notice prior to the spraying is required for all
21 properties within ten (10) feet of the area to be sprayed. A notice shall be
22 posted on the property where the pesticide is to be applied immediately
23 prior to spraying and shall remain in place for at least forty-eight (48)
24 hours following spraying.

- 25
26 3. If a pesticide or broadcast chemical(s) is to be sprayed more than six (6)
27 feet above grade, notice prior to the spraying is required for all properties
28 within one hundred fifty (150) feet of the area to be sprayed.

29
30 E. *Notice need not be provided nor posted for:*

- 31
32 1. Use of single application aerosol cans against biting or stinging insects
33 when applied according to label directions; or
34
35 2. Antimicrobial pesticides used in commercial food establishments and
36 drinking water wells; or
37
38 3. Emergency situations as approved by the Department; or
39
40 4. Application being made to a specific area on a property, and no property
41 boundary is within one-hundred fifty (150) feet of the area.

42
43 (GAAB 16.75.120; AO No. 85-8; AO No. 86-112; AO No. 2004-100(S-1), § 4, 1-1-05)
44

1 **Section 4.** Anchorage Municipal Code section 15.75.065 is hereby amended as follows:
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3 **15.75.065 Notice of pesticide and broadcast chemical application by**
4 **municipality.**
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6 A. The municipality shall provide [GIVE WRITTEN] notice in the manner set forth
7 [DESCRIBED] in section 15.75.060 and as set forth [DESCRIBED] in this
8 section before it applies in any manner any pesticide or broadcast chemical out of
9 doors.

10
11 B [C]. The municipality shall post notices at areas treated as well as at main entrances of
12 public parks that have been treated and at intervals not less than 100 feet along a
13 [THE] perimeter of a sports playing field area to be treated if perimeter length
14 exceeds 100 feet and in a manner which is reasonably calculated to provide actual
15 awareness [NOTICE] of pesticide or broadcast chemical application.
16

17 [NOTICE MUST BE GIVEN AT LEAST 48 HOURS BEFORE APPLICATION
18 AND NOT MORE THAN 96 HOURS BEFORE APPLICATION. POSTED
19 NOTICES SHALL BE SITUATED AS TO REMAIN IN PLACE FOR AT
20 LEAST 48 HOURS FOLLOWING PESTICIDE OR BROADCAST CHEMICAL
21 APPLICATION.]
22

23 [D. THE NOTICE SHALL INCLUDE A LARGE FONT HEADER "PESTICIDE
24 APPLICATION" AND BE AT LEAST 8 ½ INCHES BY 11 INCHES. IT
25 SHALL INCLUDE THE TRADENAME OF EACH PESTICIDE OR
26 BROADCAST CHEMICAL; THE ACTIVE INGREDIENT(S) IN EACH
27 PASTICDE OR BROADCAST CHEMICAL; THE SIGNAL WORD IF ONE
28 EXISTS; THE EXACT DATE AND APPROXIMATE TIME THAT THE
29 PESTICIDE OR BROADCAST CHEMICAL IS PLANNED TO BE OR WILL
30 BE APPLIED; THE AREA TO BE TREATED' THE RATE, MODE AND
31 CONCENTRATION OF APPLICATION; THE MANUFACTURER'S
32 RECOMMENDED RE-ENTRY TIME; THE NAME, ADDRESS, AND
33 TELEPHONE NUMBER OF THE PERMIT HOLDER THE NAME, ADDRESS
34 AND TELEPHONE NUMBER OF THE PERSON FROM WHOM COPIES OF
35 THE MATERIAL SAFETY DATA SHEET (MSDS) MAY BE OBTAINED; A
36 WARNING THAT THE PESTICIDE OR BROADCAST CHEMICAL IS OR
37 MAY BE HARMFUL; A STATEMENT OF RECOMMENDED
38 PRECAUTIONS; AND THE STATEMENT "IF YOU HAVE CONCERNS,
39 PLEASE CONTACT YOUR HEALTH CARE PROVIDER". LEGIBILITY OF
40 POSTED NOTICES SHALL BE ASSURED FOR AT LEAST 48 HOURS
41 AFTER APPLICATION OF PESTICIDE OR BROADCAST CHEMICAL. THE
42 DEPARTMENT SHALL PROVIDE SAMPLES OF SUCH NOTICES AND
43 SUBSTANTIAL COMPLIANCE WITH SUCH NOTICES SHALL
44 CONSTITUTE COMPLIANCE WITH THIS CHAPTER.]

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(AO No. 86-112; AO No. 2004-100(S-1), § 5, 1-1-05)

Section 5. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2005.

Chair

ATTEST:

Municipal Clerk

11A

4/19/05

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Type	Situation	Pre-notice	Distance	Post Spray Notice
Buildings/Structures	< 10' to property line	Yes	on-site and to properties w/in 10' of site	on site at start of spraying
	> 10' to property line	Not required		on site at start of spraying
	> 150' to property line	Not required		not required
Other than Buildings/Structures (Plants)	< 10' to property line and below six feet in height	Yes	on site and to properties w/in 10' of site	on site at start of spraying
	> 10' to property line and below 6' in height	No		on site at start of spraying
	above 6' in height	Yes	on site and to properties w/in 150' of site	on site at start of spraying
	> 150' to property line	Not required		not required
Tenants and residents of a building/property, other than an owner-occupied single family residence, shall always receive pre-notification and the sign shall be posted immediately prior to spraying.				
Pre-notification always means by mailer, door hanger, or method approved by the department conveying the same information and must be granted not more than 120 hours and not less than 48 hours prior to time of application.				
Posting contains same information as pre-notice and must be affixed to remain not less than 48 hours post spraying.				