

1 CLERK'S OFFICE
2 **AMENDED AND APPROVED**
3 Date: 5-17-05

Submitted by: Assemblymember OSSIANDER
Prepared by: Department of Assembly
For reading: May 3, 2005

4
5 **ANCHORAGE, ALASKA**
6 **AO NO. 2005-38(S-3)**

7
8 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**
9 **ANCHORAGE MUNICIPAL CODE SECTION 15.75 REGARDING PESTICIDE**
10 **CONTROL TO MODIFY DRIFT PROTECTION AND PUBLIC NOTICE FOR**
11 **COMMERCIAL PESTICIDE APPLICATION AND APPLICATION BY THE**
12 **MUNICIPALITY OF ANCHORAGE**

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14
15 THE ANCHORAGE ASSEMBLY ORDAINS:

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17 **Section 1:** That Anchorage Municipal Code section 15.75.020 is hereby
18 amended by adding certain definitions to read as follows (*other definitions in the*
19 *section are not affected and therefore not set out*):

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21 **15.75.020 Definitions**

22
23 Department means the Municipality of Anchorage Department of Health
24 and Human Services.

25 ***

26
27 Notice and/or notification means a written announcement of pesticide or
28 broadcast chemical spraying which includes specific information required
29 in this chapter. This may include door-hangers, a mailing, or other
30 methods that convey the required information and are approved by the
31 Department.

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33 ***

34 Post and/or posting means affixing a notice to a structure, area, property
35 or vegetation to be sprayed and maintaining such notice as specified in
36 this chapter.

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39 Structure means that which is built or constructed, an edifice or building of
40 any kind, or any piece of artificially built up or composed of parts joined
41 together in some definite manner.

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45 **Section 2:** That Anchorage Municipal Code section 15.75.050 is hereby
46 amended as follows:

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2 **15.75.050 Commercial application prohibited during certain wind**
3 **conditions.**
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5 A person who engages in the business of applying pesticides or broadcast
6 chemicals may not apply by spraying any pesticide or broadcast
7 chemicals out of doors in a manner that results in pesticide drift or if the
8 wind speed exceeds at the site of application the maximum wind speed
9 stated in the labeling, or seven (7) miles per hour, [FIVE KNOTS] if no
10 wind speed is stated in the labeling [AT THE SITE OF APPLICATION].
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12 **Section 3:** That Anchorage Municipal Code section 15.75.060 is hereby
13 amended to read as follows:
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15 **15.75.060 Notice of application by commercial applicators.**
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17 A. A person who engages in the business of applying pesticides or
18 broadcast chemicals shall give written notice as provided by this chapter
19 every time [THAT] they plan to apply by spraying a pesticide or broadcast
20 chemical out of doors. School use and notification shall be exempt fro this
21 chapter and meet all requirements of State of Alaska regulations 18 AAC
22 90.625.
23

24 B. Unless otherwise provided for in this section, notice must be given at
25 least 48 hours before application and not more than 120 hours before
26 application. Notices posted on a treated property shall be situated so as
27 to remain in place for at least 48 hours following pesticide or broadcast
28 chemical spraying.
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30 C. The person shall post one or more copies of the notice on the property
31 to be sprayed and provide at least one copy of the notice to each
32 residence **residential** and commercial building located on the property
33 which is [WITHIN 150 FEET OF THE SPECIFIC AREA TO BE SPRAYED.
34 IF THE PESTICIDE OR BROADCAST CHEMICAL WILL BE SPRAYED
35 ONLY ON THE EXTERIOR SURFACE OF A BUILDING AND NOT MORE
36 THAN FOUR FEET ABOVE GRADE AND IF THE PESTICIDE OR
37 BROADCAST CHEMICAL WILL NOT BE APPLIED TO PLANTS OR
38 VERTEBRATE ANIMALS, ONLY THOSE PROPERTIES] contiguous or
39 [AND] adjacent to the treated property [AND WITHIN 150' OF THE
40 SPECIFIC AREA TO BE SPRAYED NEED TO BE NOTICED.] For the
41 purposes of this section contiguous shall refer to those properties having a
42 common boundary or edge. [AND A] Adjacent shall refer to properties
43 near or close but not necessarily touching (properties separated by a
44 residential street, residential alley or a stream).
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1 D. Prior notice shall not be required if the pesticide or broadcast
2 chemicals will be sprayed only on the exterior surface of a structure
3 greater than 30 feet from a contiguous or adjacent property boundary and
4 to the ground within three (3) horizontal feet of the structure being
5 treated. Regardless of distance, a notice shall be posted on the property
6 where the spraying is to occur immediately prior to spraying and shall
7 remain in place for at least 48 hours following spraying.

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9 E. Notice for any multi-unit dwellings or multi-tenant commercial
10 properties:

11 Notwithstanding other provisions of the section, if the spraying service is
12 procured by other than the tenants or occupants of a single unit office or
13 dwelling, notice as specified shall be provided 48 hours and not more than
14 120 hours prior to spraying to all tenants and/or occupants. The owner of
15 the property retains the responsibility for providing such notice. The
16 commercial operator shall provide copies of the required notice to the
17 owner or manager in sufficient time as to reasonably allow for
18 copying/distribution prior to the required 48 hours notice period.

19
20 [D.] E. Notice need not be provided nor posted for [GIVEN]:

- 21
22 1. For use of single application aerosol cans against biting or
23 stinging insects when applied according to label directions; or
24
25 2. For insect or rodent baits in tamper-resistant containers;
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27 3. For antimicrobial pesticides being used in commercial food
28 establishments and drinking water wells; or
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30 4. In emergency situations; or
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32 5. If application is being made to a specific area on a property,
33 and no property boundary is within one-hundred fifty (150) feet of
34 that area.

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36 [E.] G. The person must distribute notices in a manner which is
37 reasonably calculated to provide actual notice of pesticide or broadcast
38 chemical spraying.

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40 [F.] H. The notice shall include a large font header "Pesticide Application"
41 and be at least 8 ½ inches by 11 inches. It shall include the trade name of
42 each pesticide or broadcast chemical; the active ingredient(s) in each
43 pesticide or broadcast chemical; the signal word if one exists; the exact
44 date and approximate time that the pesticide or broadcast chemical is
45 planned to be or will be applied; the area to be treated; the rate, mode and
46 concentration of application; the manufacturer's recommended re-entry

1 time; the name, address, and telephone number of the permit holder [THE
2 NAME, ADDRESS AND TELEPHONE NUMBER OF] and indication that
3 the permit holder is the person from whom copies of the Material Safety
4 Data Sheet (MSDS) may be obtained; a warning that the pesticide or
5 broadcast chemical is or may be harmful; a statement of recommended
6 precautions; and the statement "If you have concerns, please contact your
7 health care provider". Legibility of posted notices shall be assured for at
8 least 48 hours after application of pesticide or broadcast chemical. The
9 Department shall provide samples of such notices and substantial
10 compliance with such notices shall constitute compliance with this chapter.

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12 [G.] I. The required notices provided to residents and commercial
13 establishments prior to spraying or application may be in the form of door-
14 hangers, a mailing, or other methods that convey the same information
15 and are approved by the Department.

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17 **Section 4:** That Anchorage Municipal Code section 15.75.065 is hereby
18 amended as follows:

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20 **15.75.065 Notice of pesticide and broadcast chemical application by**
21 **municipality.**

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23 A. The municipality shall provide [GIVE WRITTEN] notice in the
24 manner set forth [DESCRIBED] in section 15.75.060 and as set forth
25 [DESCRIBED] in this section before it applies in any manner any pesticide
26 or broadcast chemical out of doors.

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28 *** *** ***
29 [B.] [NOTICE MUST BE GIVEN AT LEAST 48 HOURS BEFORE
30 APPLICATION AND NOT MORE THAN 96 HOURS BEFORE
31 APPLICATION. POSTED NOTICES SHALL BE SITUATED AS TO
32 REMAIN IN PLACE FOR AT LEAST 48 HOURS FOLLOWING
33 PESTICIDE OR BROADCAST CHEMICAL APPLICATION.]

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

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42 [D.] [THE NOTICE SHALL INCLUDE A LARGE FONT HEADER
43 "PESTICIDE APPLICATION" AND BE AT LEAST 8 1/2 INCHES BY 11
44 INCHES. IT SHALL INCLUDE THE TRADENAME OF EACH PESTICIDE
45 OR BROADCAST CHEMICAL; THE ACTIVE INGREDIENT(S) IN EACH
46 PESTICIDE OR BROADCAST CHEMICAL; THE SIGNAL WORD IF ONE

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EXISTS; THE EXACT DATE AND APPROXIMATE TIME THAT THE PESTICIDE OR BROADCAST CHEMICAL IS PLANNED TO BE OR WILL BE APPLIED; 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 PROVIDE SAMPLES OF SUCH NOTICES AND SUBSTANTIAL COMPLIANCE WITH SUCH NOTICES WILL CONSTITUTE COMPLIANCE WITH THIS CHAPTER.]

Section 5: That this ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 17th day of May, 2005.

Anne J. Fairclough
Chair

ATTEST:

Brian E. Brown
Municipal Clerk