

Chapter 15.75 PESTICIDE CONTROL*

***Cross references:** Business licenses and regulations, [Tit. 10](#); fines, [§ 14.60.030](#).

15.75.010 Purpose of chapter.

The purposes of this chapter are to ensure to the public the benefits derived from the safe, scientific and proper use of pesticides, to safeguard the public health, safety and welfare, and to protect the public interest in the soil, waters, forests, wildlife, agriculture and other natural resources of the municipality through regulation of the application of insecticides and other pesticides.

(GAAB 16.75.020)

15.75.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Broadcast chemicals means any chemical or biological agent intended for preventing, destroying, repelling or mitigating plant or animal life and any substance intended for use as a plant regulator, defoliant or desiccant, including but not limited to insecticides, fungicides, rodenticides, herbicides, nematocides and biocides.

Department means the Municipality of Anchorage Department of Health and Human Services.

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

Pesticide means chemical substances that are released into the air or onto land or water for the purpose of preventing, destroying, repelling or retarding plant or animal life.

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

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 I), highly toxic; Warning (Category II), moderately toxic; Caution (Category III), slightly toxic; and None Required (Category IV), not acutely toxic.

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

(GAAB 16.75.010; AO No. 2004-100(S-1), §§ 1, 2, 1-1-05; AO No. 2005-38(S-3), § 1, 5-17-05)

Cross references: Definitions and rules of construction generally, [§ 1.05.020](#).

15.75.030 Permits and insurance required for commercial applicators.

- A. A person who engages in the business of applying pesticides or broadcast chemicals must have a valid permit issued pursuant to this chapter.
- B. A person who engages in the business of applying pesticides or broadcast chemicals may not use any pesticide, broadcast chemical or method of application of any pesticide or broadcast chemical unless such pesticide, broadcast chemical and method of application is set forth in a valid permit.
- C. A person who engages in the business of applying pesticides or broadcast chemicals must have liability insurance in the minimum amount of \$100,000.00 per individual and \$300,000.00 per accident, casualty insurance in a minimum amount of \$25,000.00, and other insurance required by law. The director may require certificates or other evidence of insurance.

(GAAB 16.75.030, 16.75.050; AO No. 86-112)

15.75.035 Failure of director to exercise authority not to constitute waiver.

The director does not waive any authority granted under this chapter by not exercising the authority.

(AO No. 86-112)

15.75.040 Issuance of applicator's permit; display; transfer.

- A. *Application.* An application for a permit under this chapter must state the name, address and telephone number of the applicant, each type of equipment to be used by the applicant, a complete list of every pesticide, broadcast chemical and method of application which the applicant intends to use, a description of the area in which the applicant wishes to conduct business, and such other information as the director reasonably requires.
- B. *Amendments.* A permit or an application for a permit may be amended without charge to

include additional pesticides, broadcast chemicals or methods of application. The application to amend must be made to the director in the same manner as the original application and at least 30 days before the use of the pesticide, broadcast chemical or method of application.

- C. *Denial or revocation.* The director may refuse to issue or amend a permit or revoke a permit in part or in its entirety if the director is aware of any fact which reasonably indicates that the applicant has not or will not conduct business in a safe, scientific and proper manner, that one or more of the pesticides, broadcast chemicals or methods of application listed on the application is, or in the director's opinion is reasonably expected to be, hazardous to the public, including plant or animal life, or that other risk of harm is threatened.
- D. *Authority to impose restrictions.* The director may issue a permit subject to reasonable restrictions or may impose reasonable restrictions on an existing permit to reasonably limit the risk of harm to the public, including plants and animals.
- E. *Investigation of applicant.* The director may conduct a reasonable investigation before acting on any permit or application, including investigation of the applicant's training and the applicant's past, present or intended methods of conducting business.
- F. *Display.* The permit holder must prominently display the permit at the place of business or, if the permit holder does not have a place of business, at the permit holder's residence.
- G. *Transfer.* A permit may not be transferred.
- H. *Expiration.* The director shall issue permits on an annual basis and all permits shall expire on December 31 of the year of issuance.
- I. *Fee.* The director may set a permit fee.

(GAAB 16.75.030--16.75.050, 16.75.070; AO No. 86-112)

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 in a manner that results in pesticide drift or if the wind speed exceeds at the site of application the maximum wind speed stated in the labeling, or seven miles per hour, if no wind speed is stated in the labeling.

(AO No. 86-112; AO No. 2004-100(S-1), § 3, 1-1-05; AO No. 2005-38(S-3), § 2, 5-17-05)

15.75.060 Notice of application by commercial applicators.

- A. A person who engages in the business of applying pesticides or broadcast chemicals shall give written notice as provided by this chapter every time they plan to apply by spraying a pesticide or broadcast chemical out of doors. School use and notification shall be exempt for this chapter and meet all requirements of State of Alaska regulations 18 AAC 90.625.
- B. Unless otherwise provided for in this section, notice must be given at least 48 hours before application and not more than 120 hours before application. Notices posted on a

treated property shall be situated so as to remain in place for at least 48 hours following pesticide or broadcast chemical spraying.

- C. The person shall post one or more copies of the notice on the property to be sprayed and provide at least one copy of the notice to each residential and commercial building located on the property which is contiguous or adjacent to the treated property. For the purposes of this section contiguous shall refer to those properties having a common boundary or edge. Adjacent shall refer to properties near or close but not necessarily touching (properties separated by a residential street, residential alley or a stream).
- D. Prior notice shall not be required if the pesticide or broadcast chemicals will be sprayed only on the exterior surface of a structure greater than 30 feet from a contiguous or adjacent property boundary and to the ground within three horizontal feet of the structure being treated. Regardless of distance, a notice shall be posted on the property where the spraying is to occur immediately prior to spraying and shall remain in place for at least 48 hours following spraying.
- E. Notice for any multi-unit dwellings or multi-tenant commercial properties:

Notwithstanding other provisions of the section, if the spraying service is procured by other than the tenants or occupants of a single unit office or dwelling, notice as specified shall be provided 48 hours and not more than 120 hours prior to spraying to all tenants and/or occupants. The owner of the property retains the responsibility for providing such notice. The commercial operator shall provide copies of the required notice to the owner or manager in sufficient time as to reasonably allow for copying/distribution prior to the required 48 hours' notice period.
- F. Notice need not be provided nor posted for:
 - 1. For use of single application aerosol cans against biting or stinging insects when applied according to label directions; or
 - 2. For insect or rodent baits in tamper-resistant containers; or
 - 3. For antimicrobial pesticides being used in commercial food establishments and drinking water wells; or
 - 4. In emergency situations; or
 - 5. If application is being made to a specific area on a property, and no property boundary is within one-hundred fifty (150) feet of that area.
- G. The person must distribute notices in a manner which is reasonably calculated to provide actual notice of pesticide or broadcast chemical spraying.
- H. The notice shall include a large font header "pesticide application" and be at least eight and one-half inches by 11 inches. It shall include the trade name of each pesticide or broadcast chemical; the 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 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 and indication that the permit holder is 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 shall constitute compliance with this chapter.

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

(GAAB 16.75.120; AO No. 85-8; AO No. 86-112; AO No. 2004-100(S-1), § 4, 1-1-05; AO No. 2005-38(S-3), § 3, 5-17-05)

15.75.065 Notice of pesticide and broadcast chemical application by municipality.

- A. The municipality shall provide notice in the manner set forth in [Section 15.75.060](#) and as set forth in this section before it applies in any manner any pesticide or broadcast chemical out of doors.
- B. The municipality shall 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 a perimeter of a sports playing field area to be treated if perimeter length exceeds 100 feet and in a manner which is reasonably calculated to provide actual awareness of pesticide or broadcast chemical application.

(AO No. 86-112; AO No. 2004-100(S-1), § 5, 1-1-05; AO No. 2005-38(S-3), § 4, 5-17-05)

15.75.070 Applicability of other laws.

Except where the provisions of this chapter and any regulations promulgated pursuant to this chapter are more restrictive, the provisions of this chapter are supplemental to all other laws related to pesticide practices and shall not be construed to limit, modify, repeal or in any way affect any provisions of any other law.

(GAAB 16.75.130)