

**Submitted by:** Assemblymembers Whittle,  
Jennings, and Tesche  
**Prepared by:** Department of Assembly  
**For reading:** June 8, 2004

**ANCHORAGE, ALASKA**  
**AO No. 2004-\_\_\_\_\_**

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**

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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.]*

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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.

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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.

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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.

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3 B. Notice must be given at least 48 [24] hours before application  
4 and not more than 96 hours before application. Posted notices shall remain in  
5 place for at least 48 hours following pesticide or broadcast chemical application.  
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7 C. The municipality shall [MUST] post notices at main entrances of  
8 public parks that have been treated and at intervals not less than 100 feet along  
9 the perimeter of the public park or sports playing field area to be treated if  
10 perimeter lengths exceed 100 feet [ONE COPY OF THE NOTICE] and in a  
11 manner which is reasonably calculated to provide actual notice to persons  
12 using the public parks.  
13

14 D. The notice shall include a large font header "Pesticide  
15 Application" and be at least 8- 1/2 inches by 11 inches. It shall [MUST] include  
16 the trade name of each pesticide or broadcast chemical;[,] the [CHEMICAL  
17 NAME, TO THE EXTENT AVAILABLE, OF THE PRINCIPAL] active ingredients  
18 in each pesticide or broadcast chemical;[,] the signal word if one exists; the exact  
19 date and approximate time that the pesticide or broadcast chemical is planned to  
20 be or will be applied [SPRAYED;[,] the area to be treated; the rate, mode and  
21 concentration of application; the manufacturer's recommended re-entry time; the  
22 name, address, and telephone number of the permit holder;[,] the name,  
23 address, and telephone number of the person from whom copies of the Material  
24 Safety Data Sheet (MSDS) may be obtained; a warning that the pesticide or  
25 broadcast chemical is or may be harmful;[,] a statement of recommended  
26 precautions; and the statement "If you have concerns, please contact your health  
27 care provider". Legibility of posted notices shall be assured for at least 48 hours  
28 after application of pesticide or broadcast chemical. The department shall [WILL]  
29 provide samples of such notices and substantial compliance with such notices  
30 will constitute compliance with this chapter.  
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32 **Section 5.** Anchorage Municipal Code section 14.60.030 is  
33 hereby amended to read as follows: *The remainder of this section is not affected*  
34 *and is therefore not set out.*  
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36 **14.60.030 Fine schedule**

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- 39 15.75.030 Pesticide permit:  
40 A. Failure to obtain valid permit  
41 200.00 [75.00]  
42 B. Failure to follow permit  
43 200.00 [75.00]  
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- 45 15.75.060 Notice of application (identify specific violation)  
46 200.00 [75.00]

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

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004.

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Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk