

ORDINANCE NO. 513

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR AMENDMENTS TO THE TOWN CODE OF ORDINANCES, CHAPTER 101 TITLED AS "FLORIDA FRIENDLY FERTILIZER USE" AS SET FORTH HEREIN; PROVIDING DEFINITIONS, LIMITATIONS ON FERTILIZER USE AND APPLICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has adopted Chapter 101 Environment, Article I referenced as Florida-Friendly Fertilizer Use Sections 101.01-101.104; and

WHEREAS, the Town desires to make changes in said Ordinance to bring the Town rules and regulations relating to Fertilizer Use and Application within the Town; and

WHEREAS, the Town has determined the changes herein are necessary to protect the estuary and otherwise protect and improve the quality of waters within the Town;

Be It Therefore Resolved that the Town hereby adopts the following as amendments to the Town Code of Ordinances:

SECTION 1. **Sec. 101.02 Definitions.** is amended to add as an additional definition:

Restricted application period means June 1 through September 30.

SECTION 2. **Sec. 101.04 Timing of fertilizer application.** is amended to add:

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during a prohibited application period or to saturated soils. **In addition, fertilizer containing nitrogen or phosphorus shall not be applied to turf or landscape plants during the restricted application period, defined as June 1 through September 30.**

SECTION 3. **Sec. 101.05 Fertilizer free zones.** is amended to delete and add as follows:

(a) Fertilizer shall not be applied within 10 feet of any pond, stream, watercourse, lake, canal, or wetland, as defined by the Florida Department of Environmental Protection in Chapter 62-340, Florida Administrative Code, or from the top of a seawall, ~~unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge is used, in which case a minimum of 3 feet shall be maintained.~~ If more stringent regulations of this Code apply, the more stringent provisions shall prevail.

(b) Newly planted turf and/or landscape plants may be fertilized within a fertilizer free zone only for a 60 day period beginning 30 days after planting if needed to allow the plants to become well established.

(c) Caution shall be used to prevent nutrients from being directly deposited into the water.

SECTION 4. **Sec. 101.07. Fertilizer content and application rates.** is amended to delete and add as follows:

(a) No fertilizer containing phosphorous shall be applied to turf or landscape plants in the Town of Indian River Shores unless a soil or plant tissue deficiency is verified by a University of Florida, Institution of Food and Agriculture Sciences, approved testing methodology. In the case that a deficiency has been verified, the application of a fertilizer containing phosphorous shall be in accordance with the rates and directions for the Central Region of Florida as provided by Rule 5E.1.003(2), Florida Administrative Code. Deficiency verification shall be no more than 2 years old. However, recent application of compost, manure, or top soil shall warrant more recent testing to verify current deficiencies.

(b) The nitrogen content of fertilizer applied to turf or landscape plants within the Town of Indian River Shores shall contain at least 50% slow release nitrogen per guaranteed analysis label.

~~(a) Fertilizers applied to golf courses, parks, and athletic fields shall follow the appropriate best management practices set forth in Rule 5E-1.003(2)(d), Florida Administrative Code.~~

~~(b) Fertilizers applied to turf within the Town shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*, as it may be amended from time to time. The manufacturer's label on the fertilizer container shall be prima facie evidence as to the content and analysis of the substance in or used from such container for purposes of enforcement of this article.~~

~~(c) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (i.e., wildfire) or in accordance with the approved stormwater pollution prevention plan for that site.~~

~~(d) Fertilizer shall not be applied to turf or landscape plants except as provided in (b) above for turf or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.~~

~~(e) Applicators are strongly encouraged to apply fertilizers to turf and/or landscape plants within the Town that contain at least 50 percent of their nitrogen in a slow release form.~~

~~(f) The manufacturer's label on the fertilizer container shall be prima facie evidence as to the content and analysis of the substance in or used from such container for purposes of enforcement of this article.~~

SECTION 5. **Sec. 101.10. Exemptions.** is amended to add:

(a) Any lands used for bona fide scientific research, including but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture, shall be exempt from the provisions of this article to the extent required for such research.

(b) Vegetable gardens owned by individual property owners or a community, and trees grown for their edible fruit shall be exempt from the provisions of this article.

(c) Golf courses, when landscaping and fertilizer application is performed utilizing the appropriate best management guidelines set forth in the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses" shall be exempt from the provisions of this article.

SECTION 6. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall become effective immediately upon its passage and adoption by the Town Council of the Town of Indian River Shores, Florida.

Passed 1st Reading: December 13, 2013

Published: February 7, 2014

I HEREBY CERTIFY that the foregoing Ordinance was finally passed by the Town Council of the Town of Indian River Shores, Florida, on the 14th day of February, 2014.

/s
Brian M. Barefoot, Mayor

Attest: /s
Laura Aldrich, Town Clerk