

ORDINANCE 2014-2

AN ORDINANCE OF THE BOARD OF ALDERMEN OF ST. LUCIE VILLAGE,
FLORIDA, REGULATING AND LIMITING FERTILIZER USE WITHIN THE
MUNICIPAL LIMITS OF THE TOWN OF ST. LUCIE VILLAGE.

WHEREAS, the use of fertilizer and increasing levels of nitrogen can cause adverse effects on surface and/or ground water and the Indian River Lagoon; and

WHEREAS, St. Lucie Village's surface water, its ground water, and the Indian River Lagoon are an asset critical to the environmental, recreational, cultural and economic well-being of Town of St. Lucie Village residents and the health of the public; overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances; and, regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida, hereby ordains:

1. For this Ordinance, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

"Administrator" means the Board of Aldermen of the Town of St. Lucie Village, or an administrative official of the Town of St. Lucie Village designated by the Board of Aldermen to administer and enforce the provisions of this Article.

"Application" or "Apply" means the actual physical deposit of fertilizer to turf or landscape plants.

"Applicator" means any Person who applies fertilizer on turf and/or landscape plants in Town of St. Lucie Village.

"Board" means the Board of Aldermen of the Town of St. Lucie Village, Florida.

"Best Management Practices" means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

"Code Enforcement Officer, Official, or Inspector" means any designated employee or agent of Town of St. Lucie Village whose duty it is to enforce codes and ordinances enacted by Town of St. Lucie Village.

"Commercial Fertilizer Applicator", except as provided in 482.1562(9) F.S., means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

"Fertilize," "Fertilizing," or "Fertilization" means the act of applying fertilizer to turf, specialized turf, or landscape plants.

"Fertilizer" means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

"Guaranteed Analysis" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

"Institutional Applicator" means any person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

"Landscape Plant" means any native or exotic tree, shrub, or groundcover (excluding turf).

"Low Maintenance Zone" means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

"Person" means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"Prohibited Application Period" means any of (1) June 1 through September 30 of each year, (b) the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Town of St. Lucie Village, issued by the National Weather Service, or (c) if heavy rain is likely.

"Saturated soil" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this resolution, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"Slow Release," "Controlled Release," "Timed Release," "Slowly Available," or "Water Insoluble Nitrogen" means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

"Specialized Turf" means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

"Turf," "Sod," or "Lawn" means a piece of grass-covered soil held together by the roots of the grass.

"Urban landscape" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in s. 570.02.

2. This Ordinance shall apply to any and all applicators of fertilizer and areas of application of fertilizer within the area of Town of St. Lucie Village, unless such applicator is specifically exempted by the terms of this resolution from the regulatory provisions of this resolution.

3. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils.

4. Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) If more stringent Town of St. Lucie Village Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may only be fertilized in this Zone only for a sixty (60) day period beginning thirty (30) days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

5. A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Town of St. Lucie Village Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

6. Fertilizer content and application rates are as follows:

(a) No fertilizer containing phosphorus shall be applied to turf or landscape plants in the Town of St. Lucie Village unless a soil or plant tissue deficiency is verified by a University of Florida, Institute of Food and Agricultural 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 Southern Region of Florida as provided by Rule 5E-1.003, 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. For purposes of clarification a "very low" designation for phosphorous set forth in the UFIFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual shall mean phosphorus levels below ten (10) parts per million. A "low" designation for phosphorus shall mean phosphorus levels below twenty-five (25) parts per million.

(b) Unless otherwise specified herein, fertilizers applied to turf within Town of St. Lucie Village shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*.

(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 (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

(d) Fertilizers containing nitrogen or phosphorus shall be applied to Turf and/or Landscape Plants at the lowest amount of rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label in accordance with Florida Department of Agriculture and Consumer Services Rules (5E-1.003, F.A.C.). All Commercial and Institutional Applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorous expressed as pounds per 1,000 feet of land applied to each site during the year.

(e) While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than the Fertilization Guidelines for the Southern Region of Florida under the Florida Department of Agriculture and Consumer Services Rule (5E-1.003 F.A.C.) during any one (1) calendar year to a single area.

(f) Fertilizers containing nitrogen applied to turf and/or landscaping plants within the Town of St. Lucie Village shall contain no less than 50 percent Slow Release Nitrogen per Guaranteed Analysis Label.

7. The following application practices are recommended:

(a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

(b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

(c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

8. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited should be immediately removed to the maximum extent practicable. Grass clippings shall be blown back onto the lawn areas or removed.

9. The provisions set forth above in this Ordinance shall not apply to:

(a) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes;

(b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;

(c) 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.

10. Specific exemptions:

A. The timing of applications, application rate provisions and other provisions set forth above in Sections 3 through 8 of this Ordinance shall not apply to:

(1) Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil;

(2) Reclaimed or Irrigation Quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus).

B. All golf courses shall assure that landscaping is done within the provisions of the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses". These provisions shall be followed when applying fertilizer to golf course practice and play areas.

C. For all other Specialized Turf Areas, the Managers shall use their best professional judgment to apply the concepts and principles embodied in the Florida Green BMPS, while maintaining the health and function of their Specialized Turf Areas.

11. If applying Fertilizer, Commercial Applicators and Institutional Applicators shall maintain documentation to support said

exemption(s). If applying Fertilizer, Professional Applicator Businesses and Institutional Applicators shall also possess a record of the soil test indicating the amount of phosphorus present. Said records shall be kept in the Professional Applicator Business and Institutional Applicator's possession or vehicle(s) and available for inspection by Village staff during all business hours or while a Commercial Applicator is working onsite; or

12. Commercial Applicator Businesses and Institutional Applicators shall permit the Village to obtain a sample of any fertilizer applied or to be applied within the Village. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by State standards, enforcement action may be taken in accordance with this Ordinance, and the cost of analyzing Fertilizer samples taken from Commercial Applicator Businesses or Institutional Applicators shall be reimbursed by said business or applicator to the Village within thirty (30) days after invoicing.

13. The UF-IFAS Extension Soil Testing Laboratory in Gainesville, Florida offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden producer Test" is recommended for both private and commercial clients fertilizing plants on the landscape, primarily home horticulture.

A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the US-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the St. Lucie County Cooperative Extension Service Office, 8400 Picos Road, Suite 101, Fort Pierce, FL 34945, (772-464-1660). To determine the availability and cost of Soil Fertility Tests contact the St. Lucie County Cooperative Extension Service Office. A PDF version of the Landscape and Vegetable Garden Test Submission Form can be obtained at <http://soilslab.ifas.ufl.edu/>.

14. All commercial and institutional applicators of fertilizer within the incorporated area of Town of St. Lucie Village, shall abide by and successfully complete the six-hour training program in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of

Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.

15. Private, non-commercial applicators, not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.

16. The following license requirements shall apply after adoption of this Ordinance:

(a) All commercial applicators of fertilizer within the incorporated area of Town of St. Lucie Village, should have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.

(b) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) should ensure that at least one employee has a "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate.

17. All sections of this Ordinance may be enforced and penalized in accordance with such Code Enforcement Ordinance as the Board of Aldermen may adopt or by application to the Circuit Court in and for St. Lucie County or as otherwise authorized by law.

18. Except as otherwise provided herein, the foregoing recommendations are effective immediately upon passage of this Resolution.

PASSED AND APPROVED by the Board of Aldermen of the Town of St.

Lucie Village on this 15th day of April, 2014.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: William G. Thiess
William G. Thiess, Mayor

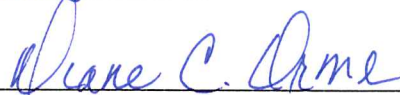
ATTESTED:

By: Diane C. Orme

Diane C. Orme, Clerk



I, DIANE C. ORME, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance **2014-2** which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 15th day of April, 2014.



DIANE C. ORME, CLERK