

ARTICLE V. - FLORIDA-FRIENDLY FERTILIZER USE

Sec. 38-101. - Purpose and intent.

This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and permitting requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer—free zones, low maintenance zones, and exemptions. This article requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the city's natural and constructed stormwater conveyances, canals, estuaries, creeks, and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the city 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. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

(Ord. No. 2012-01, § 2, 1-3-2012)

Sec. 38-102. - Definitions.

As used in this article, the following words, phrases, and terms shall have the meanings set forth in this section unless the context indicates otherwise:

Administrator means the planning and development director or other official as may be designated by the city manager.

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 within the city limits.

Board or governing board means the city council.

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.

Commercial fertilizer applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer in exchange for payment or other consideration within the corporate limits of the city to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Department means the city planning and development department.

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.

Heavy rain means rainfall greater than two inches in a 24-hour period.

Institutional fertilizer applicator means any person, other than a private, non-commercial or commercial fertilizer applicator (unless such definitions also apply under the circumstances), who applies fertilizer within the corporate limits of the city for the purpose of maintaining turf and/or landscape plants. Institutional fertilizer 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, multiple-family projects, and any residential properties maintained in condominium and/or common ownership.

Landscape plant means any native or exotic tree, shrub, or groundcover, but excluding turf.

Low-maintenance zone means an area a minimum of ten feet wide adjacent to water courses that is planted and managed in order to minimize the need for fertilization, watering, and mowing.

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

Restricted season means June 1 through September 30.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this article, 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 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.

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 article, agriculture has the same meaning as in F.S. § 570.02.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-103. - Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the corporate limits of the city, unless the applicator is specifically exempted. This article shall be prospective only and shall not impair any existing contracts.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-104. - Timing of fertilizer application.

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the restricted season, to saturated soils, or during a period in 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 the city, issued by the National Weather Service, or if heavy rain is likely.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-105. - Fertilizer free zones.

Fertilizer shall not be applied within ten 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. If more stringent regulations of this Code apply, the more stringent provisions shall prevail. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if needed to allow the plants to become well established. Caution shall be used to prevent nutrients from being directly deposited into the water.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-106. - Low maintenance zones.

A voluntary ten-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 regulations of this Code apply, the more stringent provisions shall prevail. Notwithstanding the voluntary nature of the above sentences, no mowed or cut vegetative material shall 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.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-107. - Fertilizer content and application rates.

- (a) No fertilizer containing phosphorous shall be applied to turf or landscape plants in the city unless a soil or plant tissue deficiency is verified by a University of Florida, Institute 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 two years old. However, recent application of compost, manure, or top soil shall warrant more recent testing to verify current deficiencies.
- (b) As of the effective date of the ordinance from which this article is derived, the nitrogen content of fertilizer applied to turf or landscape plants within the city shall contain at least 25 percent slow release nitrogen per guaranteed analysis label. As of June 1, 2014, the nitrogen content of fertilizer applied to turf or landscape plants within the city shall contain at least 50 percent slow release nitrogen per guaranteed analysis label.
- (c) Fertilizers applied to an urban lawn or turf within the city shall be applied in accordance with requirements and directions set forth on the label or tag for packaged fertilizer products, or in the printed information accompanying the delivery of bulk fertilizer products, as provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*. All packaged and bulk fertilizer products sold in the city shall be sold in packages with labels or tags, or, if sold in bulk, be accompanied by printed information, which complies with the requirements of Rule 5E-1.003(2), Florida Administrative Code.
- (d) 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.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-108. - Application practices.

- (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, any 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 from impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-109. - Management of grass clippings and vegetative matter.

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 shall be immediately removed to the maximum extent practicable.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-110. - Exemptions.

The provisions set forth above in this article shall not apply to:

- (a) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;
- (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;
- (d) Golf courses when landscaping is performed 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;
- (e) Athletic fields at public parks and school facilities that apply the concepts and principles embodied in the Florida Green BMPs, while maintaining the health and function of their specialized turf areas; or
- (f) Vegetable gardens owned by individual property owners or a community, and trees grown for their edible fruit.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-111. - Training.

- (a) Within the time period set forth in [section 38-113](#) of this article, all commercial fertilizer applicators and institutional fertilizer applicators within the city 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.
- (b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida Institute of Food and Agriculture Sciences *Florida Yards and Neighborhoods* program when applying fertilizers.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Sec. 38-112. - General education program.

The city public works department shall have an employee who shall address issues pertaining to this article. This employee shall implement a program to inform the general public of the requirements of this article, which program shall include, among other things, informative postings on the city website, printing and distributing informative brochures and other print materials, and speaking engagements at community associations, civic organizations, etc. The program shall also include, to the extent practicable, use of any materials from the Be Floridian program and coordination and collaboration with University of Florida Institute of Food and Agriculture Sciences educational activities. Any claimed or alleged deficiency in the city's general education program shall not constitute a defense to any action brought to enforce the provisions of this article.

(Ord. No. 2013-23, § 2, 11-19-2013)

Editor's note— Ord. No. 2013-23, § 2, adopted Nov. 19, 2013, amended § 30-112 in its entirety, in effect repealing and reenacting said section to read as set out herein. The former § 30-112 pertained to permitting of applicators and derived from Ord. No. 2012-01, § 2, adopted Jan. 3, 2012.

Sec. 38-113. - Licensing of commercial fertilizer applicators.

- (a) No later than December 31, 2013, all commercial fertilizer applicators within the city shall abide by and successfully complete training and continuing education requirements 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 Institute of Food and Agriculture Sciences "Florida-friendly Landscapes"

program, or an approved equivalent program, prior to obtaining a city business tax receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial fertilizer applicators shall provide proof of completion of the program to the city planning and development department within 180 days of the effective date of the ordinance from which this article is derived.

- (b) After December 31, 2013, all commercial fertilizer applicators within the city shall 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 Rule 5E-14.117(18), Florida Administrative Code.
- (c) 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) must 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 business tax receipt. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the city planning and development department.

(Ord. No. 2013-23, § 2, 11-19-2013)

Editor's note— Ord. No. 2012-23, § 2, adopted Nov. 19, 2013, renumbered the former [§ 38-113](#) as [§ 38-114](#) and enacted a new [§ 38-113](#) as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 38-114. - Enforcement.

The provisions of this article may be enforced pursuant to any method provided for by this Code or general law.

(Ord. No. 2012-01, § 2, 1-3-2012; Ord. No. 2013-23, § 2, 11-19-2013)

Note— See the editor's note to [§ 38-113](#).

Sec. 38-115. - References to state law.

Any references in this article to Florida Statutes, rules or regulations shall refer to such statutes, rules or regulations, as amended from time to time.

(Ord. No. 2013-23, § 2, 11-19-2013)