

CHAPTER 78. FERTILIZER STANDARDS AND MANAGEMENT PRACTICES

Sec. 78.01. Purpose and intent, and findings.

This chapter regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited and restricted application period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This chapter 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 Alachua County's natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, wetlands and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Alachua County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.02. Definitions.

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

Administrator means the Alachua County County Manager, or an administrative official of Alachua County government designated by the county manager to administer and enforce the provisions of this chapter.

Alachua County approved best management practices training program means a training program approved by the county manager that includes at a minimum, the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," as revised and any more stringent requirements set forth in this chapter.

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 Alachua County.

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.

Board means the Board of Alachua County Commissioners, Florida.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in Alachua County in exchange for money, goods, services or other valuable consideration.

Fertilize, fertilizing, or fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plant.

Fertilizer means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, 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 non-commercial or 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 and managers 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 six feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Pasture means land used for livestock grazing that is managed to provide feed value.

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 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 Alachua County, issued by the National Weather Service, or if rainfall greater than or equal to two inches in a 24-hour period is likely.

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.

Turf, sod, or lawn means a piece of grass-covered soil held together by the roots of the grass.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.03. Applicability.

This chapter shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within unincorporated Alachua County, unless such applicator is specifically exempted from the regulatory provisions by the terms of this chapter. This chapter shall be prospective only, and shall not impair any existing contracts.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.04. Timing of fertilizer application.

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.05. Fertilizer free zones.

Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall. If more stringent 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 be fertilized in this zone only for the first 60-day establishment period, but caution shall be used to prevent direct deposition of nutrients into the water.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.06. Low maintenance zones.

A voluntary six-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 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.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.07. Fertilizer content and application rates.

(a) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:

(1) Have direction for use not to exceed rates recommended in the document title SL191 "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich 1 Extractant," dated March 2007, which is hereby adopted and incorporated by reference into this section. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: <http://edis.ifas.ufl.edu/SS404>.

(2) Have directions for use in accordance with the recommendations in "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses," published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from <http://wwwdep.state.fl.us/water/nonpoint/pubs.htm>.

Note that this does not exempt applicators at these sites from the required basic Green Industry BMP training. If other provisions of the ordinance are not appropriate for these sites, such exceptions should be noted.

(b) Fertilizers applied to turf and/or landscape plants within Alachua County shall be formulated and applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.

(c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (b) above unless a soil or tissue deficiency has been verified by an approved test.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.08. 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, 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 in 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.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.09. Management of grass clippings and vegetative matter.

In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.10. Exemptions.

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

(a) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.

(b) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.11. Training.

(a) All commercial and institutional applicators of fertilizer within Alachua County, 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. Information on the training program may be found at <http://fyn.ifas.ufl.edu>.

(b) 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.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.12. Licensing of commercial applicators.

(a) All commercial applicators of fertilizer within the unincorporated area of Alachua County 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 IFAS "Florida-Friendly Landscapes" program. Commercial Fertilizer Applicators shall provide proof of completion of the program to the Alachua County Environmental Protection Department not later than September 30, 2011.

(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) must ensure that at least one employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate. 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 Alachua County Environmental Protection Department not later than September 30, 2011.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.13. Enforcement.

The provisions of this chapter may be enforced using the code enforcement board process of Chapter 162, Part I, Florida Statutes, or the civil citation process of Chapter 162, Part II, Florida Statutes, and Chapter 24, Alachua County Code. In addressing residential violations county staff shall provide an educational approach that emphasizes environmental awareness in order to achieve compliance prior to initiating enforcement action with the use of the provisions of Chapter 24.

(Ord. No. 09-06, § 1, 9-22-09)

Sec. 78.14. Penalties.

Violation of any provision of this chapter shall be subject to penalties as provided in section

(Ord. No. 09-06, § 1, 9-22-09)