

Proper use of Fertilizer

Sec. 16-141. 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 licensing requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The 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 natural and constructed stormwater conveyances, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the 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. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-142. Definitions.

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

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 the municipality.

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 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 feet wide adjacent to surface waters 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, organizations, 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 Miami-Dade County, issued by the National Weather Service, or if heavy rain greater than or equal to two inches in a 24-hour period is forecasted. *Restricted application period* means May 15th to October 31.

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 saturation 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.
Village means the Village of Pinecrest, Florida. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-143. Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the village, unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article. This article shall be prospective only and shall not impair any existing contracts. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-144. Timing of fertilizer application.

- (a) 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. In addition, fertilizer containing nitrogen or phosphorus shall not be applied to turf or landscape plants during the restricted application period, which is defined as May 15 to October 31.
- (b) Fertilizer shall only be applied to actively growing turf.
- (c) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 60 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. 2021-6, § 2, 6-8-21)

Sec. 16-145. Fertilizer free zone.

Fertilizer shall not be applied within 20 feet of any pond, stream, watercourse, lake, canal, stormwater drains, or wetland as defined by the Florida Department of Environmental Protection (Fla. Admin. Code 62-340) or from the top of a seawall. If more stringent regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-146. 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 apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may 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. 2021-6, § 2, 6-8-21)

Sec. 16-147. Fertilizer content and application rates.

- (a) Fertilizers shall be applied to turf and/or landscape plants at the lowest recommended rate according to the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, December 2008", as updated, with no more than four pounds of nitrogen per 1,000 square feet applied in any calendar year and no more than one pound of nitrogen per 1,000 square feet per application of fertilizer.
- (b) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants in the village, except where a phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida certified laboratory. Any person who obtains a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall provide a copy of the test results to the village prior to the application of phosphorus. Where a phosphorous deficiency has been demonstrated and approved by the village, phosphorous Fertilizer shall be applied in an amount not to exceed 0.50 pounds of phosphorous per 1,000 square feet applied in a calendar year and in an amount not to exceed 0.25 pounds of phosphorous per 1,000 square feet per application.
- (c) Granular fertilizers containing nitrogen applied to turf and/or landscape plants within the village shall contain no less than 65 percent slow release nitrogen per guaranteed analysis label. (d) Nitrogen or phosphorus fertilizer shall not be applied to turf and/or landscape plants except as provided in (a) UF/IFAS recommendations for landscape plants, vegetable gardens, fruit trees, shrubs, and plants kept above ground in planters, pots, tubs, or containers, unless a soil or tissue deficiency has been verified by an approved test.

- (e) Liquid fertilizers containing nitrogen applied to turf and/or landscape plants within the Village shall not be applied at a rate that exceeds 0.5 pounds per 1,000 square feet per application.

(Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-148. 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 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.

(Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-149. 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. 2021-6, § 2, 6-8-21)

Sec. 16-150. 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, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the state 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 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;

(c) Any lands used for bona fide scientific research including, but not limited to, research on the effect of fertilizer use on urban stormwater, water quality, agronomics, or horticulture. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-151. Training.

- (a) All commercial and institutional fertilizer applicators within the village's jurisdiction, 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 required to follow the recommendations of the University Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-152. Licensing of commercial applicators.

- (a) Prior to July 31, 2021, all commercial fertilizer applicators within the village's jurisdiction 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, or an approved equivalent program, prior to obtaining a Pinecrest Business Tax Certificate or equivalent 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 village within 180 days of the effective date of this article.
- (b) After July 31, 2021, all commercial fertilizer applicators within the village's jurisdiction 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 5E-14.117(18) F.A.C.
- (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 Local Business Tax Certificate or equivalent. 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 village. (Ord. No. 2021-6, § 2, 6-8-21)

Sec. 16-153. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

- First violation. Written notification and education.
- Second violation. \$50.00.
- Third violation. \$100.00.
- Fourth and subsequent violation(s). \$500.00.

Each day in violation of this article within a 365 days period, beginning the date of the first violation, shall constitute a separate offense. The village may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this article.

Funds generated by penalties imposed under this section shall be deposited into the Stormwater Utility Fund. (Ord. No. 2021-6, § 2, 6-8-21)

Name of President or Owner of Company (print) _____

(Signature) _____

Corporation Name: _____

Address of Company _____