



AGENDA MEMORANDUM

FROM:	Denise Dymond Lyn, County Attorney
SUBJECT:	1:40 PM Public Hearing - Fertilizer Application Ordinance
AGENDA DATE:	March 28, 2017

BRIEF OVERVIEW:

At the Board's direction we have prepared an amendment to the County's Fertilizer Ordinance to allow for the Certification of residential homeowners to apply fertilizer during prohibited time periods.

Conduct a Public Hearing pertaining to natural resources, fertilizer use and landscape maintenance practices.

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					\$0

RECOMMENDED ACTION:

a. Conduct a Public Hearing on March 28, 2017 at 1:40 p.m. on an Ordinance of Citrus County, Florida, a political subdivision of the State of Florida, pertaining to natural resources, fertilizer use and landscape maintenance practices, amending Section 66-103 entitled "Exemptions"; providing for severability; providing for codification and inclusion into the code; providing for modifications that may arise from consideration at public hearing; providing for repeal of inconsistent provisions; and providing for an effective date.

b. If approved, adopt Ordinance and authorize the Chairman to execute on behalf of the Board.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PERTAINING TO NATURAL RESOURCES, FERTILIZER USE AND LANDSCAPE MAINTENANCE PRACTICES, AMENDING SECTION 66-103 ENTITLED "EXEMPTIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND INCLUSION INTO THE CODE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners ("Board") is the legislative and governing body of Citrus County, a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes; and

WHEREAS, in 2014, the Board adopted Ordinance 2014-A19, adding Division 4 to Chapter 66, Article II of the Citrus County Code pertaining to Natural Resources; and

WHEREAS, in 2016, the Board adopted Ordinance 2016-A29, amending portions of Chapter 66, Article II of the Citrus County Code pertaining to Natural Resources as part of a comprehensive program to address non-point sources of nutrient pollution on Urban Landscapes in order to adequately address urban fertilizer contributions to non-point source nutrient loading to local water bodies and to regulate the use of fertilizers near waterways and during various months of the years, having found same to be in the best interests of the citizens of the County; and

WHEREAS, the Board hereby finds that residential homeowners who have received a Florida Department of Environmental Protection Green Industry – Best Management Practices Certificate of Training should be permitted to fertilize their lawns in accordance with their training during the prohibited application period for dormant months,

WHEREAS, for these reasons, the Board hereby finds that it is in the best interest of the citizens of the County to permit certain certified residential homeowners to fertilize their lawns during the prohibited application period, in accordance with their training.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY:

Section 1. Article II, Section 66-103(8) is amended to provide as follows:

(8) Urban landscape commercial applicators and residential homeowners possessing a Florida Department of Environmental Protection Green Industry-Best Management Practices Certificate of Training are exempt from the terms of the *prohibited application period* for dormant months, however, they are not exempt from the provisions of Section 66-100(b). The exemption provided for Certified residential homeowners applies only to the application of fertilizer on the homeowner's lawn.

Section 2. **Severability.** If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 3. **Codification.** The publisher of the County's Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the amendments to the provisions of Chapter 66, Article II of the Citrus County Code of Ordinances and the addition of Section 14-53 to the Code of Ordinances where indicated.

Section 4. **Modification.** The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 5. **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ATTEST:

ANGELA VICK, Clerk

Scott Carnahan, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

DENISE A. DYMOND LYN, County Attorney