### AGENDA ITEM

**ITEM:** Approval of the Fertilizer Ordinance to enhance the Public Works Water Quality Program  
**DEPARTMENT:** Public Works

**AGENDA SECTION:**  
**AMOUNT:** $0.00

**ATTACHMENTS:**  
(X) ORDINANCE  
( ) RESOLUTION  
( ) OTHER:  
( ) SUPPORTING DOCUMENTS: Ordinance

**DATE:** 12/12/17

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**SUMMARY HIGHLIGHTS:**

The Public Works Department requests the Board’s Approval to authorize the inception of an Fertilizer Ordinance for the enhancement of the Public Works Departments Water Quality Program to meet the BOCC County FDEP BMAP Requirement.

The BOCC received a Water Quality Program Briefing which outlined the Nitrate and Phosphorus reduction to allow additional Water Quality Points to be awarded or recognized by FDEP for our Annual BMAP Requirement.

Your approval of this Fertilizer Ordinance will allow Public Works to collect the FDEP Credits for Nitrate and Phosphorus reduction which assists in meeting the FDEP BMAP Requirement. This is the model Ordinance provided by the FDEP for adoption by the Counties for BMAP purposes.

**PUBLIC PURPOSE:**

To allow Putnam County Public Works and the BOCC to meet the demand of the FDEP BMAP Requirement assisting in the reduction of Nitrate and Phosphorus accumulation in the St Johns River, outlying lakes and waterways providing better water quality County Wide.

**RECOMMENDED ACTION:**

The Public Works Department requests the Board Approval of the Fertilizer Ordinance.

**DEPARTMENT HEAD APPROVAL:** Press Tompkins, P.E.  
**COUNTY ADMINISTRATOR APPROVAL:**

**COUNTY ATTORNEY APPROVAL:**  
**BUDGET OFFICER APPROVAL:**
AN ORDINANCE OF THE COUNTY OF PUTNAM, STATE OF FLORIDA, PROVIDING DEFINITIONS; PROVIDING FOR THE PROPER USE OF FERTILIZERS BY AN APPLICATOR; REQUIRING PROPER TRAINING OF COMMERCIAL AND INSTITUTIONAL FERTILIZER APPLICATORS; ESTABLISHING TRAINING AND LICENSING REQUIREMENTS; ESTABLISHING A PROHIBITED APPLICATION PERIOD; SPECIFYING ALLOWABLE FERTILIZER APPLICATION RATES AND METHODS, FERTILIZER-FREE ZONES, AND LOW MAINTENANCE ZONES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Chapter 403, Florida Statutes (F.S.), requires each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients ("nitrogen and phosphorus") to adopt the Florida Department of Environmental Protection's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes (2009) ("Model Ordinance"); and

WHEREAS, Putnam County, Florida ("the County") is located within the St. Johns River watershed, which is a water body that is listed as impaired by nutrients pursuant to Chapter 403, F.S.; and

WHEREAS, the County finds that the implementation of this Ordinance which contains the elements of the Model Ordinance, as developed by the Florida Department of Environmental Protection, will assist in protecting the quality of Florida's surface water and groundwater resources.

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

Section 1. Facts and Purpose.

A. Facts. The above Recitals are hereby incorporated by reference and adopted as findings of fact and conclusions of law.

B. Purpose. The purpose of this Ordinance, in agreement with the Facts, is to provide for the regulation of Fertilizers and to provide accurate management guidelines for the application of Fertilizer in order to minimize any negative effect Fertilizers have on the water bodies of Putnam County.

Section 2. Jurisdiction. This Ordinance shall apply to and be effective in the unincorporated areas of Putnam County.

Section 3. Definitions.

A. "Application" or "Apply" shall mean the actual physical deposit of Fertilizer to Turf or Landscape plants.

B. "Applicator" shall mean any Commercial Applicator, Institutional Applicator or Noncommercial Applicator who applies Fertilizer on Turf or Landscape Plants in Putnam County.
C. “Best Management Practices” shall mean 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 and protecting natural resources.

D. “Commercial Applicator” shall mean any Person who applies Fertilizer on Turf or Landscape Plants in Putnam County in exchange for money, goods, services or other valuable consideration.

E. “Fertilize” or “Fertilizing” shall mean the act of applying Fertilizer to Turf or Landscape Plants.

F. “Fertilizer” shall mean any substance or mixture of substances that contains nitrogen or phosphorus to promote plant growth (excluding commercially packaged combined pesticide/fertilizer mixtures) to control soil acidity or alkalinity, to provide other soil enrichment or to provide other corrective measures to the soil.

G. “Institutional Applicator” shall mean any Person, excluding Non-commercial and Commercial Applicators, employed by institutions such as but not be limited to, facility managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium or common ownership that applies Fertilizer on Turf or Landscape Plants on institutional property.

H. “Landscape Plant” shall mean any tree, shrub or groundcover (excluding Turf).

I. “Low Maintenance Zone” shall mean an area a minimum of six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilizing, watering, mowing, etc., such as using Florida Friendly landscaping plants and principles.

J. “Non-commercial Applicator” shall mean any Person who applies Fertilizer on Turf or Landscape Plants in Putnam County and who is not otherwise required to be certified, such as private citizens on their own residential property.

K. “Pasture” shall mean land used for livestock grazing that is managed for feed value.

L. “Prohibited Application Period” shall mean the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning issued by the National Weather Service is in effect for any portion of Putnam County, or if heavy rain is likely. Heavy rain is rainfall greater than or equal to Two (2) inches in a twenty-four (24) hour period as per the World Meteorological Organization.

M. “Turf” shall mean a grass-covered soil held together by the roots of the grass.
Section 4. General Provisions.

A. Timing of Fertilizer Application: No Applicator shall apply Fertilizers containing nitrogen or phosphorus to Turf or Landscape Plants during the Prohibited Application Period.

B. Fertilizer Free Zones: Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any surface water, pond, stream, watercourse, lake, canal, flooded drainage ditch, wetland or top of a bulkhead or seawall. Newly planted Turf or Landscape Plants may be Fertilized in this zone only for the first sixty (60) day establishment period, but caution shall be used to prevent direct deposition of Fertilizer into the water.

C. Low Maintenance Zones: A voluntary six (6) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a bulkhead or seawall. A swale or berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Putnam County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations including requirements for an upland buffer to wetlands. 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.

D. Fertilizer content and application rates:

1. Fertilizers applied to Turf or Landscape lands within Putnam County shall be formulated and applied in accordance with requirements and directions provided by Rule SE-1.003(2), Florida Administrative Code, as amended, including these recommended application rates:

<table>
<thead>
<tr>
<th>Species</th>
<th>Nitrogen Recommendation (lbs N/1,000 sqft/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahia</td>
<td>2-3</td>
</tr>
<tr>
<td>Bermuda</td>
<td>3-5</td>
</tr>
<tr>
<td>Centipede</td>
<td>1-2</td>
</tr>
<tr>
<td>St. Augustine</td>
<td>2-4</td>
</tr>
<tr>
<td>Zoysia</td>
<td>3-5</td>
</tr>
</tbody>
</table>

2. Nitrogen or phosphorus fertilizer shall not be applied to Turf or Landscape Plants except as provided in D.1 above unless a soil or tissue deficiency has been verified by an industry recognized and approved soil test.

E. Application Practices:

1. 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.

2. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surfaces.
3. 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.

4. 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.

5. In no case shall Fertilizer be washed, swept or blown off impervious surfaces into stormwater drains, ditches, conveyances or water bodies.

F. Management of grass clippings and vegetative matter: In no case shall grass clippings, vegetative material 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.

G. Training:

1. All commercial and institutional applicators of Fertilizer within Putnam 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"(2008), as amended, offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida Friendly Landscapes" program.

2. Non-commercial Applicators are encouraged to follow the recommendations of the University of Florida, Florida Yards and Neighborhoods program when applying fertilizers.

H. Licensing of Commercial Applicators:

1. All Commercial Applicators of Fertilizer within the unincorporated area of Putnam 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"(2008), as amended, offered by the Florida Department of Environmental Protection through the University of Florida, "Florida Friendly Landscapes" program.

No later than 1 January, 2014, per 482.1562 Florida Statutes, all Commercial Applicators of Fertilizer within the unincorporated area of Putnam County shall hold a valid limited certification for urban landscape commercial fertilizer application certificate from the Florida Department of Agriculture and Consumer Services and shall meet all continuing education requirements.

2. All businesses applying Fertilizer to Turf or Landscape plants must ensure that at least one employee has an appropriate "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries"(2008), as amended.

Section 5. Exceptions. The General Provisions set forth in Section 4 above shall not apply to:

A. Bona fide farm operations as defined in the Florida Right to Farm Act, Section
B. Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock and that is managed for feed value.

Section 6. **Enforcement and Penalties.** This Ordinance may be enforced by any method prescribed by law, including injunctive relief and the provisions of Chapter 162, Florida Statutes, and any ordinances enacted thereunder.

Section 7. **Public Nuisance Declaration.** Any violation of this Ordinance is hereby deemed to be a public nuisance and may be abated or enjoined by the County Administrator irrespective of any other remedy herein provided.

Section 8. **Farm and Agricultural Uses.** Nothing in this Ordinance shall be construed to regulate or limit Fertilizing for farm and commercial agricultural uses.

Section 9. **Severability.** It is the intent of the Board of County Commissioners of Putnam County, and is hereby provided, that if any section, subsection, 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 as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 10. **Effective Date:** This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA this _____ day of ______, 2017.

BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA

By: ______________________
Buddy Goddard, Chairman

ATTEST: Tim Smith, Clerk of Court

By: ______________________
Deputy Clerk