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ORDINANCE NO. 2026-

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES, VILLAGE OF BISCAYNE PARK TO REGULATE THE INSTALLATION AND MAINTENANCE OF SYNTHETIC TURF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, in 2025 the Florida Legislature adopted §125.572, *Florida Statutes*, prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that is inconsistent with Florida Department of Environmental Protection (“FDEP”) standards regulating synthetic turf or that prohibits a residential property owner from installing synthetic turf that complies with FDEP standards; and

WHEREAS, public notice has been given of the time and place of the public hearing regarding adoption of this Ordinance; and

WHEREAS, the Village Commission of the Villag of Biscayne Park deems it to be in the best interest of the residents, and visitors of the Village to amend the Code of Ordinances, Biscayne Park, to adopt regulations consistent with FDEP standards regarding the installation and maintenance of synthetic turf by residential property owners.

NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:¹

Section 1. **Recitals.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. **Amendment to the Code.** The Code of Ordinances, Village of Biscayne Park, Florida, is hereby amended by adding an Article ___ to Chapter ___ “_____,” which Article reads as follows:

CHAPTER _____ - _____

¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

1
2
3 **ARTICLE . – SYNTHETIC TURF**
4

5 **Sec. . – Intent and purpose.**
6

7 It is the intent and purpose of this article to allow owners of single-family
8 residential properties of 1 acre or less in size within the village to install and use synthetic
9 turf in conformance with minimum standards established by the Florida Department of
10 Environmental Protection as set forth in §125.572(1), Florida Statutes, as the same may be
11 amended.
12

13 **Sec. . – Synthetic turf.**
14

15 The installation and use of synthetic turf within front, rear and side-yards is
16 permitted by owners of single-family residential properties of 1 acre or less in size within
17 the village subject to village site plan approval and compliance with this article. Nothing
18 herein is intended to prohibit the installation and use of synthetic turf in village parks and
19 for recreation purposes.
20

21 **Sec. . – Submittal requirements.**
22

- 23 (1) Site plan applications shall include the synthetic turf manufacturer
24 specifications, sections, and details, and be accompanied by engineered
25 percolation rates that conform to this article for review and approval by the
26 village before the installation of any synthetic turf.
27
28 (2) Applicants shall provide an owner affidavit agreeing to perpetually
29 maintain the synthetic turf in good working condition and to ensure that
30 there is continued ground permeability in accordance with this article.
31

32 **Sec. . – Minimum standards.**
33

34 All synthetic turf shall comply with the following minimum standards established
35 by the Florida Department of Environmental Protection:
36

- 37 (1) Synthetic turf, including backing material and infill, must not contain heavy
38 metals or intentionally added per- and polyfluoroalkyl substances.
39
40 (2) Synthetic turf, including backing materials and infill, must be disposable
41 under normal conditions at any Chapter 62-701, F.A.C., Florida permitted
42 landfill.
43
44 (3) Infill material, if used, shall only be clean silica sand, rock, shell, or other
45 natural material, except that coated silica sand may be used provided that
46 any coating used is non-toxic and meets the requirements described in
47 paragraphs (1) and (2). Rubber or any other synthetic infill material is
48 allowed only within the footprint of playground equipment and must also
49 meet the requirements described in paragraphs (1) and (2). Installation shall

1 be designed to prevent washing away of any infill material off the
2 residential property.

3
4 (4) Any subgrade shall be composed of natural materials, such as crushed rock,
5 or crushed concrete that meets the permeability requirements of this article.
6 Subgrade materials shall be washed prior to installation.

7
8 (5) Synthetic turf must be permeable and affixed to permeable backing with a
9 pervious subgrade, with a maximum permeable standard of ten (10) inches
10 per hour for all layers.

11
12 (6) Synthetic turf must be installed over a subgrade prepared for positive
13 drainage and evenly graded porous material.

14
15 (7) Soil beneath installed subgrade shall not be compacted to the extent that it
16 adversely impacts percolation through the soil.

17
18 (8) Installation of synthetic turf must be designed and installed to prevent
19 pooling or an increase in the stormwater runoff volume, direction, or rates
20 to adjacent properties and, where possible, runoff shall be directed to on-
21 site pervious areas.

22
23 (9) Installation of synthetic turf must not alter the permitted stormwater
24 management system as designed and shall not be installed within a swale,
25 ditch, stormwater pond, or a stormwater pond's littoral zone.

26
27 (10) In-ground irrigation systems cannot be used to irrigate synthetic turf areas.

28
29 (11) If any in-ground system is already installed, the village shall require that
30 irrigation heads be removed and pipe capped.

31
32 (12) Synthetic turf shall not cause or contribute to violations of state, county, or
33 village water quality standards.

34
35 (13) Synthetic turf shall be installed no closer than 10 feet from a natural or man-
36 made waterbody as measured from the applicable ordinary or mean high
37 water line except where there is a physical barrier between the synthetic turf
38 and the waterbody (such as, but not limited to, a seawall or bulkhead).

39
40 (14) Installation of synthetic turf cannot compromise the health of nearby trees,
41 including damage to tree roots, other than those identified as a noxious weed
42 as defined in Chapter 581, Florida Statutes.

43
44 (15) Synthetic turf shall not be installed inside tree drip lines, whether on the
45 property or adjacent properties, unless the tree is a noxious weed as defined
46 by Chapter 581, Florida Statutes, or unless a certified arborist, using site
47 specific information and best professional judgment, certifies that
48 installation within that drip line would not be harmful to the tree.
49

- 1 (16) Synthetic turf shall be installed according to manufacturer’s specifications.
2
3 (17) Synthetic turf shall be anchored at all edges and seams (e.g., nailed, glued,
4 or sewn) that, at a minimum, will withstand the effects of wind or flooding
5 and shall be trimmed to fit against all regular and irregular edges to resemble
6 a natural look.
7
8 (18) An appropriate solid barrier device (e.g., concrete mow strip, bender board)
9 is required to separate synthetic turf from soil and live vegetation.
10
11 (19) If installed, synthetic turf must provide access to any septic tank for routine
12 pump out.
13

14 **Sec. . – Maintenance standards**

- 15
16 (1) All synthetic turf shall be kept free of dirt, mud, stains, weeds, debris, tears,
17 holes, and impressions. Maintenance shall include, but not limited to
18 cleaning, brushing, debris removal, repairing of depressions and ruts to
19 maintain a visually-level surface, the elimination of odors, flat or matted
20 areas, weeds, and invasive roots.
21
22 (2) All synthetic turf must be replaced if it falls into disrepair with fading or
23 holes or loose areas. Replacement and repairs shall be done with like
24 materials from the same manufacturer and done so in a manner that results
25 in a repair that blends in with the existing synthetic turf.
26

27 **Sec. . – Enforcement and Penalties.**

- 28
29 (1) Any violation of this article may be prosecuted in accordance with the
30 provisions set out in section 1-11 of the Biscayne Park Code and Chapter
31 14 of the Biscayne Park Land Development Code.
32
33 (2) Any village code enforcement officer, or designated employee are
34 authorized to enforce the provisions of this article.
35
36 (3) Any person who violates any provision of this article, or of any regulation
37 or guideline that implements this chapter, shall be ordered immediately to
38 stop any such violation.
39
40 (4) Any person found violating this article after being warned of the violation
41 shall be subject to a fine of up to two hundred fifty dollars (\$250.00) for the
42 first occurrence, and five hundred dollars (\$500.00) for each additional
43 occurrence.
44

45 **Section 3. Inclusion in the Code.** The Village Commission intends that the provisions of this
46 Ordinance be made a part of the Biscayne Park Code, and that sections herein may be re-numbered or re-
47 lettered and the words or phrases herein may be changed to accomplish codification.
48
49

1 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
2 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
3 restrictive shall apply. All Ordinances or parts of Ordinances in conflict with this Resolution are hereby
4 repealed to the extent of such conflict.

5
6 **Section 5. Scrivener's Errors.** Any scrivener or typographical error that does not affect the
7 intent of this Resolution may be corrected with notice to the Village Attorney, Village Clerk, and Village
8 Manager without further action or process required.

9
10 **Section 6. Severability.** If any section, subsection, sentence, clause, or phrase of this
11 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
12 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
13 part so declared.

14
15 **Section 7. Effective Date.** This Ordinance shall become effective upon adoption by the
16 Village Commission.

17
18 PASSED AND ADOPTED upon first reading this ____ day of _____, 202_.

19
20 PASSED AND ADOPTED upon second reading this ____ day of _____, 202_.

21
22 The foregoing Ordinance was offered by _____, who moved its
23 adoption on second reading. The motion was seconded by _____, and upon
24 being put to a vote the vote was as follows:

25
26 Johnathan Groth, Mayor _____
27 Veronica Amsler, Vice Mayor _____
28 Art Gonzalez, Commissioner _____
29 Daniel Samaria, Commissioner _____
30 Ryan Huntington, Commissioner _____

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VILLAGE OF BISCAYNE PARK

Johnathan E. Groth, Mayor

ATTEST:

Pamela L. Latimore, Village Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:**

John R. Herin, Jr./Fox Rothschild, LLP
Village Attorney