

RESOLUTION 2012-7

A RESOLUTION OF THE BOARD OF ALDERMEN OF ST. LUCIE
VILLAGE, FLORIDA, REGARDING FERTILIZER USE WITHIN THE
MUNICIPAL LIMITS OF THE TOWN OF ST. LUCIE VILLAGE.

WHEREAS, the use of fertilizer and increasing levels of nitrogen can cause adverse effects on surface and/or ground water and the Indian River Lagoon; and

WHEREAS, St. Lucie Village's surface water, its ground water, and the Indian River Lagoon are an asset critical to the environmental, recreational, cultural and economic well-being of Town of St. Lucie 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; and, regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida, hereby resolves as follows:

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

"Administrator" means the Board of Aldermen of the Town of St. Lucie Village, or an administrative official of the Town of St. Lucie Village designated by the Board of Aldermen to administer and enforce the provisions of this Article.

"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 Town of St. Lucie Village.

"Board" means the Board of Aldermen of the Town of St. Lucie Village, Florida.

"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.

"Code Enforcement Officer, Official, or Inspector" means any designated employee or agent of Town of St. Lucie Village whose duty it is to enforce codes and ordinances enacted by Town of St. Lucie Village.

"Commercial Fertilizer Applicator", except as provided in 482.1562(9) F.S., 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 (10) feet wide adjacent to water courses 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, 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 Town of St. Lucie Village, issued by the National Weather Service, or if heavy rain (2 inches in a 24 hour period) is likely.

"Town of St. Lucie Village Approved Best Management Practices Training Program" means a training program approved per 403.9338 F.S., or any more stringent requirements set forth in this Article that includes 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 approved by the Town of St. Lucie Village Board of Aldermen.

"Saturated soil" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this resolution, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"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.

"Urban landscape" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in s. 570.02.

2. This resolution is a set of recommendations applicable to any and all applicators of fertilizer and areas of application of fertilizer within the area of Town of St. Lucie Village, unless such applicator is specifically exempted by the terms of this resolution from the regulatory provisions of this resolution.

3. No applicator should apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils.

4. Fertilizer shall not be applied within ten (10) feet 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, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. If more stringent Town of St. Lucie Village Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants should only be fertilized in this Zone only for a sixty (60) day period beginning 30 days after planting if need to allow the plants to become well established. Caution should be used to prevent direct deposition of nutrients into the water.

5. A voluntary ten (10) 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 Town of St. Lucie Village 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.

6. Fertilizer content and application rates are recommended as follows:

(a) Fertilizers applied to turf within Town of St. Lucie Village should be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*.

(b) Fertilizer containing nitrogen or phosphorus should not be applied before seeding or sodding a site, and shall not be applied for the first 30 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.

(c) Nitrogen or phosphorus fertilizer should not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

7. The following application practices are recommended:

(a) Spreader deflector shields should be used 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 should 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 should be immediately and completely removed to the greatest extent practicable.

(d) Fertilizer released on an impervious surface should 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 should fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

8. In no case should 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 should be immediately removed to the maximum extent practicable.

9. The provisions set forth above in this resolution shall not apply to:

(a) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes;

(b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;

(c) any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

10. All commercial and institutional applicators of fertilizer within the incorporated area of Town of St. Lucie Village, should 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.

11. Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

12. The following license requirements are recommended:

(a) Prior to 1 January 2014, all commercial applicators of fertilizer within the incorporated area of Town of St. Lucie Village, should 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.

(b) After 31 December, 2013, all commercial applicators of fertilizer within the incorporated area of Town of St. Lucie Village, should 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.

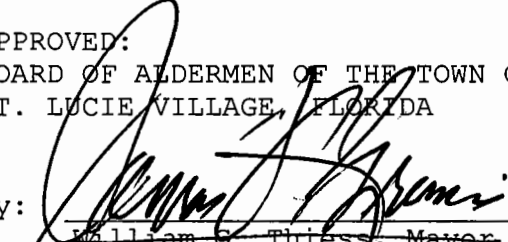
(c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) should ensure that at least one employee has a "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate.

13. Except as otherwise provided herein, the foregoing recommendations are effective immediately upon passage of this Resolution.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this 17th day of July, 2012.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By:


William G. Thiess, Mayor

JAMES GRIMES, VICE-MAYOR

ATTESTED:

By: Diane C. Orme
Diane C. Orme, Clerk

I, DIANE C. ORME, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Resolution **2012-7** which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 17th day of July, 2012.

Diane C. Orme
DIANE C. ORME, CLERK