AN ORDINANCE PERTAINING TO POLLUTANT DISCHARGE; AMENDING SUBSECTIONS (b) AND (c)(2) OF SECTION 42-5 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FOR THE PURPOSE OF PROHIBITING THE USE OF COPPER SULFATE OR ANY OTHER COPPER-CONTAINING HERBICIDE IN CITY LAKES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Section 42-5 of the Code of Ordinances defines control of pollutant discharge and acceptable exemptions; and

WHEREAS, Section 42-5 of the Code of Ordinances declares that it is unlawful to discharge pollutants into any bay, lagoon, estuary, or other waterway, lake, pond, drainage ditch, or part of the City's stormwater conveyance system; and

WHEREAS, Section 42-5 of the Code of Ordinances states that herbicide application by a licensed applicator for treatment of algae or higher plant blooms in any lake, pond, or drainage ditch shall not be considered a pollutant discharge; and

WHEREAS, amending the existing Code to prohibit the use of copper sulfate or any other copper-containing herbicide in City lakes is likely to provide enhanced environmental protection to Naples Bay, decrease the amount of copper entering the City's lakes and natural waterways, including Naples Bay, thus improving water quality;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Subsections (b) and (c)(2) of Section 42-5 of the Code of Ordinances of the City of Naples is hereby amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 42-5. Control of pollutant discharge.

(b) Discharge of pollutants prohibited. It shall be unlawful for any individual, partnership, joint venture, corporation, governmental entity or other entity to discharge pollutants into any bay, lagoon, estuary, or other waterway, lake, pond, drainage ditch, or part of the city's stormwater conveyance system. Copper sulfate or any other herbicide or lake treatment containing copper is prohibited.

(c) Exemptions.

(2) Herbicide application that does not contain any form of copper as described in (b), by a licensed applicator for
treatment of algae or higher plant blooms in any lake, pond, or drainage ditch shall not be considered a pollutant discharge.

Section 2. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 19TH DAY OF NOVEMBER, 2008.


Approved as to form and legality:

Robert D. Pritt, City Attorney

Tara A. Norman, City Clerk

Date filed with City Clerk: 12-29-08