

ARTICLE VII. - FERTILIZER USE AND MAINTENANCE OF URBAN LANDSCAPES⁶¹

Sec. 52-181. - Purpose and intent.

This article regulates and promotes the proper use of fertilizers by any applicator, requires proper training of commercial and institutional fertilizer applicators, establishes training and licensing requirements, establishes a prohibited and restricted application period, specifies allowable fertilizer application rates and methods, fertilizer-free buffer zones, low maintenance zones, and exemptions. This article requires the use of best management practices that provide specific management guidelines to minimize the negative environmental effects fertilizers and lawn maintenance debris have in and on the city and its natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries, wetlands, bays, and nearshore waters of the Gulf of Mexico. Collectively, these waterbodies are an asset critical to the environmental, recreational, cultural and economic well-being of the city and the public health. Overuse or misuse of fertilizer containing nitrogen, phosphorus, or both, can cause overgrowth of algae and other vegetation, obstructing stormwater conveyances and disrupting the natural aquatic ecosystem. Regulation of nutrients, including phosphorus and nitrogen contained in fertilizer, entering city waterbodies will help improve and maintain water and habitat quality.

(Ord. No. [17-14036](#), § 1, 10-4-2017)

Sec. 52-182. - Definitions.

The following words, terms, and phrases when used in this article will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined below, words or phrases used in this article will be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application:

Application or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any person who applies, in any manner, fertilizer to turf or landscape plants within the city as defined in this article.

Commercial fertilizer applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer on turf or landscape plants within the city in exchange for money, goods, services, or other valuable consideration.

Fertilize, *fertilizing*, or *fertilization* means the act of applying fertilizer to a lawn (turf), specialized turf, or landscape plant.

Fertilizer means any substance 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. Reclaimed water may contain some of the nutrients that are commonly found in fertilizers but is not considered fertilizer.

Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Impervious surface means a constructed surface, such as a sidewalk, road, parking lot, or driveway, covered by impenetrable materials such as asphalt, concrete, brick, pavers, stone, or highly compacted soils.

Institutional fertilizer applicator means any person, other than a non-commercial or commercial applicator, unless such definitions also apply under the circumstances, who applies fertilizer for the purpose of maintaining turf or landscape plants. Institutional applicators will include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium or common ownership.

Landscape plant means any native or exotic tree, shrub, or groundcover, excluding turf.

Leaching means the process by which soluble constituents are dissolved and filtered through the soil by a percolating fluid.

Low maintenance zone means an area a minimum of ten feet wide adjacent to waterbodies that is planted and managed in order to minimize the need for watering, mowing, fertilization, etc.

Non-commercial fertilizer applicator means any person other than a commercial fertilizer applicator or institutional applicator who applies fertilizer on turf or landscape plants in the city, such as an individual owner of a single-family residential unit.

Prohibited application period means the time period between June 1 through September 30 of each calendar year and any time period during which a flood watch or warning, tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the city, as issued by the National Weather Service, and anytime there is a 60 percent chance of two inches or greater of rain in a 24-hour period.

Reclaimed water means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility, pursuant to F.A.C. ch. 62-610, as may be amended from time to time.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this article, soils will 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 that delays its availability for plant uptake and use after application, or that extends its availability to the plant longer than a reference rapid or quick release product.

Specialized turf manager means a landscape manager of non-agricultural land planted exclusively for golf course, park, or athletic field use.

Turf, sod, or lawn means a piece of grass-covered soil held together by the roots of the grass.

Waterbody or waterbodies means any visible, standing or open body of water. This will include, but not be limited to: municipal or private storm sewer systems, including inlets, conveyances and structures, ditches, swales, canals, creeks, rivers, streams, tidal waters, lakes, ponds, ponded water, standing water, marshes, swamps or any other body of permanent or temporary standing or visible water whether or not the waterbody is natural or man-made or contained by impervious surfaces on the bottom or sides and all wetlands and other surface waters as defined by F.A.C. ch. 62-340.600, as may be amended from time to time.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soils [see F.A.C. ch. 62-340.200, as may be amended from time to time].

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Sec. 52-183. - Applicability.

This article will be applicable to, and will regulate any and all, applicators of fertilizer within the city unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article.

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Sec. 52-184. - Fertilizer application and urban landscape maintenance.

- (a) No applicator will apply fertilizers containing nitrogen, phosphorus, or both, during the prohibited application period or to saturated soils.
- (b) No fertilizer will be applied within ten feet of any waterbody wetland, or within ten feet from the top of a seawall or lake bulkhead.
- (c) A voluntary ten-foot, low maintenance zone adjacent to waterbodies is strongly recommended. A swale or berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material may 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 rate.*
 - (1) Nitrogen content in any fertilizer must be a minimum of 50 percent slow release.
 - (2) Fertilizer shall not be applied at a rate greater than one pound of nitrogen per 1,000 square feet per application. No more than three pounds of nitrogen per 1,000 square feet will be applied to Centipede turf grass per calendar year. No more than four pounds of nitrogen per 1,000 square feet will be applied to any other landscaped area in any calendar year.
 - (3) A guaranteed analysis may be required of alternative fertilizers such as manure or compost at the applicator's or property owner's expense.
 - (4) Fertilizer containing nitrogen shall 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, such as wildfire, or in accordance with the stormwater pollution prevention plan for that site.
 - (5) Fertilizer containing phosphorus must not be applied to landscape plants or turf unless a soil or tissue deficiency has been verified by a test approved by the city manager. Phosphorus contained in city-distributed reclaimed water used for irrigation purposes is exempt from this provision. Soil or tissue testing must be performed at a University of Florida/Institute of Food and Agricultural Services (UF/IFAS) Extension Soil Testing Laboratory, or a state-certified or other laboratory pre-approved by the city manager. The applicator must carry proof of approved soil or tissue test when applying fertilizer containing phosphorus. Where a deficiency has been verified, phosphorus fertilizer shall not be applied at application rates that exceed 0.25 lbs. P₂O₅/1,000 ft.² per application and not to exceed 0.50 lbs. P₂O₅/1,000 ft.² per year.
 - (6) The use of water from a reclaimed wastewater system must be in accordance with this article and required best management practices. If fertilizer containing nutrients in addition to what is provided in reclaimed water is to be applied, the cumulative nutrient loading shall not exceed those established in this article.
- (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 waterbodies.
 - (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 must be immediately and completely removed.
 - (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 may fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or waterbodies.
- (f) *Management of grass clippings and vegetative matter.* In no case may grass clippings, vegetative matter, or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, waterbodies, wetlands, sidewalks or roadways. Any material that is accidentally so

deposited must be immediately and completely removed. Grass clippings should be blown back onto lawn areas or removed.

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Sec. 52-185. - Exemptions; golf course application.

- (a) The timing of applications, fertilizer content, application rate provisions, and other provisions set forth above in section 52-184 shall not apply to:
 - (1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;
 - (2) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock; and
 - (3) 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.
- (b) Application of fertilizers to golf courses, parks and athletic fields within the city must comply with Rule 5E-1.003, F.A.C., as may be amended from time to time. Application rates shall not exceed rates recommended in Solutions for Life (SL) 191: "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich III Extractant", and must comply with the recommendations in the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses, 2012," as may be updated from time to time.

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Sec. 52-186. - Training and licensing.

- (a) *Training.*
 - (1) All commercial and institutional fertilizer applicators within the city must abide by and successfully complete 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 Landscaping™" program, or an approved equivalent.
 - (2) Private, non-commercial fertilizer applicators are exempt from formal training and certificate requirements, but are encouraged to follow the recommendations of the University of Florida, Institute of Food and Agricultural Sciences (IFAS) Florida Yards and Neighborhoods program, except where this ordinance is more restrictive.
- (b) *Licensing of commercial applicators.*
 - (1) All commercial fertilizer applicators within the city must 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 pursuant to Rule 5E-14.117(11), F.A.C., as may be amended from time to time.
 - (2) All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must 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 city business tax receipt. Owners of such businesses must provide proof of completion of the program to the city.

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Sec. 52-187. - Enforcement and penalties.

- (a) The violation of any provision of this article will subject the violator to any enforcement procedure and to the penalties provided in section 1-15 of this Code. This article may be enforced against any person actually committing the infraction and any owner or person in control of the property upon which the violation occurs, or condition exists. Each day of violation constitutes a separate offense.
- (b) Funds generated by penalties imposed under this section must be used by the city for the administration and enforcement of F.S. § 403.9337, as may be amended from time to time, and the corresponding sections of the ordinance codified in this article, and to further water conservation and nonpoint pollution prevention activities.
- (c) Code enforcement will annually report the number of warnings, violations, and citations issued as a result of enforcement of this section.

(Ord. No. [17-14036](#), § 1, 10-4-2017; Ord. No. [19-14362](#), § 1, 6-12-2019)

Secs. 52-188—52-210. - Reserved.