

ARTICLE V. FLORIDA FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES

Sec. 19-241. Short title.

This article shall be known and may be referred to as the Marion County Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes.

(Ord. No. 08-35, § 1, 11-4-08)

Sec. 19-242. Authority.

This article is adopted by Marion County, Florida under its home rule powers, its police powers to protect the public health, safety, and welfare, and under powers pursuant to the authority granted by F.S. §§ 125.568, (counties) and 166.048 (cities), in order to implement and enforce the standards, rules, and regulations set forth herein.

(Ord. No. 08-35, § 2, 11-4-08)

Sec. 19-243. Findings.

As a result of impairment to the county's surface waters caused by excessive nutrients under the state impaired waters rule, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within the boundaries of the county, the Board of County Commissioners of Marion County, Florida, has determined that the use of fertilizers on lands within the county create a particularly high risk to contributing to adverse effects on surface and/or ground water. Accordingly, the county board of county commissioners finds that more restrictive measures than are otherwise required by the most recent edition of the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002," shall be required by this article.

(Ord. No. 08-35, § 3, 11-4-08)

Sec. 19-244. Purpose and intent.

This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This article requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the county's natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of county residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by

natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

(Ord. No. 08-35, § 4, 11-4-08)

Sec. 19-245. Definitions.

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

Administrator means the county administrator, or an administrative official of the county government designated by the county administrator 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 Marion County, Florida.

Board or *governing board* means the Board of County Commissioners of Marion County, 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 Marion County whose duty it is to enforce codes and ordinances enacted by Marion County.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in Marion County in exchange for money, goods, services or other valuable consideration.

Fertilize, fertilizing, or fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plant.

Fertilizer means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, 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 noncommercial or 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 and managers 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 six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Pasture means land used for livestock grazing that is managed to provide feed value.

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.

Marion County approved Best Management Practices Training Program means a training program approved by the Marion County Administrator that includes at a minimum, the most current version of the Florida Department of Environmental Protection's "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002," as revised and any more stringent requirements set forth in this article.

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.

Specialized turf manager means a person responsible for fertilizing or directing the fertilization of a golf course or athletic field.

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

(Ord. No. 08-35, § 5, 11-4-08)

Sec. 19-246. Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the county, unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article. This article shall be prospective only, and shall not impair any existing contracts.

(Ord. No. 08-35, § 6, 11-4-08)

Sec. 19-247. Fertilizer content and application rates.

(a) Fertilizers applied to turf and/or landscape plants within the county shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

(b) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 pounds of readily available nitrogen per one thousand (1,000) square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than one pound total nitrogen per one thousand (1,000) square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

TABLE INSET:

Grass species	Maximum N application rate (Lbs/1,000 ft ² /Year)
Bahiagrass:	3
Bermudagrass:	4
Centipedegrass:	2
St. Augustinegrass:	3
Zoysiagrass:	4

(c) For new turf or landscape plants that are being installed or established, a one-time use of starter fertilizer as described in Rule 5E-1.003 shall be allowed at an application rate not to exceed 1.0 pounds of phosphorus (P₂O₅) per one thousand (1,000) square feet.

(d) No phosphorus fertilizer shall be applied to existing turf and/or landscape plants within the county at application rates which exceed 0.25 pounds phosphorus per one thousand (1,000) square feet per application nor exceed 0.50 pounds phosphorus per one thousand (1,000) square feet per year.

(e) Nitrogen or phosphorus fertilizer may not be applied to turf or landscape plants except as provided above unless a soil or tissue deficiency has been verified by an approved test by UF/IFAS Extension Soil Testing Laboratory or other accredited laboratory.

(Ord. No. 08-35, § 7, 11-4-08)

Sec. 19-248. Impervious surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. 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. 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. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(Ord. No. 08-35, § 8, 11-4-08)

Sec. 19-249. Fertilizer free zones.

(a) Fertilizer shall not be applied to turf grass within the following areas:

(1) Within seventy-five (75) feet of the ordinary high water line of a water body for which an environmentally sensitive overlay zone (ESOZ) has been established by the county.

(2) Fifteen (15) feet from the top of the bank of any drainage retention area, canal, wetland or other water body.

(3) One hundred (100) feet of a sinkhole or other karst feature that has an opening at the surface.

(4) Within seventy-five (75) feet of the ordinary high water line of Silver Springs, Silver Run, Rainbow Springs or Rainbow River.

(b) In the event an area is included in one or more of the areas described in subsection (a) above, the more restrictive provision (i.e., the larger distance) shall apply.

(c) No fertilizer shall be applied to any non-turf area within thirty (30) feet of any pond, stream, water course, lake, canal, or wetland as defined in chapter 62-340, Florida Administrative Code.

(d) Notwithstanding the foregoing provisions, newly planted or renovated turf or landscaping may be fertilized for the first sixty (60) days after being planted or renovated, provided fertilizer application complies with Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002, as amended.

(Ord. No. 08-35, § 9, 11-4-08)

Sec. 19-250. Low maintenance zones.

A voluntary six-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 county regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material shall 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.

(Ord. No. 08-35, § 10, 11-4-08)

Sec. 19-251. Management of grass clippings and vegetative matter.

Grass clippings and/or other vegetative debris shall not be piled or disposed of in a stormwater system, water body, or wetland. Lawn clippings discharged onto a road or curb shall be swept, blown, or otherwise removed and disposed of in a manner consistent with this Code.

(Ord. No. 08-35, § 11, 11-4-08)

Sec. 19-252. Exemptions.

The provisions set forth above in this article shall not apply to:

(a) *Golf courses and athletic fields.* For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007", as amended, shall be followed when applying fertilizer to golf courses. All other specialized turf managers shall use their best professional judgment to apply the concepts and principles embodied in the "Florida Green Industries Best

Management Practices for Protection of Water Resources in Florida, June 2002", as amended, and the instructions in rule 5E-1.003(2), Florida Administrative Code, while maintaining the health and function of their turf and landscape plants.

(b) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the state department of agriculture and consumer services, office of agricultural water policy for the crop in question.

(c) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the state department of agriculture and consumer services, office of agricultural water policy for the crop in question.

(Ord. No. 08-35, § 12, 11-4-08)

Sec. 19-253. Training for fertilizer applications.

(a) All persons applying fertilizer as part of landscape maintenance services for hire shall abide by and be trained in the Florida Yards and Neighborhoods Environmental Landscape Management Course and the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002", as amended, by January 1, 2010. New employees who will apply fertilizer shall obtain training by the date of the next available approved training course. Persons who apply fertilizer to lawns or specialized turf for hire will obtain a certificate of completion upon successful completion of the course. Certification is good for four (4) years and must be taken against at the conclusion of the fourth year from issuance. As an alternative to taking such training course, a person may meet the educational requirement by providing proof that a minimum of four (4) continuing education credits (CEU's) were received from an approved training organization in principles of Florida Friendly Landscape Management within the previous twenty-four (24) months. The county shall maintain a list of approved training organizations.

(b) No person for hire shall apply fertilizer to any lawn or specialized turf unless such person is registered with the county as having met compliance with the training requirements under subsection (a) above. Registrants will pay a registration management fee and will receive an authorization certificate, registration cards for individual employees, vehicle decals, and a copy of the "Florida Green Industries Best Management Practices for the Protection of Water Resources in Florida, June 2002", as amended. Renewal registration shall be required biennially, prior to September 30 in each odd calendar year thereafter. It is a violation of this section for any commercial fertilizer applicator to fertilize any lawn without having been first duly registered, or for any employee of a commercial fertilizer applicator to fertilize any lawn after the date of the next available training course following the date of hire, without having a certificate of completion from such training. A vehicle decal, when available from the county, shall be affixed and maintained to the exterior of all vehicles and trailers used in connection with the application of fertilizer within the unincorporated area of the county.

(c) Commercial fertilizer applicators shall maintain adequate records that demonstrate compliance with the fertilization limits in this section. Invoices and account histories may be required for inspection by the county upon request and shall be made available at the place of business during normal working hours.

(d) Private homeowners are required to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers, except to the extent this article provides more stringent requirements.

(Ord. No. 08-35, § 13, 11-4-08)

Sec. 19-254. Enforcement.

Every code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this article. In addition, the county administrator may also delegate enforcement responsibility for this article to agencies and departments of county government, in accordance with state and local law.

(Ord. No. 08-35, § 14, 11-4-08)

Sec. 19-255. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

- (a) *First violation.* Written notification and education.
- (b) *Second violation.* Written notification and education.
- (c) *Third violation.* Fifty dollars (\$50.00).
- (d) *Forth and subsequent violation(s).* One hundred dollars (\$100.00).

Each day in violation of this article within a three hundred sixty-five-day period, beginning the date of the first violation, shall constitute a separate offense. The board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this article.

(Ord. No. 08-35, § 15, 11-4-08)

APPENDIX A

SPECIAL ACTS*

***Editor's note:** Set out in Appendix A are the substantive portions of certain special acts applicable to the county. A uniform system of section numbering has been instituted for ease of reference and indexing purposes; and the style of indentation and capitalization, etc., used in the Code proper has been employed in the appendix. However, no editorial changes have been made in the wording or meaning of the sections. See the editor's note for each article to determine the source of section catchlines.

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- Art. 1. In General, § A1-1
 - Art. II. Employees of the Sheriff's Office, §§ A2-1--A2-4
 - Art. III. Dunnellon Airport Authority, §§ A3-1--A3-14
 - Art. IV. Reserved, §§ A4-1--A4-16
 - Art. V. Rainbow Lakes Estates Municipal Service District, §§ A5-1--A5-7
 - Art. VI. Special Assessments, §§ A6-1--A6-26
 - Div. 1. Generally, §§ A6-1--A6-20
 - Div. 2. Road and Drainage Improvements in Unrecorded Subdivisions, §§ A6-21--A6-26
 - Art. VII. Taxation and Taxing Units, §§ A7-1--A7-33
 - Div. 1. Generally, §§ A7-1--A7-20
 - Div. 2. Fire Protection Municipal Service Taxing Units, §§ A7-21--A7-30
 - Div. 3. Road Improvement Municipal Service Taxing Units, §§ A7-31--A7-33
 - Art. VIII. Water, § AS-1
 - Art. IX. Zoning, §§ A9-1--A9-23
 - Div. 1. Generally, §§ A9-1--A9-20
 - Div. 2. Conditional Zoning, §§ A9-21--A9-23
 - Art. X. Marion County Sports Authority, §§ A10-1--A10-8
 - Art. XI. Marion County Utility Authority, §§ A11-1--A11-7
 - Art. XII. Rainbow River Management Area, § A12-1