



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#20-0038

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 18, 2020

TITLE: Ordinance Amending the Code of Ordinances of the City of Fort Lauderdale
Section 28-4 – Standards for Florida-Friendly Fertilizer Use on Urban
Landscapes – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

It is recommended that the City Commission adopt an ordinance amending Section 28-4 of the Code of Ordinances of Fort Lauderdale, Florida, (“Code of Ordinances”) entitled Standards for Florida-Friendly Fertilizer Use on Urban Landscapes to redefine the standards for fertilizer application introducing a prohibition to the application period, opportunities for outreach at distributors, and including a penalties and enforcement section. Ordinance was approved on first reading at the February 4, 2020 Regular Commission Meeting.

Background

The City of Fort Lauderdale adopted Section. 28-4 – Standards for Florida-Friendly Fertilizer Use on Urban Landscapes (see Exhibit 1) in 2013 as a requirement of the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permitting program. The goal of the NPDES program is to reduce pollutant loads to surface and groundwater and fertilizer pollution can be mitigated by using the correct fertilizer, application method and period as regulated by the current ordinance. The heightened awareness about seasonal algal blooms and water quality has led staff to enhance the ordinance with the proposed changes. Also, the proposed changes align with the FY2020 Commission Annual Action Plan – Waterway Quality & Algae Bloom Improvements and are consistent with the evolution of these ordinances across the state.

Staff has discussed the proposed changes with the Sustainability Advisory Board which was supportive and held a public workshop in the Commission Chambers on November 18, 2019.

The following are the proposed changes:

1. Added a new definition entitled “Distributor” to mean any entity that sells fertilizer within the City of Fort Lauderdale boundaries;

2. Amended the definition “Fertilizer” to include the words “such as nitrogen and phosphorus” as examples of plant nutrients;
3. Amended the definition “Prohibited application period” to include the rainy season as a criteria;
4. Added new definition “Rainy Season” to mean June 1st through September 30th of each calendar year;
5. Added new definition “Guaranteed Analysis Label” to mean “the portion of the standard label used by fertilizer manufacturers that lists the manufacturer’s guarantee for the claimed nutrients contained in the fertilizer.
6. Added a new section entitled Sec. 28-4(b)(5) Point of Sale Notice:
 - a. Distributors shall prominently display a notice at the location that fertilizer is displayed for sale. Such notice shall advise customers of the limitation on the application of fertilizer as provided in this section. The City of Fort Lauderdale shall develop a template.
 - b. Distributors shall make available to all customers purchasing fertilizer products a brochure about surface and groundwater protection published and printed by the City.
7. Added a new section entitled Sec. 28-4 (b) (6) Penalties and Enforcement:
 - a. The provisions of this section shall be enforced as provided in Chapter 11, Code Enforcement, of this Code.
 - b. Authorized City personnel shall have the authority to issue an immediate stop-use or stop-work order to the applicator and owners of the property, if the inspector, based upon personal investigation, has reasonable and probable grounds to believe that that applicator of the fertilizer is using products or methods in violation of City code. Fertilizer use or work shall not resume until corrections are made, verified and the stop order is removed.
 - c. Applicators shall make available for inspection the guaranteed analysis label from the container or packaging in which the fertilizer being applied was purchased at the requests of any authorized City personnel. The guaranteed analysis label shall be used to verify compliance with this ordinance and shall be considered prima facie evidence of the nutrients of the fertilizer being applied.
 - d. Any person who violates any provision of this Section 28-4 shall be punished by fine as provided in Sec. 11-25 civil penalties.

The proposed changes enhance the existing ordinance.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections:

This item is a Fiscal Year 2020 Commission Annual Action Plan priority, included within the Policy Agenda, advancing the Commission initiative related to the Water Quality and Algae Bloom Improvement.

This item is a Press Play Fort Lauderdale Strategic Plan 2024 initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 3: Build a healthy and engaging community.
- Objective: Improve water quality and our natural waterways

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Attachment(s)

Exhibit 1 – Proposed Ordinance Amendments to City Code Sec. 28-4

Prepared by: Todd Hiteshew, Public Works

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