

ORDINANCE NO. C-20-02

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 28, ARTICLE I, SECTION 28-4, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "STANDARDS FOR FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES", EXPANDING THE DEFINITION OF THE "PROHIBITED APPLICATION PERIOD" TO INCLUDE THE RAINY SEASON; AMENDING THE DEFINITION OF "FERTILIZER"; PROVIDING DEFINITIONS FOR "DISTRIBUTOR", "GUARANTEED ANALYSIS LABEL," AND "RAINY SEASON"; ESTABLISHING NOTICE REQUIREMENTS FOR DISTRIBUTORS; PROVIDING PENALTIES AND ENFORCEMENT SUBSECTION; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale enacted Ordinance No. 13-35 on September 17, 2013, creating a new Section 28-4 of the Code of Ordinances of the City of Fort Lauderdale, entitled "Standards for Florida-Friendly Fertilizer Use on Urban Landscapes in furtherance of Section 403.067, Florida Statutes (2013) and the National Pollutant Discharge Elimination System ("NPDES") municipal stormwater permitting program require local governments to reduce pollutant load discharged from their stormwater management systems to better protect and restore surface and ground water; and

WHEREAS, Section 403.9337, Florida Statutes, as amended, encourages county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or equivalent requirement as a mechanism to protecting local surface and groundwater quality; and

WHEREAS, seasonal algal blooms have increased community concerns about water quality; and

WHEREAS, algae are known to multiply quickly in waterways with an overabundance of nutrients, particularly nitrogen and phosphorus; and

WHEREAS, fertilizer contains nutrients like nitrogen and phosphorus and is known to be captured in runoff that is deposited in the waterways; and

WHEREAS; a significant portion of fertilizer pollution in runoff can be mitigated by using of the correct fertilizer, application method, and application period; and

WHEREAS, the City Commission of the City of Fort Lauderdale recognizes the need to strengthen the application and enforcement of Standards for Florida-Friendly Fertilizer Use on Urban Landscapes ordinance; and

WHEREAS, said practices would properly act to protect the health, safety, property, and welfare of the residents of and visitors to the City of Fort Lauderdale;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That subsection (a) of Section 28-4, of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled "Standards for Florida-Friendly Fertilizer Use on Urban Landscapes," is hereby amended to read as follows:

Sec. 28-4. - Standards for Florida-Friendly Fertilizer Use on Urban Landscapes.

(a) *Definitions.* The following words, terms and phrases, in italic, shall have the meanings ascribed to them in this section:

. . .

Distributor means any person or entity that sells fertilizer within the City of Fort Lauderdale's municipal boundary.

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 (1) or more recognized plant nutrients, (e.g. nitrogen and phosphorus), 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 Label means the portion of the standard label used by fertilizer manufacturers that lists the manufacturer's guarantee for the claimed nutrients contained in the fertilizer.

. . .

Prohibited application period means the Rainy Season, or 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 the city, issued by the nNational wWeather sService, or if heavy rain greater than or equal to two (2) inches in a twenty-four-hour period is ~~likely~~ forecasted.

Rainy Season means the time period between June 1st and September 30th of each calendar year.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, 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 F.S. § 570.02, as amended.

SECTION 2. That subsection (b) of Section 28-4, of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled "Standards for Florida-Friendly Fertilizer Use on Urban Landscapes," is hereby amended to read as follows:

(b) *Fertilizer management.*

...

(5) Point of Sale Notice

- i. 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.
- ii. Distributors shall make available to all customers purchasing fertilizer products a brochure about surface and groundwater protection published and printed by the City.

(6) Penalties and enforcement

- i. The provisions of this section shall be enforced as provided in Chapter 11, Code Enforcement, of this Code.
- ii. 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 authorized City personnel, 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.
- iii. 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 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.
- iv. Any person who violates any provision of this Section 28-4 shall be punished by fine as provided in Sec. 11-25 civil penalties.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 4th day of February, 2020.

PASSED SECOND READING this the ____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI