

Chapter 22 - ENVIRONMENTAL AND NATURAL RESOURCES

ARTICLE I. - IN GENERAL

Secs. 22-1—22-50. - Reserved.

ARTICLE II. - FERTILIZER AND LANDSCAPE MANAGEMENT

Sec. 22-51. - Title.

This article may be cited as the "City of North Port Fertilizer and Landscape Management Ordinance".

(Ord. No. 2007-45, § 1, 11-26-2007)

Sec. 22-52. - Findings.

As a result of impairment to waters caused by excessive nutrients, in particularly during the rainy season, the City of North Port has determined improper use and application of fertilizers can pose a particularly high risk for adverse effects to surface and ground water. More-restrictive measures than are otherwise required by the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002," as revised, shall be required by this article.

(Ord. No. 2007-45, § 2, 11-26-2007)

Sec. 22-53. - Short title.

This article is referred to as the "City of North Port Fertilizer and Landscape Management Code."

(Ord. No. 2007-45, § 3, 11-26-2007)

Sec. 22-54. - Purpose and intent.

This article regulates the proper use of fertilizers by any applicator, requires proper training of commercial and institutional fertilizer applicators and establishes a restricted season, fertilizer content, application rates, fertilizer-free zones, recommended low-maintenance zones, exemptions, training and licensing requirements. The article requires the use of best management practices

Fertilizer means any substance or mixture of substances, including 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 feet wide adjacent to a water course 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.

Restricted season means June 1 through September 30.

The City of North Port Approved Best Management Practices Training Program means a training program approved by the City Administrator that includes, at a minimum, the most current version of the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002," as revised and the 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 publicly owned athletic field.

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

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. 2007-45, § 9, 11-26-2007)

Sec. 22-60. - Fertilizer-free zones.

Fertilizer shall not be applied within ten horizontal feet of the edge of water of any pond, stream, water course, lake or canal. If the distance between the edge of the water and the top of the bank (if clearly delineated) is more than ten feet, then no fertilizer shall be applied past (i.e. waterward of) the top of bank. The more stringent of these two criteria governs. Fertilizer shall not be applied within the wetland or the wetland buffer line. Fertilizer shall not be applied within the flow channel of any swales. Fertilizer shall not be applied within ten feet of the top of a seawall. If more stringent City code or state regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this zone only for the first 60-day establishment period.

(Ord. No. 2007-45, § 10, 11-26-2007)

Sec. 22-61. - Low-maintenance zone.

A voluntary six-foot low-maintenance zone is strongly recommended, but not mandated, from the edge of water of any pond, stream, water course, lake or canal or any designated wetland or from the top of a seawall. If more stringent City code or state regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No vegetative material shall be deposited or left remaining in this zone or water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

(Ord. No. 2007-45, § 11, 11-26-2007)

Sec. 22-62. - Mode of application.

Spreader deflector shields are required when fertilizing via broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

(Ord. No. 2007-45, § 12, 11-26-2007)

forth in sections 22-57 through 22-64. Upon successful completion, a certificate of completion will be provided. A list of approved training programs shall be maintained by City the City fertilizer management website.

- (2) A vehicle decal shall be affixed and maintained on the exterior of all vehicles and trailers used in connection with the application of fertilizer within the area regulated by this article. The vehicle and trailer decals shall be provided by the City.
- (3) Private homeowners are encouraged to utilize the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program.

(Ord. No. 2007-45, § 1,5 11-26-2007)

Sec. 22-66. - Licensing of commercial applicators.

- (1) In addition to any current or future training or education requirements mandated by the state and/or the City, all commercial fertilizer applicators shall obtain a certificate of completion from a City-approved best management practices training program prior to obtaining a City local business tax certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial fertilizer applicators shall provide proof of completion of an approved training program to the City building department within 180 days of the effective date of this article.
- (2) All commercial fertilizer applicators applying for a new or holding an existing local business tax certificate shall ensure that all applicators employed under the tax certificate receive the necessary training in accordance with section 22-55 within 90 days and abide by all provisions of this article. All new employees serving as applicators shall receive the necessary training in accordance with section 22-55 within 90 days of employment and during this 90-day period shall work under the physical supervision of an applicator who has successfully completed a City-approved best management practices training program.

(Ord. No. 2007-45, § 16, 11-26-2007)

Sec. 22-67. - Enforcement and penalty.

Enforcement of this article shall be in accordance with enforcement procedures outlined in North Port Code, chapter 2, article IX, Code Enforcement.

(Ord. No. 2007-45, § 17, 11-26-2007)