



Proposed Revisions to North Port Fertilizer and Landscape Management Code

Commission Workshop March 4, 2019

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Background



- The City of North Port recognizes that fertilizers in stormwater runoff contribute to algal blooms, excessive growth of aquatic vegetation and Florida red tide with widespread detrimental effects.
- October 9, 2018, Commission adopted Resolution No. 2018-R-26 to encourage year-round non-use of fertilizers.
- Staff was directed to propose revisions to existing City Fertilizer and Landscape Management Code that was adopted in November 26, 2007.

State Model Ordinance

- State Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes effective in 2010 and revised in 2015.
- Any county or municipal government that adopted its own fertilizer ordinance before January 1, 2009, is exempt from adopting the State Model Ordinance provisions. North Port's Fertilizer and Landscape Management Code was adopted November 26, 2007.
- Per Florida Statute 403.9337, local government may adopt additional or more stringent standards than the State Model Ordinance if the following criteria are met:
 - (a) *The local government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, and economically and technically feasible, that additional or more stringent standards than the model ordinance are necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.*
 - (b) *The local government documents that it has considered all relevant scientific information, including input from the department, the institute, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation must become part of the public record before adoption of the additional or more stringent criteria.*
- Any proposed changes to the City's Fertilizer and Landscape Management Code must be approved by Florida Department of Environmental Protection (FDEP).

North Port Fertilizer and Landscape Management Code Compared with State Model Ordinance

Provision	North Port Fertilizer and Landscape Management Code	State Model Ordinance
Annual Restricted Period	During June 1 through September 30, no fertilizing turf grass. Can still fertilize landscape plants.	“Prohibited Application Period” which is “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 (CITY/COUNTY), issued by the National Weather Service, or if heavy rain* is likely.” * >2 inches in 24-hr period.
Slow Release Nitrogen	Fertilizer must contain no less than 50% slow release nitrogen.	No such requirement.
Application Rates	0.25 lbs. P_2O_5 /1,000 ft ² per application Max of 0.50 lbs. P_2O_5 /1,000 ft ² per yr Max of 4 lbs of N per 1,000 ft ² per yr	Follow requirements in Rule 5E-1.003 with annual fertilization guidelines for established turfgrass lawns in three regions of Florida.

Exemptions in Fertilizer and Landscape Management Code

Exemptions for Golf Courses –

- The City's existing Fertilizer and Landscape Management Code provides an exemption for golf courses. Golf course must follow the provisions of FDEP's "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007".
- The State Model Ordinance also provides an exemption for golf courses and requires compliance with the same FDEP document "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses", but updated 2012. Fertilizer application rates must not to exceed rates recommended in the document titled SL191 "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant".

Exemptions for Bona Fide Farm Operations -

- Both the City's existing Fertilizer and Landscape Management Code and the State Model Ordinance provides an exemption for bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes.
 - "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Proposed Revision 1 – Increase Public Education

Existing	No Changes.
Proposed	No Changes, increase efforts on Public Education on proper fertilization.
Comments Rationale for Changes	<ol style="list-style-type: none"> 1. Any change to the code will require FDEP approval. 2. Change cannot be less restrictive than the State Model Ordinance which has restrictions on both turf and landscape plants. 3. North Port current code allows fertilizing of landscape plants during the rainy season. 4. State Model Ordinance “Prohibited Application Period” during Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect, or if heavy rain is likely (rainfall greater than or equal to 2 inches in a 24 hour period).
Pros	<ol style="list-style-type: none"> 1. Keeping existing code will not invoke State pre-emption which regulates both lawn grass and landscape plants. City will retain option to fertilize landscape plants during the restricted season. 2. Existing code is similar to that of our neighboring communities, will allow for compliance consistency.
Cons	<ol style="list-style-type: none"> 1. Commission's desire to improve water quality through additional regulations would not be achieved. 2. Increased public education will required staff time and cost resources. Estimated staff time and materials ~ \$11,000.

Increased Public Education

- Facebook and Instagram – 2 Postings
- Website News Release - 2 Postings
- Distribute Flyers – 500
- Meetings with Operation and Maintenance Entity, and Landscape Maintenance Companies
 - Heron Creek, Bobcat Trail, Islandwalk, Gran Paradiso
- Education Booths at Events
 - Public Works Road-EO
 - CHNEP Nature Festival
 - Newcomer Day
- Video on Proper Fertilizer Use
- School Events – At least 3 schools and Summer Camp

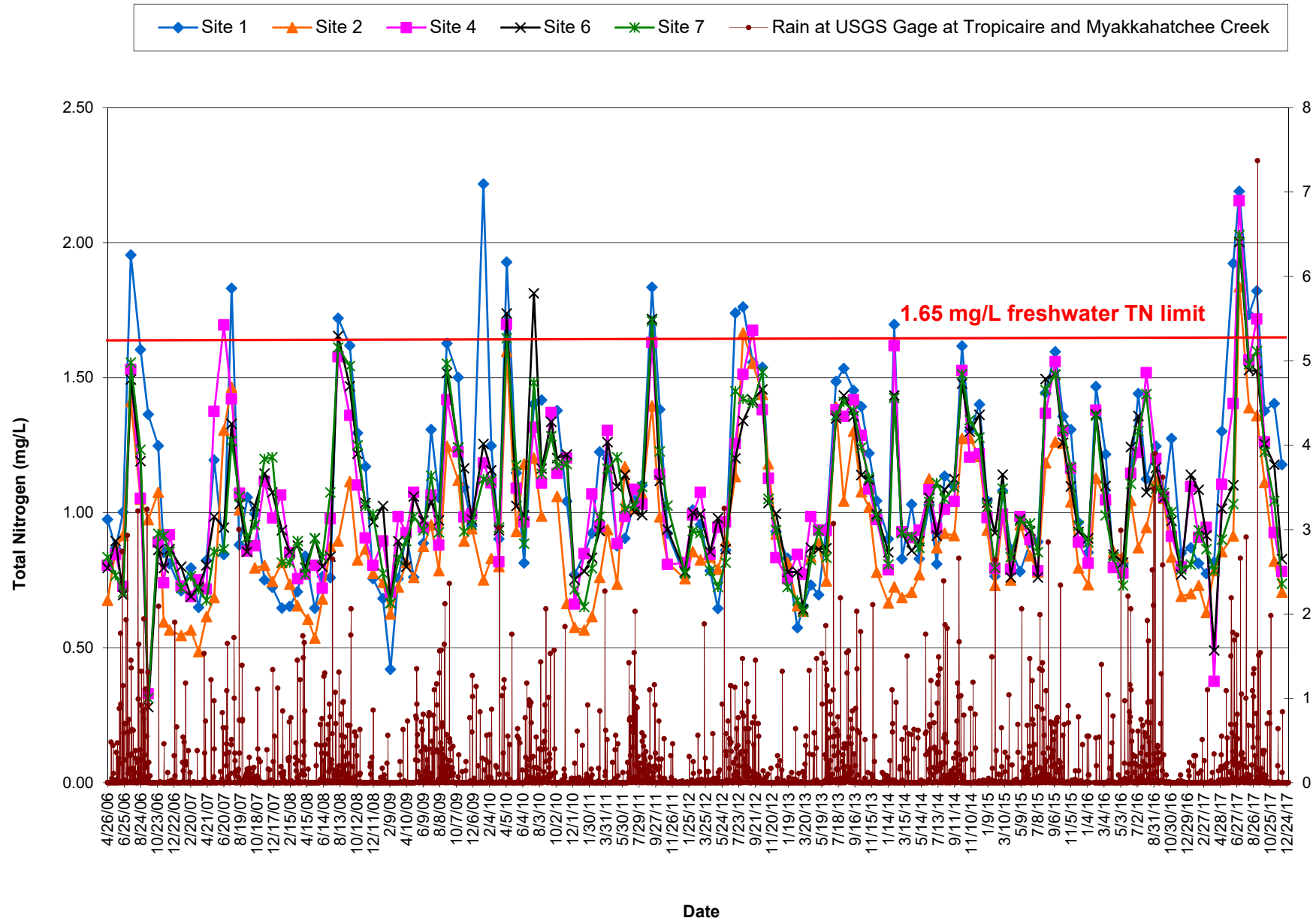
Proposed Revision 2 - Regulate Fertilization of Turf Grass and Landscape Plants During Restricted Season

Existing	<ol style="list-style-type: none"> 1. No fertilizer application to turf grass during restricted period of June 1 - September 30. 2. Landscape plants can be fertilized during this Restricted Season, but must use Fertilizer containing no less than 50% slow release and application rate specified in ordinance.
Proposed	No fertilizer application to both turf grass and landscape plants during restricted season of June 1 - September 30.
Comments Rationale for Changes	Persons fertilizing grass may be inclined to fertilize landscape plants while fertilizing turf grass.
Pros	<ol style="list-style-type: none"> 1. Easier to monitor / regulate prohibition of fertilizing both lawn grass and landscape plants during restricted season. 2. Less chance of fertilizer runoff from fertilizing turf and landscape plants during rainy season.
Cons	<ol style="list-style-type: none"> 1. Landscape plants may look less healthy and beautiful. 2. Fertilizer applicators will need to be notified of this additional restriction. 3. Additional monitoring, enforcement and public education of new regulations will require staff time and resources.

Proposed Revision 3 - Extend Fertilizer Application Restricted Season (June 1 to October 31)

Existing	No fertilizer application to turf grass during restricted period of June 1 - September 30.
Proposed	Extend restricted season and additional month (June 1 to October 31): No fertilizing of turf grass and landscape plants during the restricted season (June 1 to October 31).
Comments Rationale for Changes	1. Month of October has many rain events and ground is still saturated. 2. Historic nitrogen concentrations in the surface waters remains high in October.
Pros	Less fertilizer runoff in the relatively rainy October month.
Cons	1. Turf and landscape plants will go 5 months without fertilizer, may look less healthy and beautiful. 2. Public already recognize restricted season of 4 months from June through September. 3. Will need to retrain the public for the additional October month extension. 4. Additional monitoring, enforcement and public education of new regulations will require staff time and resources.

Correlation of Total Nitrogen and Rain



Proposed Revision 4 – Encourage No Use of Phosphorus

Existing	Phosphorus content/amount: Max. 0.25 lb /1000 sq ft / application. Max. 0.5 lb / 1000 sq ft / year.
Proposed	Phosphorus content/amount: Max. 0.25 lb /1000 sq ft / application. Max. 0.5 lb / 1000 sq ft / year. (strongly encourage no Phosphorus)
Comments Rationale for Changes	North Port is in a region where there is naturally high concentrations of phosphorus. Phosphorus is not the limiting nutrient in North Port for algal blooms.
Pros	Less phosphorus input to runoff.
Cons	1. Many commercially available fertilizers already have phosphorus. 2. Additional public education of new regulations will require staff time and resources.

Proposed Revision 5 – Reduce Nitrogen Allowable Application Rate

Existing	Nitrogen Application Rate: No less than 50% slow-release. Max. 4 lb / 1000 sq ft / year.
Proposed	Reduce Nitrogen Application Rate: No less than 50% slow-release. Max. 2 lb / 1000 sq ft / year.
Comments Rationale for Changes	Nitrogen is the limiting nutrient in North Port for algal blooms. Maximum 2 lb / 1000 sq ft / year is in the lower end of the range for grasses based on the IFAS Publication ENH1089 on Fertilizer Rate.
Pros	Expect less fertilizer in runoff.
Cons	Additional monitoring, enforcement and public education of new regulations will require staff time and resources.

Proposed Revision 6 – No Fertilization of New Sod for First 30 days

Existing	New sod is exempt from the fertilizer code restriction for the first 60 days after installation
Proposed	<p>Delete Exemption for New Sod:</p> <p>Add language from the State Model Ordinance requirement that 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.</p>
Comments Rationale for Changes	Typically, new sod has sufficient nutrients in the soil medium and the addition of fertilizer to new sod is unnecessary within the first 30 days.
Pros	Eliminate unnecessary fertilizing.
Cons	None. Contractors have indicated that this will not affect the development.

Proposed Revision 7 – Delete Decal Requirement, Require Best Management Training Certificate

Existing	Vehicle decals required to show receipt of Best Management Training on fertilizing within City Limits.
Proposed	Delete decal requirement. Require Fertilizer Applicator to produce a copy of the Fertilizer Applicator's Best Management Practices training certificate when observed fertilizing.
Comments Rationale for Changes	<ol style="list-style-type: none"> 1. Decals fade in the sun. 2. A decal on a vehicle does not necessarily mean the driver or passengers of the vehicle has received the Best Management Training on fertilizing. 3. Fertilizer Applicator can have more than one vehicle. Will need several decals. 4. More practical for enforcement staff to request the Fertilizer Applicator to produce the Best Management Training certificate when observed fertilizing.
Pros	<ol style="list-style-type: none"> 1. Save City cost and staff time on purchasing and issuing decals. 2. Requiring a copy of the Best Management Training provides more assurance the fertilizer applicator has the required training.
Cons	None.

Proposed Revision 8 – Update References to Florida Department of Environmental Protection (FDE) Documents

Existing	References to FDEP Documents: "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002". "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007".
Proposed	Update References to FDEP Documents: "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries", latest update. "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses", latest update.
Comments Rationale for Changes	Update references.
Pros	References will be up to date.
Cons	None.

Summary of Proposed Revisions

1. Increase Public Education.
2. Regulate Fertilization of Turf Grass and Landscape Plants During Restricted Season Extend Restricted Season (June 1 to October 31).
3. Extend Fertilizer Application Restricted Season (June 1 to October 31) Reduce Nitrogen Allowable Application Rate.
4. Encourage No Use of Phosphorus.
5. Reduce Nitrogen Allowable Application Rate.
6. No Fertilization of New Sod for First 30 days.
7. Delete Decal Requirement, Require Best Management Training Certificate.
8. Update References to FDEP Documents.

Considerations

1. Any changes to City's Fertilizer and Landscape Management Code will need to be approved by FDEP.
2. Will need increased staff time for inspection and enforcement of regulations.
3. Will need additional resources for increased public education to inform public of changes to Fertilizer and Landscape Management Code.