



Legislation Text

File #: 19-0096, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

FROM: Peter D. Lear, CPA, CGMA, City Manager

TITLE: Proposed Revisions to Fertilizer and Landscape Management Code

Recommended Action

Provide direction on proposed revisions to Fertilizer and Landscape Management Code.

Background Information

Fertilizers from many sources can enter the City of North Port's waterways and could potentially contribute to algal blooms, excessive growth of aquatic vegetation and Florida red tide with widespread detrimental effect along the coastal communities.

During their Regular Meeting held on October 9, 2018, the City Commission adopted Resolution Number 2018-R-26 to encourage the year-round non-use of fertilizers. The Commission directed staff to critique the City's existing City of North Port Code Chapter 22 - Environmental and Natural Resources, Article II - Fertilizer and Landscape Management, to determine appropriate changes with respect to the application of fertilizers. The Commission also requested clarification on exemptions from the fertilizer regulations. Staff has prepared the attached PowerPoint presentation which includes proposed changes to Ordinance Number 2007-45 which includes measures to reduce excessive fertilizer runoff.

The State of Florida, through the Florida Department of Environmental Protection (FDEP), adopted a State Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes in 2010. The State Model Ordinance was revised in 2015. Florida Statute 403.9337 encourages all county and municipal governments to adopt and enforce the State Model Ordinance. However, any county or municipal government that adopted its own fertilizer ordinance before January 1, 2009, is exempt from adopting the State Model Ordinance. Since the City's Fertilizer ordinance was adopted on November 26, 2007, the City is exempt from adopting the State Model Ordinance.

Pursuant to 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.

Thus, any proposed changes to the City's Fertilizer and Management Code must be approved by FDEP.

Strategic Plan

Health & Public Safety
Historical, Cultural and Environmental Preservation.

Financial Impact

Not applicable.

Procurement

Not applicable.

Attachments:

1. North Port Fertilizer and Landscape Management Code
2. State Model Ordinance 2015
3. Resolution Number 2018-R-26
4. Florida Statute 403.9337
5. PowerPoint Presentation

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