



City of North Port

ORDINANCE NO. 2023-14

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 22-55 AND 22-65 RELATING TO EXTENDING THE TIME PERIOD WHEN USE OF FERTILIZER IS RESTRICTED AND ELIMINATING THE VEHICLE DECAL REQUIREMENT; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 26, 2007, the City Commission adopted Ordinance No. 2007-45 creating Chapter 22, Article II, of the Code of the City of North Port, Florida, entitled Fertilizer and Landscape Management, restricting the use of fertilizer on turf from June 1 through September 30 annually; and

WHEREAS, pursuant to Florida Statutes Section 403.9337, the Florida Department of Environmental Protection has developed a Model Ordinance that provides guidance to local governments and sets minimum standards for incorporation into local ordinances; and

WHEREAS, pursuant to Florida Statutes Section 403.9337(2)(a) and (b), a local government may adopt additional or more stringent standards than the Model Ordinance if deemed necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body; and

WHEREAS, stormwater runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands within the City and enters into natural and manmade stormwater and drainage conveyances and natural water bodies within the City; and

WHEREAS, leaching and runoff of nutrients from improper and excess fertilization practices can contribute to nitrogen and phosphorus pollution in the City's stormwater and drainage conveyances and natural water bodies; and

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in the City because of the eventual discharge of stormwater and drainage conveyances into coastal waters; and

WHEREAS, nutrients are commonly found in various forms as fertilizer for turf and landscape applications; and

WHEREAS, the amount and method of fertilizer application have a large impact on the potential for

pollution creation; and

WHEREAS, the water quality of local bays, estuaries, streams, lakes, and the Gulf of Mexico are critical to environmental, economic, and recreational prosperity and the health, safety, and welfare of the citizens of the City of North Port; and

WHEREAS, recent algae blooms and accumulation of red drift algae on local beaches have heightened the community's concerns about water quality and eutrophication of surrounding waters; and

WHEREAS, the Florida Department of Environmental Protection ("FDEP") has identified specific water bodies such as the Myakka River as "impaired" as a result of excess nutrients under the Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code); and

WHEREAS, on May 24, 2022 a water sample was taken from the Cosmic Waterway and analyzed by the FDEP, confirming the presence of mixed algae, high levels of chlorophyll-a, and high levels of nitrogen; and

WHEREAS, studies have shown multiple rain events in Southwest Florida can start as early as April and continue through September; and

WHEREAS, City residents are known to apply fertilizer during these rainy months prior to the June 1 restriction leading to fertilizers in stormwater runoff discharging into local waterways and causing algal blooms; and

WHEREAS, the amount of fertilizer applied should be the minimum necessary in order for the turf and landscape to meet initial establishment and growth needs; and

WHEREAS, it is generally recognized by soil science professionals that many Florida soils are naturally high in phosphorus, that the use of slow release nitrogen sources minimizes harmful nitrate leaching, and nitrogen from slow release sources is more likely to be used by plants and less likely to leach out or wash away in stormwater runoff; and

WHEREAS, the City Commission desires to extend the fertilizer restriction period to run from April 1 through September 30 to help prevent fertilizer runoff in stormwater from entering local waterways; and

WHEREAS, all commercial and institutional applicators of fertilizer are required to abide by and successfully complete a City-approved training program before applying fertilizer within the City; and

WHEREAS, commercial fertilizer applicators shall be required to have their Fertilizer Applicator's Best Management Practices training certificate available for inspection whenever performing fertilizing activity; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 The City Commission has considered all relevant scientific information and finds the adoption of a more stringent standard than required in the Florida Department of Environmental Protection’s Model Ordinance is necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to the City’s waterways.

SECTION 2 – ADOPTION

2.01 Chapter 22 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 22 – ENVIRONMENTAL AND NATURAL RESOURCES

...

ARTICLE II. – FERTILIZER AND LANDSCAPE MANAGEMENT

...

Sec. 22-55. – Definitions.

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Restricted season means April 1 ~~June 1~~ through September 30.

...

Sec. 22-64. – Exemptions.

The provisions set forth above in sections 22-51 through 22-63 shall not apply to:

- (1) *Golf courses.* For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, “BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, ~~as amended, January 2007,~~ as updated, shall be followed when applying fertilizer to golf courses. All other specialized turf managers shall use their best professional judgment to apply the concepts and principles embodied in the “Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, ~~as amended, June 2002~~” while maintaining the health and function of their Turf and Landscape Plants; and
- (2) ~~{Agricultural purposes.}~~ Bona fide agricultural purposes as defined in the F.S. § 193.461 who receive an agricultural classification for property tax purposes.
- (3) ~~{Exceptions.}~~ The provisions set forth above in sections 22-57 and 22-58 shall not apply to newly established turf and/or landscape plants for the first 60-day period after installation.

Sec. 22-65. – Training.

...

- (2) ~~A vehicle decal shall be affixed and maintained on the exterior of all vehicles and trailers used in connection with the application~~ Commercial and Institutional Applicators of fertilizer within the area regulated by this article shall provide a copy of the Best Management Practices training certificate upon request when Applicator is observed spreading fertilizers. ~~The vehicle and trailer decals shall be provided by the City.”~~

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on _____, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGON
MAYOR

ATTEST:

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY