



**COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM REQUEST FORM**

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 7/13/2017 Meeting Date: 7/20/2017

Name: Joel Foreman Department: County Attorney

Division Manager's Signature:

**1. Nature and purpose of agenda item:**

Adoption Hearing - Ordinance 2017-09 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, ADOPTING FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES; REGULATING THE PROPER USE OF FERTILIZERS BY ANY APPLICATOR; REQUIRING PROPER TRAINING OF COMMERCIAL AND INSTITUTIONAL FERTILIZER APPLICATORS; ESTABLISHING TRAINING AND LICENSING REQUIREMENTS; ESTABLISHING A PROHIBITED APPLICATION PERIOD; SPECIFYING ALLOWABLE FERTILIZER APPLICATION RATES AND METHODS; ESTABLISHING FERTILIZER-FREEZONES; ESTABLISHING LOW MAINTENANCE ZONES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT.

**2. Recommended Motion/Action:**

There is no recommended motion or action.

**3. Fiscal impact on current budget.**

This item has no effect on the current budget.

**MEMORANDUM**

To: Ben Scott

From: Joel F. Foreman

**Re: Adoption Hearing**

**Ordinance 2017-09; Florida-Friendly Use of Fertilizer on Urban Landscapes**

Date: July 12, 2017

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Attached is Ordinance 2017-09 for consideration and adoption pursuant to the Florida Springs and Aquifer Protection Act.

I request this matter be placed for public hearing as advertised.

**ORDINANCE NO. 2017-09**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, ADOPTING FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES; REGULATING THE PROPER USE OF FERTILIZERS BY ANY APPLICATOR; REQUIRING PROPER TRAINING OF COMMERCIAL AND INSTITUTIONAL FERTILIZER APPLICATORS; ESTABLISHING TRAINING AND LICENSING REQUIREMENTS; ESTABLISHING A PROHIBITED APPLICATION PERIOD; SPECIFYING ALLOWABLE FERTILIZER APPLICATION RATES AND METHODS; ESTABLISHING FERTILIZER-FREEZONES; ESTABLISHING LOW MAINTENANCE ZONES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT.**

**WHEREAS**, the Florida Springs and Aquifer Protection Act, Florida Statutes Chapter 373, Part VIII, enacted into law by the Florida Legislature in 2016, finds that springs are a unique part of this state's scenic beauty; that Springs provide critical habitat for plants and animals, including many endangered or threatened species; that springs also provide immeasurable natural, recreational, economic, and inherent value; that springs are of great scientific importance in understanding the diverse functions of aquatic ecosystems; that Water quality of springs is an indicator of local conditions of the Floridan Aquifer, which is a source of drinking water for many residents of this state; that Water flows in springs may reflect regional aquifer conditions; that springs provide recreational opportunities for swimming, canoeing, wildlife watching, fishing, cave diving, and many other activities in this state; and that these recreational opportunities and the accompanying tourism they provide are a benefit to local economies and the economy of the state as a whole; and

**WHEREAS**, the Florida Springs and Aquifer Protection Act provides special protections for designated Outstanding Florida Springs (OFS); and

**WHEREAS**, based on the Florida Department of Environmental Protection's analysis, Columbia County's jurisdictional boundaries include Outstanding Florida Springs, particularly IchetuckneeSprings; and

**WHEREAS**, the Florida Springs and Aquifer Protection Act requires local government entities whose boundaries include an OFS or any part of the springshed (contributing area) of an OFS to adopt a fertilizer ordinance (Fla. Stat. §373.807(1)(d)); and

**WHEREAS**, the Florida Springs and Aquifer Protection Act requires that the adopted fertilizer ordinance be based on the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (Fla. Stat. §§373.807(1)(d) and 403.9337); and

**WHEREAS**, the Columbia County Board of County Commissioners, in recognition of its statutorily imposed duty, wishes to adopt an ordinance in compliance therewith; and

**WHEREAS**, adoption of this ordinance will further the health, safety and welfare of the citizens of Columbia County.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:**

**SECTION 1. FINDINGS**

As a result of impairment to Columbia County's surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within the boundaries of Columbia County, the Columbia County Board of County Commissioners (“Board”) has determined that the use of fertilizers on lands within the county creates a risk to contributing to adverse effects on surface and/or ground water. Accordingly, the Board finds that management measures contained in the most recent edition of the “*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008,*” may be required by this ordinance.

**SECTION 2. PURPOSE AND INTENT**

This Ordinance regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the county's natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Columbia County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

**SECTION 3. DEFINITIONS**

For this Ordinance, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

“Administrator” means the County Manager, or an administrative official of Columbia County government designated by the County Manager to administer and enforce the provisions of this Ordinance.

“Application” or “Apply” means the actual physical deposit of fertilizer to turf or landscape plants.

“Applicator” means any Person who applies fertilizer on turf and/or landscape plants in Columbia County.

“Board” or “Governing Board” means the Board of County Commissioners of Columbia County, Florida.

“Best Management Practices” means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

“Code Enforcement Officer”, “Code Enforcement Official”, or “Code Enforcement Inspector” means any designated employee or agent of Columbia County whose duty it is to enforce codes and ordinances enacted by Columbia County.

“Commercial Fertilizer Applicator”, except as provided in 482.1562(9) F.S., means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

“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 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 private, non-commercial or a 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, managers or employees 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 ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

“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.

“Prohibited Application Period” means 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 Columbia County, issued by the National Weather Service.

“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.

#### **SECTION 4. APPLICABILITY**

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the unincorporated area of Columbia County, unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be perspective only, and shall not impair any existing contracts.

#### **SECTION 5. TIMING OF FERTILIZER APPLICATION**

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils.

#### **SECTION 6. FERTILIZER FREE ZONES**

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. If more stringent Columbia County Code 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 a sixty (60) day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

#### **SECTION 7. LOW MAINTENANCE ZONES**

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Columbia County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over- spray of aquatic weed products in this zone.

## **SECTION 8. FERTILIZER CONTENT AND APPLICATION RATES**

(a) Fertilizers applied to turf within Columbia County shall be applied in accordance with requirements and directions provided by Rule 5E-1.003, Florida Administrative Code.

(b) 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 in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

(c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

## **SECTION 9. APPLICATION PRACTICES**

(a) Spreader deflector shields are required when fertilizing via rotary (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.

(b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

(c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(d) Fertilizer 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.

(e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

## **SECTION 10. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER**

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

## **SECTION 11. EXEMPTIONS**

The provisions set forth above in this Ordinance shall not apply to:

- (a) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes;
- (b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;
- (c) any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Urban landscape commercial applicators and residential homeowners possessing a Florida Department of Environmental Protection Green Industry-Best Management Practices Certificate of Training are exempt from the terms of the *prohibited application period* for dormant months, however, they are not otherwise exempt from the provisions of this Ordinance. The exemption provided for Certified residential homeowners applies only to the application of fertilizer on the homeowner's lawn.

## **SECTION 12. TRAINING**

(a) All commercial and institutional applicators of fertilizer within the unincorporated area of Columbia County, shall abide by and successfully complete the six-hour training program in the "*Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries*" offered by the Florida Department of Environmental Protection through the University of Florida Extension "*Florida-Friendly Landscaping™*" program, or an approved equivalent.

(b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.

## **SECTION 13. LICENSING OF COMMERCIAL APPLICATORS**

All commercial applicators of fertilizer within the unincorporated area of Columbia County, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18)F.A.C.

All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*" training certificate prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of



occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the Columbia County Tax Collector's Office.

**SECTION 14. ENFORCEMENT**

Every code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this ordinance. In addition, the county administrator may also delegate enforcement responsibility for this ordinance to agencies and departments of county government, in accordance with state and local law.

**SECTION 15. SEVERABILITY**

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 16. CONFLICT**

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 17. EFFECTIVE DATE**

Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.

**PASSED AND ADOPTED** in regular session this \_\_\_\_ day of \_\_\_\_\_ 2017.

Attest:

**BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA**

\_\_\_\_\_  
P. DeWitt Cason, County Clerk

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Ronald Williams, Chairman