



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Fertilizer Ordinance

Background: A requirement for the City's Municipal Separate Storm Sewer (MS4) Program and MS4 permit is that the City adopt an ordinance regulating the proper use and application of fertilizer, training and certification of commercial applicators, and periods of restricted use. Many municipalities in Orange County have adopted the County's ordinance which was updated and adopted last year. FDEP also recommends adoption of this ordinance.

At the May 15, 2018 meeting Council directed that an ordinance be drafted based on the Orange County Ordinance.

Staff Recommendation: Read Ordinance 18-06 for the first time by title only

Suggested Motion: I move that we read Ordinance 18-06 for the first time by title only

Alternatives: Do not adopt the County ordinance and direct the City Manager to develop another ordinance.

Fiscal Impact: None

Attachments: Ordinance 18-06

ORDINANCE NO. 18-06

AN ORDINANCE IN BELLE ISLE, FLORIDA, ENACTING A "FERTILIZER MANAGEMENT ORDINANCE" BY ADOPTING THE ORANGE COUNTY FERTILIZER ORDINANCE NUMBER 2017-14 REGULATING APPLICATION OF FERTILIZER TO LAWNS AND TURF IN BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, surface water runoff and baseflow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of Belle Isle and enters into natural and artificial stormwater and drainage conveyances and the Conway Chain of Lakes; and

WHEREAS, phosphorus and nitrogen – the primary nutrients associated with the degradation of groundwater and surface water – are commonly the primary components of fertilizer for turf application; and

WHEREAS, leaching and runoff of nutrients from improper or excess fertilization practices contributes to nitrogen and phosphorus loading in Belle Isle's stormwater conveyances and natural water bodies and thus to the overgrowth of algae and vegetation in these waterways; and

WHEREAS, Belle Isle's natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding and undesired accumulations of water; and

WHEREAS, the overgrowth of algae and vegetation in stormwater and drainage conveyances hinders the goal of flood prevention and proper water conduction; and

1 WHEREAS, the quality of streams, lakes, and wetlands is critical to environmental, economic, and recreational
2 prosperity and to the health, safety, and welfare of the residents of Belle Isle; and

3 WHEREAS, algae blooms and accelerated growth of aquatic weeds in Lake Conway have heightened community
4 concerns about water quality and eutrophication of surrounding waters; and

5 WHEREAS, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters
6 Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (“FDEP”) has
7 classified specific water bodies in Orange County as “impaired” as a result of the presence of excess nutrients; and

8 WHEREAS, the amount of fertilizer applied to a given landscape and the method of application have potential for
9 creating nutrient pollution; and

10 WHEREAS, the amount of fertilizer applied should be the minimum necessary for turf to meet initial
11 establishment and basic growth needs; and

12 WHEREAS, it is generally recognized that Florida soils naturally have a suitable phosphorus content for most
13 vegetative needs and that phosphorus is therefore rarely needed to create or maintain a vibrant landscape; and

14 WHEREAS, it has been recognized that the use of slow release nitrogen sources is more efficiently used by plants
15 and less likely to leach out or wash away in stormwater runoff; and

16 WHEREAS, this ordinance is part of a multi-pronged effort by Belle Isle to reduce nutrient leaching and runoff
17 through improved stormwater management, water conservation efforts, public education, and updated development
18 standards as set forth in the Belle Isle Code.

19
20 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE:

21 SECTION 1. Enactment of Fertilizer Management Ordinance. A Fertilizer Management Ordinance, to be codified
22 at Chapter 10, Article IV, Division III of the Belle Isle Municipal Code, Section 10-129 is enacted to read as follows:

23 **The City of Belle Isle adopts the most current version of the Orange County Fertilizer Ordinance in Chapter 15, Article**
24 **XVII of the Orange County Code, Section 15-801 through 15-812**

1 SECTION 2. Codification. This Ordinance shall be incorporated into the Land Development Code of the City of
2 Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary
3 to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions,
4 alterations, and omissions not affecting the construction or meaning of this ordinance or the Land Development Code
5 may be freely made.

6 SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this
7 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for
8 substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent
9 provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

10 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or
11 provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

12 SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council
13 of the City of Belle Isle, Florida.

14 First reading on _____, 2018.

15 Second Reading and Adoption this _____ day of _____, 2018.

	YES	NO	ABSENT
18 Ed Gold	_____	_____	_____
19 Anthony Carugno	_____	_____	_____
20 Jeremy Weinsier	_____	_____	_____
21 Mike Sims	_____	_____	_____
22 Harvey Readey	_____	_____	_____
23 Jim Partin	_____	_____	_____
24 Sue Nielsen	_____	_____	_____

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ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

Approved as to form and legality

A. Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document
ORDINANCE 18-06 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of
_____2018, at which session a quorum of its members were present.

Notary Yolanda Quiceno, CMC-City Clerk