

## **Sanibel Council Approves Environmentally Friendly Regulations For Fertilizer Use on Island**

On March 6th, 2007, Sanibel City Council approved a new City Ordinance regulating the use of fertilizers containing nitrogen and/or phosphorus within the City. This is not a ban on fertilizers, but will provide specific management guidelines for fertilization to minimize potential negative environmental impacts on waters in and around Sanibel Island.

### **New Regulations Geared to Protect Water Quality**

The red drift algae washing ashore on Sanibel beaches is fed by increased nutrients in our waters. Fertilizer runoff is a clear source of nutrients that can be controlled. By changing to more environmentally friendly fertilizer use, we can all help to improve the water quality that represents the Sanibel we are working to preserve and protect.

Specific soil tests conducted at several locations on Sanibel indicate ample levels of naturally occurring phosphorus in the soil. Nitrogen from slow release sources is more likely to be used by plants and less likely to wash away in stormwater runoff. Thus minimal phosphorus is needed and Slow Release Nitrogen deemed more effective in environmentally friendly fertilization practices.

### **Ordinance Specifics**

The following applies to fertilizer application to turf and/or landscape plants:

- Total Phosphorous content in fertilizer is limited to 2% or less.
- Total Nitrogen content in fertilizer is limited to 20% or less and at least 50% of the Total Nitrogen must be Slow Release Nitrogen
- An application rate of up to one pound of nitrogen per 1000 square feet per application is allowed.
- Up to 4 pounds of nitrogen per one thousand square feet can be applied to any turf/landscape area in any calendar year.
- Fertilizer can be applied up to six times during any one calendar year to a single area.
- Fertilizer will be applied only to turf/landscaping, not impervious surfaces (i.e., driveways, roads, other hard surfaces).
- A fertilizer-free buffer zone is required within 25' of any pond, stream, water course, lake or canal, or wetland.
- When using a broadcast (rotary) spreader, a spreader deflector shield is required.
- During the "rainy season" (July 1 through September 30), products containing only micronutrients, such as magnesium and iron will be allowed. Fertilizers containing any level of nitrogen or phosphorous are not to be applied during those months.

### **Notice to Retail Consumers**

Retail businesses are required to post a City-developed notice near the Fertilizer notifying customers of the new limits on use. The City is developing a Surface and Groundwater Protection Brochure for retail businesses to distribute to help educate customers about the new requirements.

This ordinance will be implemented over the next 180 days in order to allow time to:

- 1) Establish a “Fertilizer Ordinance Only” ½ hour course to be given to current Vegetation Competency Certificate Holders wishing to obtain the Commercial Fertilizer Applicator endorsement.
- 2) Develop and produce public information tools.
- 3) For Commercial Fertilizer Applicators, Institutional Applicators and other users to become familiar with the provisions of the Ordinance and prepare for compliance.
- 4) Provide retailers sufficient time to order products that comply with the ordinance.

### **New Requirements for Commercial and Institutional Applicators**

- Requires Commercial and Institutional Applicators to first obtain a Vegetation Certificate of Competency with a Commercial Fertilizer endorsement through the City. Those who already hold a Vegetation Certificate will soon be required to take a “Fertilizer Ordinance Only” course (~ ½ hour) through the City. The City will send out a mailing to notify citizens and businesses as soon as this course is available.

***Once a Commercial Fertilizer endorsement is acquired, Commercial/Institutional applicators must:***

- Maintain nitrogen records and appropriate soil test results.
- Permit City to obtain a fertilizer sample to analyze nitrogen/phosphorus content.
- Provide the City-developed Surface and Groundwater Protection brochure to customers at the time of their first fertilizer treatment after October 1 each year.
- Remain on-site at all times when fertilizers are being applied.

### **Exemptions**

- Newly established turf and/or landscape plants for first 60 days after planting.
- Damaged turf and/or landscape plants for 60 days, only to damaged area.
- Areas where soil tests confirm that phosphorous levels are below 10 parts per million.
- Vegetable gardens, so long as the gardens are not within 25’ of a water body or wetland.
- Yard waste compost, mulches, or other similar materials that are mainly organic in nature and are applied to improve the physical condition of the soil.
- Reclaimed water used for irrigation, provided that reclaimed water is not used within 25’ of a water body or wetland.
- Golf Courses shall follow the Florida Department of Environmental Protection document “Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses” (January 2007) as updated.

### **Enforcement**

While the ordinance is effective immediately, no citations will be given during the 180-day transition period. After the 180-period, the City can elect one of several different options for enforcement including:

- 1) Violation of or refusal to comply with this ordinance shall be considered a 2<sup>nd</sup> degree misdemeanor. Upon conviction, punishment shall include a fine up to \$500 or imprisonment up to 60 days in jail, or both.
- 2) The City could choose to pursue Code Enforcement proceedings pursuant to applicable City code provisions and Chapter 162, Florida Statutes.

The final approved Ordinance 07-003 is posted on the <http://www.sanibelh2o.com> website. For further information, contact the City of Sanibel Natural Resources Department at (239) 472-3700.

