

ORDINANCE NO. 2000 - 60

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCES 2000-6 AND 2000-42; PROVIDING FOR REGULATION OF GOLF COURSE, LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION, EDUCATION AND RECORD KEEPING REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

RECITALS

WHEREAS, St. Johns County, Florida ("the County") has identified the Guana Marsh Basin as a critical area for drainage, and for the avoidance of nitrogen leaching; and

WHEREAS, nitrogen is an essential element for plant growth and is commonly used in various forms as a fertilizer for lawn and turf application; and

WHEREAS, improper use (including overuse) of fertilizers containing nitrogen cause significant leaching of nitrogen, with the effect of causing overgrowth of vegetation in natural and artificial drainage watercourses and basins; and

WHEREAS, such overgrowth of vegetation in natural and artificial drainage watercourses and basins has the effect of degrading drainage capabilities causing (1) increased flooding of developed areas, and (2) damage to the natural environment; and

WHEREAS, there is a need by the County to regulate the use of nitrogen based fertilizers to minimize the damage caused by the improper use (including overuse) of said fertilizers; and

WHEREAS, said regulation would properly act to protect the health, safety, property and welfare of the citizens of and visitors to the County, by establishing standards for use of nitrogen based fertilizers; and

WHEREAS, the County recognizes that regulating the amount of fertilizer used in any one application or cumulatively at any given property would be unduly cumbersome and virtually unenforceable; and

WHEREAS, the County recognizes that regulating fertilizers by the type of fertilizer would be relatively more effective than regulating by amount; and

WHEREAS, it has been recognized by soil science professionals that use of slow release (as opposed to quick release) nitrogen sources acts to minimize harmful nitrate leaching in Bermuda grass; and

WHEREAS, the annual nitrogen amounts established herein are based upon the unique climate and growing season of St. Johns County, Florida and the Guana Marsh Basin; and

WHEREAS, the County recognizes that regulating fertilizers by the type of fertilizer can also reduce nitrate leaching on some types of grasses.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

**Section 1.** St. Johns County Ordinance 2000-6 and 2000-42 which are the ordinances that regulated the use of fertilizer in the Guana Marsh Basin are hereby rescinded.

**Section 2. Facts and Purpose:**

- A. Facts. The above Recitals are hereby incorporated by reference and adopted as findings of fact and conclusions of law.
- B. Purpose. The purpose of this Ordinance, in agreement with the Facts, is to provide regulation of nitrogen based fertilizers in order to minimize the negative effect said fertilizers have on the Guana Marsh Basin.

**Section 3. Jurisdiction:** This Ordinance shall apply to and be effective in the unincorporated areas of St. Johns County bounded on the north by Duval County; bounded on the east by the Atlantic Ocean; bounded on the west by State Road A1A (when north of Mickler Road) and the western boundary of Guana State Park (when South of Mickler Road); and bounded on the south by the southern limit of Guana State Park. (See Attachment "A" Map.)

**Section 4. Definitions:**

- A. Critical Time Period shall mean from May 15 until October 15 of each year.
- B. Damage or Damaged shall mean a condition affecting a Lawn that requires or would substantially benefit from Fertilization.
- C. Fertilize or Fertilizing shall mean the act of applying or providing, in any form, any individual or combination of chemical, mineral, or other substance for the purpose, in whole or in part, of making any grass, plant, or other organic material grow, change color, or maintain color.
- D. Lawn shall mean any area of grass, including but not limited to a golf course or private yard, that is maintained for appearance or performance. On any lot, parcel, or unified area of land under ownership of any Person, Lawn shall mean the total area

or areas of such maintained grass.

- E. Guana Marsh Basin shall mean the entire area contained within the jurisdiction of this Ordinance, as described in Section 3 above.
- F. Person shall mean any natural person. It shall also mean any business, corporation, association, club, organization, or any group of people acting as an organized entity.
- G. Quick Release Nitrogen shall mean any product containing:
  - (1) Ammonium Nitrate
  - (2) Ammonium Sulfate
  - (3) Diammonium Phosphate
  - (4) Potassium Nitrate
  - (5) Urea (not in the form of Slow Release Nitrogen)
  - (6) Monoammonium Phosphate
  - (7) Others as may be designated in writing by the County Administrator or his/her designee.
- H. Slow Release Nitrogen shall mean nitrogen prepared by industry standards in the form of:
  - (1) Isobutylidene diurea (IBDU)
  - (2) Resin, Polymer, or Sulphur coated urea
  - (3) Sewage sludge
  - (4) Ureaformaldehyde
  - (5) Others as may be designated in writing by the County Administrator or his/her designee.
- I. Turf shall mean any Lawn or other grasses or area intended to be used as or for a Lawn.
- J. Commercial Fertilizer Applicator shall mean the designated agent of the holder of a current occupational license.

**Section 5. General Provisions:**

- A. During the Critical Time Period, no Person shall Fertilize Bermuda Lawns using any product with more than 25% Quick Release Nitrogen in the Guana Marsh Basin.
- B. Slow Release Nitrogen is recognized as the preferred method of adding nitrogen to Bermuda Lawns.
- C. No more than four (4) pounds of nitrogen per one thousand (1000) square feet shall be applied per year on St. Augustine Lawns.
- D. Commercial Fertilizer Applicators must register with the County providing a copy of their current occupational license, proof of business liability insurance, and proof of compliance with County nutrient management education requirements as provided by the St. Johns County University of Florida Extension. (See Section 6, F below for exceptions to the education requirement.) Registrants will pay a registration management fee and will receive an authorization certificate, registration cards for individual employees, and vehicle decals. Renewal registration shall be prior to September 30 of each odd calendar year thereafter.
- E. Commercial Fertilizer Applicators must provide the rate of nitrogen fertilizer per one thousand (1000) square feet on each treatment invoice and an annual account history for each customer that shows the number of pounds per year applied to each customer's lawn. The invoices and account history shall be available for inspection by the County upon request.
- F. The application of all fertilizers to paved surfaces is prohibited. Spreader deflector shields are required on all broadcast spreaders. Prior to leaving a job site, fertilizer granules must be removed from paved surfaces by sweeping or blowing.
- G. The application of all fertilizers within five (5) feet of all surface waters including streams, ponds, flooded retention areas, flooded drainage ditches or standing water on landscapes, or natural non-turf areas is prohibited.
- H. Commercial Fertilizer Applicators will provide an "approved" Surface and Groundwater Protection Brochure to all customers within the regulated area at the time of their first treatment after May 15<sup>th</sup> each year. (See Attachment "B" for an example of an "approved" brochure.)

**Section 6. Exceptions:** The General Provisions contained in Section 5 above shall be waived

only under the following circumstances:

- A. For newly sodded Lawns (except when using sod plugs or sprigs), Section 5 above shall be waived for 30 days after installation of the new sod is substantially completed. Said waiver shall only apply to the area the new sod is placed on the Lawn, and said waiver shall not extend in any case more than 35 days per calendar year on any given Lawn.
- B. On Damaged Turf (Damage equal or greater than 30% loss of Turf canopy), Section 5 above shall be waived for 60 days on the areas of said Damage.
- C. When sod plugs or sod sprigs are used to build, or rebuild a Lawn that has lost more than 30% of its Turf canopy, Section 5 above shall be waived for 60 days after planting of such plugs or sprigs. Said waiver shall only apply to the Lawn areas containing the new sod plugs or sprigs.
- D. Section 5 above shall be waived on golf course putting surfaces (greens).
- E. Section 5 above shall be waived for nitrogen applied through State of Florida certified fertigation systems that are supervised on a daily basis.
- F. Certified pesticide operators and their employees shall be exempt from the education requirements established under Section 5.D above, provided they or the company for which they work presents proof of a current State of Florida Certified Pesticide Operator license upon registration with the County.

**Section 7. Enforcement and Penalties:** This Ordinance may be enforced by any method prescribed by law, including injunctive relief and the provisions of Chapter 162, Florida Statutes, and any ordinances enacted thereunder.

**Section 8. Public Nuisance Declaration:** Any violation of this Ordinance is hereby deemed to be a public nuisance and may be abated or enjoined by the County Administrator or his/her designee, as provided by law, irrespective of any other remedy herein.

**Section 9. Farm and Agricultural Uses:** Nothing in this Ordinance shall be construed to limit fertilizing for farm and commercial agricultural uses.

**Section 10. Severability.** It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 11. Effective Date:** This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 24<sup>th</sup> day of October, 2000.

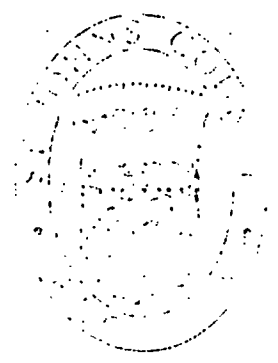
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

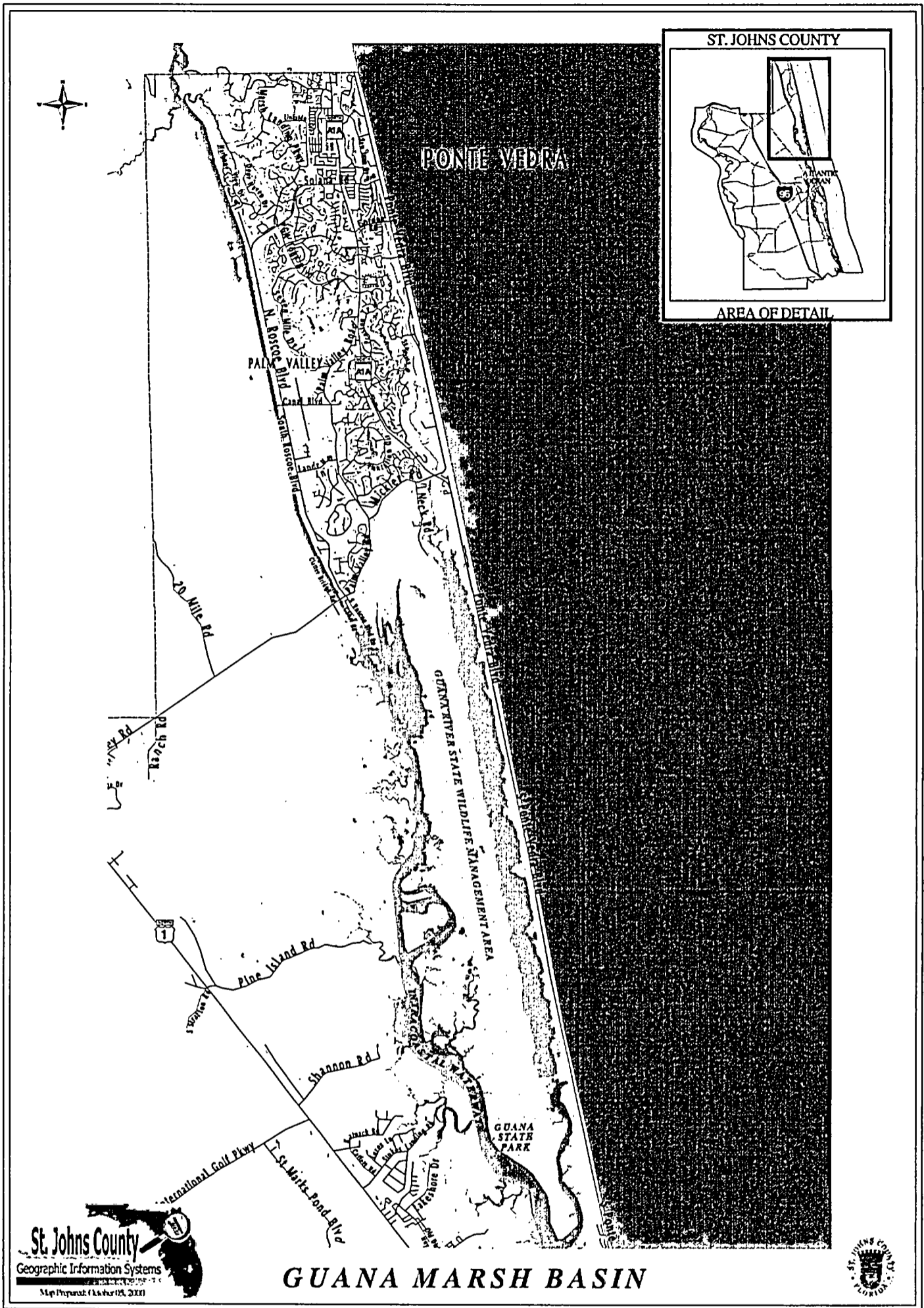
BY: James E. Bryant  
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: Patricia DeGrande  
Deputy Clerk

Effective Date: 11-01-2000





Attachment A

ORDINANCE BOOK 26 PAGE 273

*Approved.*

## Surface and Groundwater Protection is Everyone's Responsibility:

Beautiful, healthy lawns and landscapes require the proper use of both fertilizers and irrigation water. Scientific research has demonstrated that when properly used fertilizers and irrigation enhance the quality of our surface and ground waters.

St Johns County has enacted Ordinance 2000-06, as amended by St. John's County Ordinance 2000-42, which has the intention to help protect our precious surface and ground waters within the Guana River Basin of northern St Johns County. This ordinance prohibits the applications of fertilizers within 5 feet of streams, ponds, flooded retention ponds, flooded drainage ditches or lawns covered with standing water. It also prohibits the application of fertilizers to paved surfaces and requires that all fertilizer granules must be swept or blown from paved surfaces prior to completing the fertilization.

### **Be sure your contractor is registered with the County.**

The Ordinance requires all persons applying fertilizers to lawns other than their own in the regulated portions of the Guana River Basin to be registered with the County. Registration insures that the contractor is insured and properly trained to comply with the new Ordinance. Registered applicators must list the amount of nitrogen applied to a lawn on the invoice for every application made within the regulated area. They must maintain annual records of applications and make these records available for inspection by the County.

### **Proper fertilization is important.**

The Ordinance establishes a maximum annual nitrogen rate of 4 lb per 1000 sq.ft. for St Augustine lawns within the Guana River Basin. Fertilizer used on Bermudagrass lawns from May 15<sup>th</sup> to October 31 must contain at least 75% slow release nitrogen. There are specific exemptions allowed for newly planted lawns or lawns that have more the 30% loss of turf. Additional nitrogen fertilizer may be used on damaged or newly sodded lawns for 30 days after planting or damage. Additional fertilizer is permitted on sprigged or plugged lawns for up to 60 days after planting.

*Attachment B*

ORDINANCE BOOK *26* PAGE *274*



**Control your irrigation.**

Proper use of irrigation not only conserves our limited supply of quality potable water, but also helps reduce the potential for runoff and leaching of fertilizer into our ponds and streams. Excessive use of irrigation increases a landscape's need for fertilizers and weed and disease control measures. When irrigation is overused, fertilizer salts can be washed from the soil around plants and into our surface and ground waters.

Healthy St Augustinegrass and Bermudagrass lawns can thrive for three or more days without rainfall or irrigations during the hottest driest weather we see in St Johns County. Our goals should be to train our lawns to go 3 to 5 days between irrigations. In cool fall and spring weather, lawns can often go a week or more without irrigation or rainfall. When we get adequate rainfall, irrigation systems should be shutoff or reprogrammed.

**Protect the quality of our environment, and save money on your watering bill by following these 7 steps**

1. Gradually increase the interval between irrigations to 3 to 5 days during summer and 5 to 7 days during cool fall and spring weather.
2. Install a rain sensor on your irrigation controller that will shut your system off when it rains.
3. Reset your irrigation system after heavy rainfall
4. Turn your system off during periods of frequent afternoon rains.
5. Visually inspect the performance of your irrigation system and make appropriate adjustments and repairs monthly.
6. Follow County Irrigation Restrictions as mandated.
7. If you have questions call your lawn care service professional.

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared Linda Y. Murray who on oath says that she is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING

in the matter of ORDINANCES 2000-6 & 200-42

GOLF COURSE, LAWN AND TURF FERTILIZATION REGULATION

in the Court, was published in said newspaper in the issues of

OCTOBER 11, 2000

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12TH day of OCTOBER 2000,

by Linda Y. Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CCG41814 EXPIRES  
August 21, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss

COPY OF

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, October 24, 2000 at 9:00 a.m. in the County Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCES 2000-6 AND 200-42; PROVIDING FOR REGULATION OF GOLF COURSE, LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION, EDUCATION AND RECORD KEEPING REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Board of County Commissioners, St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16-A and U.S. 1 North), St. Augustine, Florida, and may be examined by parties interested prior to said public hearing. Interested parties may appear at the meeting and will be afforded an opportunity to be heard at the public hearing with respect to the proposed ordinance. If a person decides to appeal any decision made with respect to any matter considered at this hearing, he/she will need a record of the proceedings; and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these proceedings should contact the ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Yvonne King, Deputy Clerk 12808 Oct 11, 2000

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing

MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

November 1, 2000

Honorable Cheryl Strickland  
Clerk to Board of Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 27, 2000 and certified copies of Ordinance Nos. 2000-59 through 2000-62, which were filed in this office on November 1, 2000.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

ORDINANCE BOOK 26 PAGE 266

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)