

ORDINANCE NO. 2010 - 19

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-52; PROVIDING DEFINITIONS; PROVIDING FOR THE PROPER USE OF FERTILIZERS BY AN 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, FERTILIZER-FREE ZONES, AND LOW MAINTENANCE ZONES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, Chapter 403, Florida Statutes (F.S.), requires each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients (“nitrogen and phosphorus”) to adopt the Florida Department of Environmental Protection’s Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes (2009) (“Model Ordinance”); and,

**WHEREAS**, St. Johns County, Florida (“the County”) located within the St. Johns River watershed, which is a water body that is listed as impaired by nutrients pursuant to Chapter 403, F.S.; and,

**WHEREAS**, the County finds that the implementation of this Ordinance which contains the elements of the Model Ordinance, as developed by the Florida Department of Environmental Protection, will assist in protecting the quality of Florida's surface water and groundwater resources.

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

**Section 1. 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 for the regulation of Fertilizers and to provide accurate management guidelines for the application of Fertilizer in order to minimize any negative effect Fertilizers have on the water bodies of St. Johns County.

**Section 2. Jurisdiction.** This Ordinance shall apply to and be effective in the unincorporated areas of St. Johns County.

**Section 3. Definitions.**

- A. Application or Apply shall mean the actual physical deposit of Fertilizer to Turf or Landscape plants.
- B. Applicator shall mean any Commercial Applicator, Institutional Applicator or Non-commercial Applicator who applies Fertilizer on Turf or Landscape plants in St. Johns County.
- C. Best Management Practices shall mean 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 and protecting natural resources.
- D. Commercial Applicator shall mean any Person who applies Fertilizer on Turf or Landscape plants in St. Johns County in exchange for money, goods, services or other valuable consideration.
- E. Fertilize or Fertilizing shall mean the act of applying Fertilizer to Turf or Landscape plants.
- F. Fertilizer shall mean any substance or mixture of substances that contains nitrogen or phosphorus to promote plant growth (excluding commercially packaged combined pesticide/fertilizer mixtures) to control soil acidity or alkalinity, to provide other soil enrichment or to provide other corrective measures to the soil.
- G. Institutional Applicator shall mean any Person, excluding Non-commercial and Commercial Applicators, employed by institutions such as but not be limited to, facility managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium or common ownership that applies Fertilizer on Turf or Landscape plants on institutional property.
- H. Landscape Plant shall mean any tree, shrub or groundcover excluding turf.
- I. Low Maintenance Zone shall mean an area a minimum of six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilizing, watering, mowing, etc., such as using Florida Friendly landscaping plants and principles.

- J. Non-commercial Applicator shall mean any Person who applies Fertilizer on Turf or Landscape plants in St. Johns County and who is not otherwise required to be certified, such as private citizens on their own residential property.
- K. Pasture shall mean land used for livestock grazing that is managed for feed value.
- L. Prohibited Application Period shall mean the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning issued by the National Weather Service is in effect for any portion of St. Johns County, or if heavy rain is likely. Heavy rain is rainfall greater than or equal to two (2) inches in a twenty-four (24) hour period as per the World Meteorological Organization.
- M. Turf, Sod or Lawn shall mean a grass-covered soil held together by the roots of the grass.

**Section 4. General Provisions.**

- A. Timing of Fertilizer Application: No Applicator shall apply Fertilizers containing nitrogen or phosphorus to Turf or Landscape plants during the Prohibited Application Period.
- B. Fertilizer Free Zones: Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any surface water, pond, stream, watercourse, lake, canal, flooded drainage ditch, wetland or top of a bulkhead or seawall. Newly planted Turf or Landscape plants may be Fertilized in this zone only for the first sixty (60) day establishment period, but caution shall be used to prevent direct deposition of Fertilizer into the water.
- C. Low Maintenance Zones: A voluntary six (6) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a bulkhead or seawall. A swale or berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent St. Johns County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations including requirements for an upland buffer to wetlands. No mowed or cut vegetative material should 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.
- D. Fertilizer content and application rates:
  - 1. Fertilizers applied to Turf or Landscape plants within St. Johns County shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, as amended, including these recommended application rates:

Species	Nitrogen Recommendation lbs N/ 1,000 sqft/ year)
Bahia	2-3
Bermuda	3-5
Centipede	1-2
St. Augustine	2-4
Zoysia	3-5

2. Nitrogen or phosphorus fertilizer shall not be applied to Turf or Landscape plants except as provided in D.1 above unless a soil or tissue deficiency has been verified by an industry recognized and approved soil test.

E. Application Practices:

1. 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.
2. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surfaces.
3. 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.
4. 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.
5. In no case shall Fertilizer be washed, swept or blown off impervious surfaces into stormwater drains, ditches, conveyances or water bodies.

- F. Management of grass clippings and vegetative matter: In no case shall grass clippings, vegetative material or vegetative debris, either intentionally or accidentally, be washed, swept or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.

G. Training:

1. All commercial and institutional applicators of Fertilizer within St. Johns 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"(2008), as amended, offered by

the Florida Department of Environmental Protection through the University of Florida Extension “Florida Friendly Landscapes” program.

2. Non-commercial Applicators are encouraged to follow the recommendations of the University of Florida, Florida Yards and Neighborhoods program when applying fertilizers.

H. Licensing of Commercial Applicators:

1. All Commercial Applicators of Fertilizer within the unincorporated area of St. Johns County shall abide by and successfully complete training and continuing education requirements in the “Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries”(2008), as amended, offered by the Florida Department of Environmental Protection through the University of Florida, “Florida Friendly Landscapes” program, prior to obtaining a St. Johns County Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the St. Johns County Tax Collector’s office within 180 days of the effective date of this ordinance.

No later than 1 January, 2014, per 482.1562 Florida Statutes, all Commercial Applicators of Fertilizer within the unincorporated area of St. Johns County shall hold a valid limited certification for urban landscape commercial fertilizer application certificate from the Florida Department of Agriculture and Consumer Services and shall meet all continuing education requirements.

2. All businesses applying Fertilizer to Turf or Landscape plants must ensure that at least one employee has an appropriate “Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries”(2008), as amended, 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 or Landscape plants shall provide proof of completion of the program to the St. Johns County Tax Collector’s Office.

**Section 5. Exceptions.** The General Provisions set forth in Section 4 above 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.

**Section 6. 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 7. 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 irrespective of any other remedy herein provided.

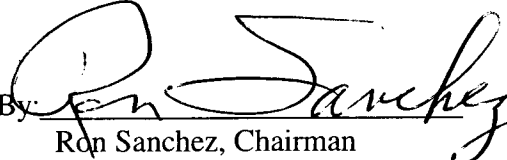
**Section 8. Farm and Agricultural Uses.** Nothing in this Ordinance shall be construed to regulate or limit Fertilizing for farm and commercial agricultural uses.

**Section 9. 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 10. Effective Date:** This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

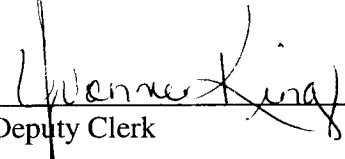
**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA** this 1<sup>st</sup> day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:   
Ron Sanchez, Chairman

**ATTEST:** Cheryl Strickland, Clerk of Court

Rendition Date: June 4, 2010

By:   
Deputy Clerk

Effective Date: June 10, 2010



# THE ST. AUGUSTINE RECORD

COPY ( )MENT

SJC MINUTES & RECORDS C/O CLERK  
ATTN MS.P DEGRANDE  
500 SAN SEBASTIAN VIEW  
SAINT AUGUSTINE FL 32084

Ref.#: L1918-10  
P.O.#: L1918-10

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

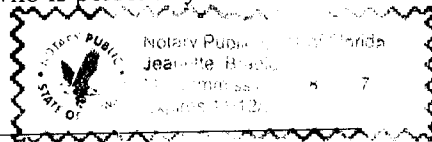
Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**  
who on oath says that he/she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement being a **NOTICE OF HEARING**  
In the matter of **FERTILIZER ORDINANCE - HEARING JUNE 1, 2010**  
was published in said newspaper on **05/19/2010**

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 has 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  
he/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 19<sup>th</sup> day of May 2010  
by Ulinda E Verstraate who is personally known to me  
or who has produced as identification

Jeanette Bondy

(Signature of Notary Public)



(Seal)

### NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, June 1, 2010 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-52; PROVIDING DEFINITIONS; PROVIDING FOR THE PROPER USE OF FERTILIZERS BY AN APPLICATOR; REQUIRING PROPER TRAINING OF COMMERCIAL AND INSTITUTIONAL FERTILIZER APPLICATORS; ESTABLISHING TRAINING AND LICENSING REQUIREMENTS; ESTABLISHING A PERMITTED

APPLICATION PERIOD; SPECIFYING ALLOWABLE FERTILIZER APPLICATION RATES AND METHODS, FERTILIZER-FREE ZONES, AND LOW MAINTENANCE ZONES; 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 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public 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 ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication

Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Yvonne King, Deputy Clerk  
L1918-10 May 19, 2010



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 10, 2010

Ms. Cheryl Strickland
Secretary
St. Johns County Board of County Commissioners
500 Sebastian View
St. Augustine, Florida 32084

2010 JUN 16 PM 3:51
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 9, 2010 and certified copies of St. Johns County Ordinance Nos. 2010-19 through 2010-23, which were filed in this office on June 10, 2010.

Sincerely,

[Handwritten signature of Liz Cloud]

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

COMMUNITY DEVELOPMENT
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STATE ARCHIVES OF FLORIDA
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ADMINISTRATIVE CODE AND WEEKLY
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