



## St. Johns County Fertilizer Ordinance Gets Statewide Notice

**O**n Jan. 25, the St. Johns County Commissioners passed an ordinance regulating the use of nitrogen based fertilizers. While there are good reasons for the county to take action — regional drainage, residential flood control concerns and general environmental health — the action by the county has raised more questions than it has answered.

Only two golf courses are involved in the region covered by the ordinance and both superintendents, Frank Sbarro and Jay Reister were invited to sit in on the workshops held to discuss the ordinance. Both superintendents felt that with the exceptions granted for new sod and turf repairs, and permitted use of state-inspected fertigation systems, they could live within the intent of the law.

In the big picture, however, others in the turf industry are feeling left out of the process and feel the impact to lawn care and pest control is not tenable as the ordinance is currently written. After presenting their concerns at a Feb. 15 meeting, the St. Johns

County commissioners agreed to sit down with representatives of science and industry to discuss possible modifications to the ordinance and hear more facts about the fate of fertilizers in the environment.

True professionals in the green industry and agriculture understand the need for good responsible environmental stewardship, and will always work towards that end. The unspoken concern, however, is for the potential of a rash of local, specialized ordinances popping up all over the political landscape as government bodies try to apply quick fixes to complex environmental problems without due diligence.

The major pertinent sections of the ordinance are presented here for your information. In the Opinion Section there are comments by Dr. Phil Busey, Erica Santella, FTGA vice president and Tom Stone, CGCS, NatureGolf, which address this ordinance and some of the issues raised.



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## ORDINANCE NO. 2000 - 6

An ordinance of the County of St. Johns, State of Florida, providing for regulation of golf course, lawn and turf fertilization; providing for geographic jurisdiction; providing for enforcement and penalties; providing for a public nuisance declaration; providing for exceptions; providing for a severance clause; and setting an effective date.

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 water-

courses 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; and...

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 designee.

G. 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) Urea formaldehyde
- (5) Others as may be designated in writing by the County Administrator or his designee.

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H. Turf shall mean any Lawn or other grasses or area intended to be used as or for a Lawn.

#### Section IV. General Provisions

A. During the Critical Time Period (May 15-Oct. 31 of each year), no person shall fertilize using quick-release nitrogen in the Guana Marsh Basin.

B. Slow-release nitrogen is recognized as the preferred method of adding nitro-

gen to lawns.

Section V. Exceptions: The General Provisions contained in Section IV above shall be waived only under the following circumstances:

A. For newly sodded Lawns (except when using sod plugs or sprigs), Section IV 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 IV 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 percent of its Turf canopy, Section IV 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 IV above shall be waived on golf course putting surfaces (greens).

E. Section IV above shall be waived for nitrogen applied through State of Florida certified fertigation systems which are supervised on a daily basis.

#### Section VI. Enforcement and Penalties:

A. Any person violating any of the provisions of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed sixty (60) days, or both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense.

C. The County Administrator, or his designee, is authorized to conduct an administrative search of any vehicle, container, or other equipment used or to be used for Fertilizing, when such vehicle, container, or other equipment is in St. Johns County. Said administrative search may include the taking of a sample of any solid or fluid intended for use as a fertilizer, and shall be limited in scope to determine what type(s) of Fertilizer chemicals are present. Any Person equipped and with the intent to provide Fertilizing for compensation, shall be deemed to have consented to the Administrative Search described in this paragraph while in St. Johns County.

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

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