

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2019-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE BY CREATING SECTION 82-8 “APPLICATION OF FERTILIZER” IN CHAPTER 82- VEGETATION, ARTICLE 1- IN GENERAL; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY, AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Coral Gables declares that it is in the best interest of the public health, safety, and welfare of its residents and visitors to reduce runoff from improperly applied fertilizers in the waters of the City; and

WHEREAS, excessive and improper application of fertilizers contributes to adverse effects on surface and ground water; and

WHEREAS, excessive nutrients and high levels of nitrogen in the City’s surface and ground water can lead to algae blooms and cause harm to aquatic vegetation and wildlife; and

WHEREAS, according to recent research, residential lawn fertilization is estimated to be the second largest source of household nitrogen in the United States (Millette, N.C., Kelble, C., Linhoss, A. et al. (2019). Using Spatial Variability in the Rate of Change of Chlorophyll a to Improve Water Quality Management in a Subtropical Oligotrophic Estuary”. Estuaries and Coasts, vol 42: 1792. <https://doi.org/10.1007/s12237-019-00610-5>); and

WHEREAS, Florida law requires every Commercial (for-hire) Fertilizer Applicator to have the Florida Department of Agriculture and Consumer Services Limited Commercial Fertilizer (LF) Applicator License/Certificate with limited exceptions; and

WHEREAS, the Florida Department of Environmental Protection has developed the Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries which is a publicly available manual that provides information and guidance on turfgrass and landscape fertilization best management practices to minimize Nonpoint Source Pollution in order to conserve and protect Florida’s water resources; and

WHEREAS, regardless of the time of year, best practice is to utilize slow release fertilizers, as they are horticulturally and environmentally preferable for landscape plantings; and

WHEREAS, 20 years of Biscayne Bay water quality data reveals that the bay may be facing a regime change from a seagrass dominated ecosystem to an algae dominated ecosystem

due to elevated levels of nutrients like phosphorous (Leesa A. Souto, Claudia M.C.S. Listopad, Patrick J. Bohlen (2019). Forging linkages between social drivers and ecological processes in the residential landscape. <https://doi.org/10.1016/j.landurbplan.2019.01.00>); and

WHEREAS, reducing the use of residential fertilizers during key times can improve the City's waterways and may help improve water quality throughout Biscayne Bay; and

WHEREAS, in Florida over eighty municipalities and thirty-two counties have passed ordinance regulating the use of fertilizers, and over forty ordinances include prohibited application periods for certain types of fertilizers;

WHEREAS, the City of Coral Gables is home to the Fairchild Tropical Botanic Garden, a world-renowned botanical garden practicing the highest levels of science conservation and horticulture on its extensive and invaluable plant collection; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation of our environment and the public health, safety, and welfare of City residents, visitors, and future generations.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 82 "Vegetation", Article I- In General of the City Code of Coral Gables, Florida, be hereby amended to add Section 82-8 as follows:

82-8- Application of Fertilizer

- (a) Prohibition. No person shall apply fertilizers containing nitrogen or phosphorus to turf or landscape plants during the prohibited application period, which will run from June 1 to September 30 each year. In addition, no fertilizers containing nitrogen or phosphorous shall be applied to turf or landscape plants when a tropical storm or hurricane watch or warning is in effect for the City.
- (b) Exemptions. This prohibition shall not apply to golf courses and athletic fields when fertilizers are applied by or under the direction of a professional with a valid certification from the Golf Course Best Management Practice Certification Program and fertilizer must be applied following the Florida Department of Environmental Protection Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses. Golf course and athletic field managers shall provide proof of valid certification to the City prior to the prohibited application period, each year. This prohibition shall

also not apply to: (i) any lands used for bona fide scientific research, including, but not limited to, botanical gardens, and research on the effects of fertilizer use on urban stormwater, water quality, agronomics and horticulture; or (ii) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.

- (c) Application area. Outside of the prohibited application period, fertilizer containing nitrogen or phosphorus shall not be applied within fifteen (15) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection or within fifteen (15) feet from the top of a seawall. In no case shall any type of fertilizer be dumped, broadcast, washed, swept, or blown into stormwater drains, ditches, conveyances or water bodies.
- (d) Enforcement. Given the serious threat to the public health, safety and welfare of violations of this Section, along with the irreparable and irreversible nature of such violations, in accordance with Florida Statutes, no warning shall be given by a code enforcement officer prior to the issuance of a citation.

SECTION 3. EDUCATIONAL CAMPAIGN. The City shall organize an extensive education campaign for those landscapers registered with the City pursuant to Section 82-7 of the City Code. The City shall also organize an education campaign for the residents of the City in order to educate them on the prohibitions in this Ordinance as well as best practices related to fertilizer application. This education campaign shall begin immediately upon adoption of this Ordinance and shall include a large campaign to coincide with start of the prohibited application period as adopted in this Ordinance.

SECTION 4. REPEALER. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. CODIFICATION. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions. . If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2019.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY