

## Lisa Volpe

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**From:** James Jarboe [jjarboe@neptune-beach.com]  
**Sent:** Thursday, July 24, 2008 9:07 AM  
**To:** 'Lisa Volpe'  
**Subject:** FW: Jax City Council Passes Fertilizer & Irrigation Ordinances

Could you get a copy of this?

Thanks,

Jim

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**From:** FLeeNeptuneBeach@aol.com [mailto:FLeeNeptuneBeach@aol.com]  
**Sent:** Wednesday, July 23, 2008 5:02 PM  
**To:** jjarboe@neptune-beach.com  
**Subject:** Fwd: Jax City Council Passes Fertilizer & Irrigation Ordinances

Jim,

Could you please get a hold of the Ordinances Jax Council passed and provide to council members please ?  
Could I also ask this topic be placed on our next available workshop slot for initial dialog and discussion.

Thank you Fred

**Fred "Fel" Lee**  
City Councilor, Seat 4  
City of Neptune Beach  
**Cell#:** (904) 613-2223  
**City:** (904) 270-2400 ext. 30  
**Email:** FLee@neptune-beach.com

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**From:** Skgolding  
**To:** Skgolding  
**BCC:** FLeeNeptuneBeach  
**Sent:** 7/22/2008 6:15:30 P.M. Eastern Daylight Time  
**Subj:** Jax City Council Passes Fertilizer & Irrigation Ordinances

All,

I just wanted to let you know that Jacksonville City Council passed both the fertilizer and irrigation ordinances tonight. The fertilizer ordinance will help reduce the amount of fertilizers flowing into the St. Johns River that harm the river and the ordinance was passed unanimously. The irrigation ordinance which will help to conserve Jacksonville's water supply was passed 14-2.

Special thanks to the Jacksonville City Council for passing legislation to help protect the St. Johns River and our precious water resources!!! Also, special thanks to the St. Johns Riverkeeper for their unending efforts to raise community awareness to the need to protect the St. Johns River and conserve our water resources!!!

Please start talking to your beaches elected officials and ask them to follow Jacksonville's lead so we

can all be part of the solution rather than part of the problem!!!

Thanks!

Sandy Golding  
Beaches Watch, Inc.  
[www.beacheswatch.com](http://www.beacheswatch.com)

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1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Public Health & Safety Committee and on the Floor of  
3 the Counsel:



4  
5 Attach.tif

6 **ORDINANCE 2008-30-E**

7 AN ORDINANCE AMENDING CHAPTER 366 (GROUNDWATER  
8 RESOURCE MANAGEMENT), *ORDINANCE CODE*, CREATING  
9 A NEW PART 5 TO CHAPTER 366, *ORDINANCE CODE*,  
10 TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE;  
11 CREATING A WATER CONSERVATION PROGRAM AND  
12 PROVIDING FOR LOCAL IMPLEMENTATION OF THE  
13 WATER CONSERVATION RULE FOR LANDSCAPE  
14 IRRIGATION OF THE ST. JOHNS RIVER WATER  
15 MANAGEMENT DISTRICT; PROVIDING JURISDICTION;  
16 PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE  
17 IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO  
18 THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING  
19 FOR VARIANCES FROM THE SPECIFIC DAY OF THE  
20 WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY  
21 OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF  
22 THE ORDINANCE; PROVIDING FOR PENALTIES FOR  
23 VIOLATION OF THE ORDINANCE; PROVIDING A  
24 SEVERANCE CLAUSE; DIRECTING TRANSMITTAL TO  
25 THE MUNICIPAL CODE CORPORATION FOR  
26 CODIFICATION; PROVIDING AN EFFECTIVE DATE.

27  
28 **BE IT ORDAINED** by the Council of the City of Jacksonville:

29 **Section 1. Repealing Chapter 366 (Groundwater Resource**  
30 **Management), Part 5 (Water Conservation and Landscape Irrigation),**

1 **Ordinance Code.** Chapter 366 (Groundwater Resource Management),  
2 Part 5 (Water Conservation and Landscape Irrigation), *Ordinance*  
3 *Code*, is hereby repealed in its entirety. A copy of which is  
4 attached hereto as **Exhibit 1**.

5 **Section 2.** Chapter 366 (Groundwater Resource Management),  
6 Part 5 (Water Conservation and Landscape Irrigation), *Ordinance*  
7 *Code*, is recreated to read as follows:

8 **Chapter 366. GROUNDWATER RESOURCE MANAGEMENT**

9 \* \* \*

10 **PART 5. WATER CONSERVATION AND LANDSCAPE IRRIGATION**

11 **Sec. 366.501 Water conservation planning.**

12 The Director shall cooperate with the SJRWMD and all utilities  
13 located in Duval County in water conservation planning for Duval  
14 County, in accordance with Section 366.102(g).

15 **Sec. 366.502 Landscape irrigation intent, jurisdiction and**  
16 **purpose.**

17 The City recognizes that the St. Johns River Water Management  
18 District has responsibility and exclusive authority under F.S. Ch.  
19 373, for regulating the consumptive use of water. The District  
20 has adopted Rule 40C-2.042, F.A.C. as its General Consumptive Use  
21 Permit by Rule that regulates small irrigation uses below  
22 consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C.  
23 SJRWMD Rule 40C-2.042(2)(a), F.A.C., grants a general permit to  
24 each person located within the District to use, withdraw or divert  
25 water for such small landscape irrigation uses, provided the  
26 irrigation does not occur more than two days per week and does not  
27 occur between the hours of 10:00 a.m. and 4:00 p.m. daily, subject to  
28 certain exceptions. Rule 40C-2.042(2), F.A.C., applies to  
29 landscape irrigation regardless of whether the water comes from  
30 ground or surface water, from a private well or pump, or from a

1 public or private utility. Rule. 40C-2.042(2)(b), F.A.C., provides  
2 that a local government may adopt an ordinance to enforce SJRWMD Rule  
3 40C-2.042(2) regarding landscape irrigation and that the local  
4 government ordinance may identify the specific two days irrigation is  
5 allowed. It is the intent and purpose of this part to assist the  
6 SJRWMD in implementing its F.A.C. Rule 40C-2.042 and thereby to  
7 implement procedures that promote water conservation through more  
8 efficient landscape irrigation.

9 Notwithstanding the provisions of Section 366.105, this Part  
10 5, shall apply only within the First Urban Service District.

11 **Sec. 366.503. Definitions.**

12 As used in this part, the following terms, phrases, words and their  
13 derivatives shall have the meaning given herein.

14 (a) *Address* means the house number of a physical location of  
15 a specific property. This includes "rural route" numbers but  
16 excludes post office box numbers. If a lot number in a mobile home  
17 park or similar community is used by the U.S. Postal Service to  
18 determine a delivery location, the lot number shall be the  
19 property's address. An "even numbered address" means an address  
20 ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd  
21 numbered address" means an address ending in the numbers 1, 3, 5,  
22 7,9 or the letters N-Z.

23 (b) *Landscape irrigation* means the outside watering of plants  
24 in a landscape such as shrubbery, trees, lawns, grass, ground  
25 covers, plants, vines, gardens and other such flora that are  
26 situated in such diverse locations as residential areas,  
27 cemeteries, public, commercial, and industrial establishments, and  
28 public medians and rights-of-way. The term does not include golf  
29 course greens, tees, fairways, primary roughs, and vegetation

1 shall not exceed ¼ inch of water per application except as  
2 otherwise required by law, the manufacturer labeling instructions,  
3 or best management practices.

4 (d) Irrigation systems may be operated anytime of day for  
5 maintenance and repair purposes not to exceed 10 minutes per hour  
6 per zone but such operation shall not occur more than one time per  
7 week.

8 (e) Irrigation using a hand-held hose equipped with an  
9 automatic shut-off nozzle is allowed anytime, provided the amount  
10 of water used is limited to only that necessary for efficient  
11 utilization.

12 (f) Discharge of water from a water-to-air air-conditioning  
13 unit or other water-dependent cooling system is not limited.

14 (g) The use of water from a reclaimed water system is allowed  
15 any day, but not between 10:00 a.m. and 4:00 p.m. For the purpose  
16 of this subsection, a reclaimed water system includes systems in  
17 which the primary source is reclaimed water, which may or may not  
18 be supplemented from another source during peak demand periods.  
19 This exemption is allowed to promote use of reclaimed water and to  
20 aid area utilities in expanding reclaimed water availability and  
21 distributing more reclaimed water to reduce treated effluent  
22 discharge to the river.

23 (h) The use of recycled water from wet detention treatment  
24 ponds for irrigation is allowed any day, but not between 10:00 a.m.  
25 and 4:00 p.m., provided the ponds are not augmented from any ground  
26 or off-site surface water or public supply sources.

27 **Sec. 366.506 Variance from specific day of the week**  
28 **limitations.**

29 A variance from the Landscape Irrigation Schedule set forth in  
30 Section 366.504, above may be granted if strict application of that

1 annually notify their customers of the foregoing irrigation  
2 regulations at a minimum of twice annually in months that provide  
3 pre-growing seasonal conservation reminders.

4 **Sec. 366.509. Severability.**

5 It is the intent of the Council that if any section,  
6 subsection, clause, phrase, part or provision of this Part is held  
7 invalid or unconstitutional by a court of competent jurisdiction,  
8 such invalidity or unconstitutionality shall not be construed as to  
9 render invalid or unconstitutional the remaining provisions of this  
10 Part.

11 **Section 3. Transmittal to Municipal Code Corporation.**

12 The Council Secretary is directed to transmit the *Ordinance Code*  
13 changes enacted herein to the Municipal Code Corporation for  
14 codification.

15 **Section 4. Effective Date.** This ordinance shall

16 become effective upon signature by the Mayor or upon becoming  
17 effective without the Mayor's signature.

18 Form Approved:

19  
20           /s/ Margaret M. Sidman          

21 Office of General Counsel

22 Legislation Prepared By: Jason R. Teal

23 G:\SHARED\LEGIS.CC\2008\sub\2008-30 Final Sub 5-20-08.doc

1 Introduced by the Council President at the request of the Mayor and  
2 Amended by the Public Health & Safety Committee:  
3  
4

5 **ORDINANCE 2008-28-E**

6 AN ORDINANCE AMENDING CHAPTER 366 (GROUNDWATER  
7 RESOURCE MANAGEMENT), *ORDINANCE CODE*, TO  
8 EXPAND THE REGULATORY AUTHORITY OF THE  
9 ENVIRONMENTAL AND COMPLIANCE DEPARTMENT AND  
10 THE ENVIRONMENTAL PROTECTION BOARD OVER  
11 SURFACE WATERS OF THE COUNTY; AMENDING  
12 SECTION 366.208, *ORDINANCE CODE*, AND INCLUDING  
13 TICKETING AUTHORITY; CREATING A NEW PART 6 TO  
14 CHAPTER 366, *ORDINANCE CODE*, TO EFFECTUATE THE  
15 PURPOSES OF THIS ORDINANCE; PROVIDING FOR  
16 MANAGEMENT AND REGULATION OF LAWN AND  
17 SPECIALIZED TURF FERTILIZATION INCLUDING, BUT  
18 NOT LIMITED TO, LAWNS ON RESIDENTIAL AND  
19 COMMERCIAL PROPERTIES, YARDS, CITY AND COUNTY  
20 PROPERTIES, AND PUBLIC AND PRIVATE GOLF  
21 COURSES; PROVIDING FOR EDUCATION, TRAINING AND  
22 RECORD KEEPING REQUIREMENTS FOR COMMERCIAL  
23 LANDSCAPERS AND FERTILIZER APPLICATORS;  
24 PROHIBITING ANY PERSON FOR HIRE FROM APPLYING  
25 FERTILIZER TO ANY SUBJECT PROPERTY UNLESS SUCH  
26 PERSON HAS SUCCESSFULLY COMPLETED SPECIFIED  
27 TRAINING REQUIREMENTS, PROVIDING FOR  
28 GUIDELINES FOR FLORIDA FRIENDLY LANDSCAPING;  
29 PROVIDING FOR EXEMPTIONS; PROVIDING FOR A  
30 PUBLIC NUISANCE DECLARATION AND ENFORCEMENT;

1 PROVIDING FOR FERTILIZER STORAGE AND  
2 MAINTENANCE REQUIREMENTS AND AN INSPECTION  
3 PROGRAM; PROVIDING A SEVERANCE CLAUSE;  
4 DIRECTING TRANSMITTAL TO THE MUNICIPAL CODE  
5 CORPORATION FOR CODIFICATION; PROVIDING AN  
6 EFFECTIVE DATE.

7  
8 **WHEREAS**, the St. Johns River is a vital part of the City's  
9 quality of life; and

10 **WHEREAS**, the health of the St. Johns River and all water  
11 bodies of Duval County are crucial to support the County's economic  
12 development; and

13 **WHEREAS**, nutrients from fertilizers impact the health of the  
14 St. Johns River; and

15 **WHEREAS**, it is the public policy of the City to achieve and  
16 maintain such levels of water quality as will protect human health  
17 and safety and, to the greatest degree practicable, prevent injury  
18 to plant and animal life and property, and

19 **WHEREAS**, the Council hereby finds and declares that the  
20 adoption of this ordinance is appropriate, and in the public  
21 interest of the citizens of this community; now therefore

22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1.** Chapter 366 (Groundwater Resource Management),  
24 *Ordinance Code*, is amended to read as follows:

25 **Chapter 366. GROUNDWATER AND SURFACE WATER RESOURCE MANAGEMENT**

26 \* \* \*

27 **PART 2.**

28 **Sec. 366.208. Environmental Protection Board ticketing**  
29 **authority.**



1 flooding, excessive maintenance costs and efforts, and damage to  
2 the natural environment.

3 (d) Effective and comprehensive regulation of fertilizer  
4 application by public and commercial applicators and introduction  
5 of a concerted public education program will be effective in  
6 eliminating the harmful environmental impacts caused by improper  
7 fertilizer application.

8 (e) The purpose and intent of this part is to protect and  
9 safeguard the surface waters and groundwater within the City from  
10 excessive and harmful nutrient levels associated with improper  
11 fertilization techniques and materials handling, thereby protecting  
12 public health, safety and welfare.

13 (f) It is also the purpose and intent of this part to augment  
14 the policies adopted and contained in the Conservation/Coastal  
15 Management Element of the City's Comprehensive Plan pertaining to  
16 the protection of the surface water resources within the City.

17 **Sec. 366.602. Jurisdiction.**

18 Notwithstanding the provisions of Section 366.105, this Part  
19 6, shall apply only within the First Urban Service District.

20 **Sec. 366.603. Definitions.**

21 As used in this part, the following words and phrases shall  
22 have their indicated meanings. In the event that a term is not  
23 defined in this Part, but is defined elsewhere in this Chapter, the  
24 given definition will apply.

25 (a) Application or Apply shall mean the actual physical  
26 deposit of Fertilizer to Turf or Landscape Plants.

27 (b) Applicator shall mean any Person who applies Fertilizer  
28 on Turf and/or Landscape Plants in Duval County.

29 (c) Best Management Practices (BMPs) shall mean turf and  
30 landscape practices or combination of practices based on research,

1 field-testing and expert review, determined to be the most  
2 effective and practicable on-location means, including economic and  
3 technological considerations, for improving water quality,  
4 conserving water supplies and protecting natural resources.

5 (d) Bulk Storage Facility shall mean any business, person,  
6 entity or agent which annually sells in the aggregate 10,000 pounds  
7 or more of Fertilizer products to small or individual consumers for  
8 personal application.

9 (e) Commercial Fertilizer Applicator shall mean any Person  
10 who applies Fertilizer on Turf and/or Landscape Plants in Duval  
11 County in exchange for money, goods, services or other valuable  
12 consideration.

13 (f) Department shall mean the Environmental and Compliance  
14 Department.

15 (g) Fertilize, Fertilizing or Fertilization shall mean the  
16 act of applying Fertilizer to Turf, specialized Turf or Landscape  
17 Plant.

18 (h) Fertilizer shall mean any substance or mixture of  
19 substances, except pesticide/fertilizer mixtures such as "weed and  
20 feed" products, that contains one or more recognized plant  
21 nutrients and promotes plant growth, or controls soil acidity or  
22 alkalinity, or provides other soil enrichment, or provides other  
23 corrective measures to the soil.

24 (i) Guaranteed Analysis shall mean the percentage of plant  
25 nutrients or measures of neutralizing capability claimed to be  
26 present in a Fertilizer.

27 (j) Institutional Applicator shall mean any Person, other  
28 than a non-commercial or commercial Applicator (unless such  
29 definitions also apply under the circumstances), that applies  
30 Fertilizer for the purpose of maintaining Turf and/or Landscape

1 Plants. Institutional Applicators shall include, but shall not be  
2 limited to, owners and managers of public lands, schools, parks,  
3 religious institutions, utilities, industrial or business sites and  
4 any residential properties maintained in condominium and/or common  
5 ownership.

6 (k) Landscape Plant shall mean any native or exotic tree,  
7 shrub, or groundcover (excluding Turf).

8 (l) Lawn, Sod or Turf shall mean a piece of grass-covered soil  
9 held together by the roots of the grass.

10 (m) Low Maintenance Zone shall mean an area a minimum of six  
11 (6) feet wide adjacent to water courses which is planted and  
12 managed in order to minimize the need for fertilization, watering,  
13 mowing, etc.

14 (n) Pasture shall mean land used for livestock grazing that  
15 is managed to provide feed value.

16 (o) Prohibited Application Period shall mean the time period  
17 during which a Flood Watch or Warning, or a Tropical Storm Watch or  
18 Warning, or a Hurricane Watch or Warning, or a 3-day Cone of  
19 Uncertainty is in effect for any portion of Duval County, issued by  
20 the National Weather Service, or if heavy rain is expected.

21 (p) Slow Release, Controlled Release, Slowly Available, Timed  
22 Release, or Water Insoluble Nitrogen shall mean nitrogen in a form  
23 which delays its availability for plant uptake and use after  
24 application, or which extends its availability to the plant  
25 significantly longer than a reference rapid or quick release  
26 product.

27 (q) Vegetative debris or vegetative material shall mean all  
28 plant life collectively.

29 **Sec. 366.604. Fertilizer Content and Application Rates**

30 (a) No Applicator shall apply Fertilizers containing nitrogen

1 and/or phosphorus to Turf and/or Landscape Plants during the  
2 Prohibited Application Period.

3 (b) Fertilizers Applied to Turf and/or Landscape Plants  
4 within Duval County shall be formulated and applied in accordance  
5 with requirements and directions provided by Rule 5E-1.003(2),  
6 Florida Administrative Code, Labeling Requirements For Urban Turf  
7 Fertilizers.

8 (c) Fertilizers shall be applied to Turf and/or Landscape  
9 Plants at the lowest rate necessary. Nitrogen shall not be applied  
10 at an application rate greater than 0.7 lbs of readily available  
11 nitrogen per 1000 ft<sup>2</sup> at any one time based on the soluble fraction  
12 of formulated fertilizer, with no more that 1 lb total N per 1000  
13 ft<sup>2</sup> to be applied at any one time and not to exceed the annual  
14 nitrogen recommendations below:

15 Bahia grass 2-3 lbs N / 1000 ft<sup>2</sup> / year.

16 Bermuda grass 3-5 lbs N / 1000 ft<sup>2</sup> / year.

17 Centipede grass 1-2 lbs N / 1000 ft<sup>2</sup> / year.

18 St. Augustine grass 2-4 lbs N / 1000 ft<sup>2</sup> / year.

19 Zoysia grass 3-5 lbs N / 1000 ft<sup>2</sup> / year.

20 (d) For new Turf or Landscape Plants that are being installed  
21 or established, a one-time use of starter fertilizer as described  
22 in Rule 5E-1.003, Florida Administrative Code, shall be allowed at  
23 an application rate not to exceed 1.0 lb. of P<sub>2</sub>O<sub>5</sub>/1,000 ft<sup>2</sup>.

24 (e) No person shall apply phosphorus Fertilizer to existing  
25 Turf and/or Landscape Plants within Duval County at application  
26 rates which exceed 0.25 lbs. of P<sub>2</sub>O<sub>5</sub>/1,000 ft<sup>2</sup> per application nor  
27 exceed 0.50 lbs. of P<sub>2</sub>O<sub>5</sub>/1,000 ft<sup>2</sup> per year.

28 (f) No person shall apply nitrogen or phosphorus fertilizer  
29 to Turf or Landscape Plants except as provided above unless a soil

1 or tissue deficiency has been verified by a University of Florida  
2 IFAS, or other accredited laboratory, approved test.

3 **Sec. 366.605. Impervious Surfaces.**

4 No person shall apply, spill, or otherwise deposit Fertilizer  
5 on any impervious surfaces. Any Fertilizer applied, spilled, or  
6 deposited, either intentionally or accidentally, on any impervious  
7 surface shall be immediately and completely removed to the greatest  
8 extent practicable. Fertilizer released on an impervious surface  
9 must be immediately contained and either legally applied to Turf or  
10 any other legal site, or returned to the original or other  
11 appropriate container. No person shall wash, sweep, or blow  
12 Fertilizer off of impervious surfaces into stormwater drains,  
13 ditches, conveyances, or water bodies. Section 366.614, Ordinance  
14 Code, is applicable to certain Fertilizer spills and may require  
15 that notification of a spill be provided to the Department.

16 **Sec. 366.606. Fertilizer Free Zones.**

17 No person shall apply Fertilizer within ten (10) feet, or  
18 three feet (3) if a deflector shield or drop spreader is used, of  
19 any pond, stream, water course, lake, canal, or wetland as defined  
20 by the Florida Department of Environmental Protection (Chapter 62-  
21 340, Florida Administrative Code) or from the top of a seawall.  
22 Newly planted Turf and/or Landscape Plants may be fertilized in  
23 this Zone only for the first sixty (60) day establishment period  
24 after planting.

25 **Sec. 366.607. Low Maintenance Zones.**

26 A Low Maintenance Zone shall be established by no later than  
27 one year from the effective date of this ordinance. The Low  
28 Maintenance Zone shall be a minimum of six (6) feet from any pond,  
29 stream, water course, lake, wetland or seawall. A swale/berm  
30 system is recommended for installation at the landward edge of this

1 Low Maintenance Zone to capture and filter runoff. No mowed or cut  
2 vegetative material shall be deposited or left remaining in the Low  
3 Maintenance Zone or deposited in the water. Care should be taken  
4 to prevent the over-spray of aquatic weed products into the Low  
5 Maintenance Zone.

6 **Sec. 366.608. Mode of Application.**

7 Spreader deflector shields are required when Fertilizing via  
8 rotary spreaders. Deflectors shall be positioned such that  
9 Fertilizer granules are deflected away from all impervious  
10 surfaces, fertilizer-free zones and water bodies, including  
11 wetlands.

12 **Sec. 366.609. Management of Grass Clippings and Vegetative**  
13 **Matter.**

14 No person shall wash, sweep, or blow off grass clippings,  
15 vegetative material and/or vegetative debris into stormwater  
16 drains, ditches, conveyances, water bodies, wetlands, or sidewalks  
17 or roadways.

18 **Sec. 366.610. Exemptions.**

19 The provisions set forth above in this Ordinance shall not  
20 apply to:

21 (a) Bona fide farm operations as defined in the Florida Right  
22 to Farm Act, Section 823.14, Florida Statutes, provided that  
23 fertilizers are applied in accordance with the appropriate Best  
24 Management Practices Manual adopted by the Florida Department of  
25 Agriculture and Consumer Services, Office of Agricultural Water  
26 Policy for the crop in question.

27 (b) Other properties not subject to or covered under the  
28 Florida Right to Farm Act that have Pastures used for grazing  
29 livestock provided that fertilizers are applied in accordance with  
30 the appropriate Best Management Practices Manual adopted by the

1 Florida Department of Agriculture and Consumer Services, Office of  
2 Agricultural Water Policy for the particular crop in question.

3 (c) Golf courses provided that the latest edition of Best  
4 Management Practices for Florida Golf Courses is followed when  
5 applying fertilizer to golf course practice and play areas.

6  
7 **Sec. 366.611. Public Education.**

8 (a) To assist in public information, the education of its  
9 citizens and the effective implementation of this Part, the  
10 Department will coordinate its efforts with those of the St. Johns  
11 River Water Management District, the UF-IFAS-Cooperative Extension  
12 Service and any other agencies. These entities should jointly  
13 sponsor frequent workshops on the design principles and standards,  
14 as well as maintenance, of Florida Friendly Landscapes.

15 (b) The University of Florida IFAS Florida Yards and  
16 Neighborhoods Handbook May, 2001 as updated, for protecting water  
17 resources in Florida is on file with the Legislative Services  
18 Division as a model method to Commercial Fertilizer Applicators and  
19 the public concerning Fertilization, irrigation and pesticide  
20 practices. A copy may be obtained by contacting the Department or  
21 by visiting the City's website.

22 (c) The Department will make available other public education  
23 materials at appropriate libraries and retail stores, as well as on  
24 the City's website.

25 (d) The Department will provide periodic public notices,  
26 especially immediately prior to Prohibited Application Periods  
27 summarizing the requirements of this Part.

28 (e) Commercial Fertilizer Applicators shall provide a copy of  
29 the approved Surface and Groundwater Protection Brochure to all  
30 customers within the regulated areas at the time of their first

1 treatment after May 15<sup>th</sup> of each year.

2 **Sec. 366.612. BMP and Training Requirements.**

3 (a) All Applicators of Fertilizer, who apply fertilizer within  
4 Duval County, other than golf course applicators and private  
5 homeowners, or their tenants, on their own property, shall abide by  
6 and successfully complete Florida Green Industries BMP training,  
7 providing training and continuing education requirements in  
8 minimizing nitrogen leaching and phosphorus runoff from fertilizer  
9 applications.

10 (b) Golf course applicators shall abide by and successfully  
11 complete Florida Department of Environmental Protection Golf Course  
12 BMP training, providing training and continuing education  
13 requirements in environmental stewardship and pollution prevention  
14 at golf courses.

15 (c) Non-commercial applicators, other than golf course  
16 applicators, are required to follow the recommendations of the  
17 University of Florida IFAS Florida Yards and Neighborhoods program  
18 when applying fertilizers.

19 (d) Any retail facility that sells fertilizer products, such  
20 as garden centers, nurseries or other similar establishments are  
21 encouraged to designate at least one management employee to  
22 complete the University of Florida IFAS Florida Green Industries  
23 Best Management Practices for Protection of Water Resources in  
24 Florida, as updated, and to implement an internal training program  
25 for other employees who interact with fertilizer customers.

26 **366.613 Recordkeeping requirements.**

27 (a) Commercial and Institutional Fertilizer Applicators shall  
28 maintain adequate records that demonstrate compliance with this  
29 Part. Invoices and account histories documenting fertilizer  
30 content and application rates, as well as date of application,

1 shall be retained for three years and must be made available at the  
2 place of business during normal business hours upon request by the  
3 Department.

4 (b) Upon Department request, all Applicators, other than  
5 private homeowners, shall provide proof of completion of the  
6 training required in section 366.612 above.

7 **Sec. 366.614. Bulk Storage Facility Requirements.**

8 (a) All Bulk Storage Facilities shall comply with the IFAS  
9 Green Industries Best Management Practices fertilizer storage and  
10 handling requirements as set forth in Appendix C of Florida Green  
11 Industries, Best Management Practices for Protection of Water  
12 Resources in Florida, June 2002.

13 (b) All Bulk Storage Facilities shall also comply with the  
14 following requirements:

15 (1) Fertilizer transportation and application equipment  
16 shall be a sufficient distance away from, storm  
17 drains, ditches and canal banks to avoid a  
18 fertilizer spill entering surface waters;

19 (2) Fertilizer solution tanks shall not be rinsed  
20 directly or directly emptied into streams, canals,  
21 other water bodies, or on roadways;

22 (3) All personnel involved in handling fertilizer  
23 material at the bulk storage facility shall be  
24 properly trained. The facility shall maintain  
25 documentation of training for each person involved  
26 in handling fertilizer material.

27 (4) Fertilizer transportation and application equipment  
28 shall be parked only on designated paved sites with  
29 runoff controls.

30 (5) Buckets, shovels, and absorbents shall be readily

1           available for immediate cleanup.

2           (6) Containers of liquid fertilizer shall be stored  
3           inside of secondary containment that provides  
4           capacity equal to the largest container stored  
5           within.

6           (c) Bulk Storage Facilities shall have a written spill  
7           containment plan on site that is readily available to all personnel  
8           involved in the handling and spreading of fertilizer. The written  
9           spill containment plan shall include the following:

10           (1) An identification of the personnel responsible for  
11           cleanup and a chain-of-command for documenting remedial actions  
12           taken.

13           (2) The procedures to be followed when cleaning up a  
14           spill, including the location of cleanup materials, including but  
15           not limited to, absorbents, tarps, buckets, and shovels;

16           (3) The materials used to train facility personnel in  
17           spill cleanup procedures.

18           (4) The telephone number of the Environmental Quality  
19           Division to be used by facility personnel to notify the Division of  
20           reportable spills.

21           (d) Bulk Storage Facilities shall report any fertilizer  
22           spills that are either 10 gallons liquid or 10 pounds dry to the  
23           Environmental Quality Division within 24 hours of the spill  
24           occurring. Any Fertilizer spill occurring inside of a Bulk Storage  
25           Facility building that does not have a floor drain and where the  
26           spill does not leave the enclosed building is not required to be  
27           reported to the Division.

28           (e) The Department shall annually inspect each facility  
29           regulated under this section to review the facility's best  
30           management practice manual and spill containment plan to ensure

1 compliance with the provisions of this section.

2 **Sec. 366.615. Violations.** The enforcement provisions of  
3 Section 366.206, Section 366.207 and Section 366.208 shall be  
4 applicable to violations of this Part.

5 **Sec. 366.616. Public Nuisance Declaration.** Violations of  
6 this Part are hereby declared public nuisances and may be abated or  
7 enjoined pursuant to the authority of the Department in Part 2 of  
8 this Chapter.

9 **Sec. 366.617. Severability.** It is the intent of the Council  
10 that if any section, subsection, clause, phrase, part or provision  
11 of this Part is held invalid or unconstitutional by a court of  
12 competent jurisdiction, such invalidity or unconstitutionality  
13 shall not be construed as to render invalid or unconstitutional the  
14 remaining provisions of this Part.

15 **Section 2. Transmittal to Municipal Code Corporation.**

16 The Council Secretary is directed to transmit the *Ordinance Code*  
17 changes enacted herein to the Municipal Code Corporation for  
18 codification.

19 **Section 3. Effective Date.** This ordinance shall

20 become effective upon signature by the Mayor or upon becoming  
21 effective without the Mayor's signature.

22  
23 Form Approved:

24  
25 /s/ Steven E. Rohan

26 Office of General Counsel

27 Legislation Prepared By: Jason R. Teal

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**PUBLIC HEALTH & SAFETY COMMITTEE AMENDMENT**

The Public Health & Safety Committee offers its first amendment to File No. 2008-28:

- (1) On **page 9, line 22 1/2**, insert a new subsection (c) to read as follows:

"(c) Golf courses provided that the latest edition of *Best Management Practices for Florida Golf Courses* is followed when applying fertilizer to golf course practice and play areas." ; and

- (2) On **page 10, commencing at line 17**, delete all of Section 366.12 in its entirety and replace it with a new Section 366.12 to read as follows:

**"Sec. 366.612. BMP and Training Requirements.**

(a) All Applicators of Fertilizer, who apply fertilizer within Duval County, other than golf course applicators and private homeowners, or their tenants, on their own property, shall abide by and successfully complete Florida Green Industries BMP training, providing training and continuing education requirements in minimizing nitrogen leaching and phosphorus runoff from fertilizer applications.

(b) Golf course applicators shall abide by and successfully complete Florida Department of Environmental Protection Golf Course BMP training, providing training and continuing education requirements in environmental stewardship and pollution prevention at golf courses.

(c) Non-commercial applicators, other than golf course applicators, are required to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(d) Any retail facility that sells fertilizer products, such as garden centers, nurseries or other similar establishments are encouraged to designate at least one management employee to complete the University of Florida IFAS Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, as updated, and to implement an internal training program for other employees who interact with fertilizer customers.

Form Approved:

/s/ Tracey I. Arpen, Jr. .  
Office of General Counsel

Legislation Prepared By: Tracey I. Arpen, Jr.

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