

SECTION 480
REGULATION OF LAWN FERTILIZER APPLICATION CONTROL

480.01 **PURPOSE**

The City has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes as a result of storm water runoff or other causes. The purpose of this ordinance is to define regulations which will aid the City in managing and protecting its water resources which are enjoyed by its residents and other users.

480.02 **DEFINITIONS**

For the purpose of this section, certain terms and words are defined as follows:

Commercial Applicator – is a person who is engaged in the business of applying fertilizer for hire.

Fertilizer – means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by rule by the Minnesota Commissioner of Agriculture.

480.03 **REGULATIONS FOR COMMERCIAL LAWN FERTILIZER APPLICATORS**

Subd. 1 **License Required**

No person, firm, corporation or franchise shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City Administrator or a designee as provided herein.

Subd. 2 **License Application Procedure**

Applicants for a commercial lawn fertilizer applicator license shall be submitted to the City Administrator or a designee. The application shall consist of the following:

- (a) Application Form. Application forms shall be provided by the City and shall include the following instructions:
 - (1) Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
 - (2) Description of lawn fertilizer formula proposed to be applied on lawns within the City.
 - (3) A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.

- (b) Fertilizer Sample. A sample of lawn fertilizer shall be submitted to the City along with the initial application for a license, and thereafter, at least thirty (30) days before fertilizer composition changes are implemented. A sample submittal can be replaced by a chemical analysis certified by an independent testing laboratory.
- (c) License Fee. The licensee fee shall be as designated in the fee schedule. The license shall expire on the 31st day of December. The license fee shall not be pro rated.
- (d) Conditions of license. Commercial lawn fertilizer applicator license shall be issued subject to the following conditions which shall be specified on the license form:
 - (1) Random Sampling. Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within the City at any time after issuance of the initial license.
 - (2) Possession of License. The commercial lawn fertilizer application license or a copy thereof shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
 - (3) State Regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer and Soil Conditioner Law as contained in Minnesota Statutes Section 17.711 through and including 17.729 and amendments thereto.

480.04 GENERAL REGULATIONS

Subd. 1 Fertilizer Content

No person, firm, corporation, franchise, or commercial applicator shall apply any lawn fertilizer, liquid or granular, within the City of Tonka Bay which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except the naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost.

Subd. 2 Time of Application

Lawn fertilizer applications shall not be applied when the ground is frozen or between November 15 and April 15 of the succeeding year.

Subd. 3 Sample Analysis Cost

The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis indicates that the phosphorus content exceeds the levels authorized herein.

480.05 EXEMPTION

The limitation pertaining to quantity of phosphorous shall not apply to:

- (a) Newly established turf areas shall not be limited by this ordinance on the quantity of phosphorus for the first growing season.
- (b) Turf and lawn areas which soil tests confirm are below phosphorous levels established by the University of Minnesota Extension Services.

The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation.

480.06 PENALTY

Any firm, corporation or franchisee who is convicted of a violation of this ordinance shall be subject to fine of \$300 except for person(s) convicted of violation of Section 480.04, Subd. 2 who shall be subject to a fine of \$100.

480.07 EFFECTIVE DATE

This ordinance shall take effect on November 15, 2000 after passage by the City Council and publication in the City's legal newspaper.