



## Legislation Details (With Text)

**File #:** 12273  
**Type:** Ordinance  
**File created:** 5/11/2023  
**On agenda:** 5/23/2023  
**Enactment date:** 5/23/2023  
**Status:** Adopted  
**In control:** Board of County Commissioners  
**Final action:** 5/23/2023  
**Enactment #:** ORD-2023-007  
**Title:** Ordinance Amending Chapter 28, Regulation of Use of Fertilizers Containing Nitrogen and/or Phosphorus, to Implement Regulations to Minimize Negative Environmental Effects Caused by Misuse of Fertilizers

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2023 Proposed Fertilizer Ordinance, 2. Affidavit of Publication of Legal Ad CLK23-077, 3. Public Comment Form - Richard Ross, 4. Public Comment Form - Michael McGrath, 5. Public Comment Form - DeeVon Quirolo, 6. Public Comment Form - Eugene Kelly, 7. Public Comment Form - Bill Roberts, 8. Hernando County Fertilizer Ordinance - Exhibit, 9. Approved Ordinance No. 2023-07

| Date      | Ver. | Action By                     | Action  | Result |
|-----------|------|-------------------------------|---------|--------|
| 5/23/2023 | 1    | Board of County Commissioners | adopted | Pass   |

### TITLE

Ordinance Amending Chapter 28, Regulation of Use of Fertilizers Containing Nitrogen and/or Phosphorus, to Implement Regulations to Minimize Negative Environmental Effects Caused by Misuse of Fertilizers

### BRIEF OVERVIEW

Weeki Wachee Springs is an Outstanding Florida Spring (OFS) that is currently impaired for nitrates, and the nitrate levels have been steadily increasing for many years. In 2016, the State enacted the Springs and Aquifer Protection Act that set goals to restore the OFS within 20 years. In 2018, the Florida Department of Environmental Protection established a Basin Management Action Plan (BMAP) to address the increasing nitrate levels in the spring and identify the major contributing sources for nitrogen into the spring. Per the BMAP, 22% of the nitrogen affecting the spring is caused from urban turf fertilizers.

On May 2, 2023, the Board of County Commissioners held a workshop to discuss making changes to the fertilizer ordinance that was previously adopted in 2013. Staff was directed to develop an ordinance to amend the current County code that regulates the use of fertilizers containing nitrogen and phosphorus.

Attached for consideration is an ordinance that will amend the County's fertilizer code. Some notable changes are as follows:

- Expand the seasonal restrictions to prohibit the use of urban turf fertilizers containing nitrogen from December 15 to March 15 and from June 1 to September 30.

- Remove the exemption for commercial applicators.
- Increase the distance that fertilizers can be used adjacent to wetlands and surface waters to 25 feet.
- Require businesses that sell fertilizers during the restriction period to post County provided signage stating the restrictions.

## **FINANCIAL IMPACT**

None.

## **LEGAL NOTE**

The Board has the authority to act on this item pursuant to Chapter 125, Florida Statutes.

## **RECOMMENDATION**

It is recommended that the Board approve and authorize the Chairman's signature on the attached Ordinance amending Chapter 28, regarding the use of fertilizer