

Pinellas County, Florida, Code of Ordinances >> PART II - PINELLAS COUNTY CODE >> Chapter 58 - ENVIRONMENT >> ARTICLE XIII. - LANDSCAPE MAINTENANCE AND FERTILIZER USE AND APPLICATION >> ARTICLE XIII. - LANDSCAPE MAINTENANCE AND FERTILIZER USE AND APPLICATION >> (Ord. No. 10-06, § 1, 1-19-10)

Sec. 58-471. - Findings of fact.

Sec. 58-472. - Purpose and intent.

Sec. 58-473. - Definitions.

Sec. 58-474. - Applicability.

Sec. 58-475. - Weather and seasonal restrictions.

Sec. 58-476. - Fertilizer content and application rate.

Sec. 58-477. - Impervious surfaces and mode of application.

Sec. 58-478. - Fertilizer-free zones.

Sec. 58-479. - Management of grass clippings and vegetative material.

Sec. 58-480. - Exemptions.

Sec. 58-481. - Certification and training.

Sec. 58-482. - Retail sale of fertilizer containing nitrogen or phosphorous.

Sec. 58-483. - Enforcement and penalty.

Sec. 58-484. - Recommendations and additional information.

Sec. 58-485. - Areas embraced.

Sec. 58-471. - Findings of fact.

As a result of adverse impacts to Pinellas County waters caused by excessive nutrients resulting from improper landscape maintenance practices and the incorrect or unnecessary application of fertilizers containing phosphorus and/or nitrogen, the Pinellas County Board of County Commissioners has determined that the lands and waters of Pinellas County are at particularly high risk for adverse effects to surface and ground water from such fertilizer containing phosphorus and/or nitrogen, particularly when not applied in accordance with best management practices established by the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (DACS), and the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS).

Sec. 58-472. - Purpose and intent.

This article regulates the proper use of fertilizers by any applicator and requires proper training of commercial and institutional fertilizer applicators and landscape maintenance companies by establishing a restricted season for fertilizer application, fertilizer-free zones, low maintenance zones, exemptions, training, and licensing requirements. The article requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers and improper landscape maintenance practices. These secondary and cumulative effects have been observed in and on Pinellas County's natural and artificial stormwater and drainage conveyances, rivers, lakes, canals, estuaries, interior freshwater wetlands, and Tampa Bay. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Pinellas County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and artificial stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

Sec. 58-473. - Definitions.

For this article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

Administrator means the Pinellas County Administrator, or an administrative official of Pinellas County government designated by the county administrator to administer and enforce the provisions of this article.

Application or apply means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any person who applies fertilizer on turf and/or landscape plants in Pinellas County.

Article means Chapter 58, Article XIII of the Pinellas County Code of Ordinances, as amended, unless otherwise specified.

Board means the Board of County Commissioners of Pinellas County, Florida.

Best management practices or BMP means turf and landscape practices which minimize the negative environmental impacts of installation and maintenance of landscapes.

Code enforcement officer, official, or inspector means any designated employee or agent of Pinellas County whose duty it is to enforce codes and ordinances enacted by Pinellas County.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in Pinellas County in exchange for money, goods, services or other valuable consideration.

Fertilize, fertilizing, or fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Granular means composed of small grains or particles.

Institutional applicator means any person, other than a noncommercial or commercial applicator, that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant or prevents infiltration by stormwater. It includes roofed areas and surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, sidewalks, parking lots, and other similar surfaces.

Landscape plant means any native or exotic tree, shrub, or groundcover (excluding turf).

Landscape maintenance means activities carried out to manage and maintain landscape plants including but not limited to mowing, edging, and trimming.

Low maintenance zone means an area a minimum of six feet wide adjacent to water courses which is planted with non-turf grass vegetation and managed in order to minimize the need for fertilization, watering, mowing, etc.

Pasture means land used for livestock grazing that is managed to provide feed value.

Person means any human being, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Pinellas County Approved Best Management Practices (BMP) Training Program means a training program approved by Pinellas County that includes, at a minimum, the BMPs associated with proper mowing, trimming, irrigation, and landscape debris management.

Restricted season means June 1 through September 30.

Site supervisor means the direct supervisor of landscape maintenance personnel.

Slow or controlled release fertilizer means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a referenced "rapidly available nutrient fertilizer."

Specialized turf means areas of grass used for athletic fields, golf course practice and play areas, and other similar activities.

Specialized turf manager means a person responsible for fertilizing or directing the fertilization of specialized turf.

Surface water means fresh, brackish, saline or tidal waters, including but not limited to bays, rivers, lakes, streams, wetlands, springs, impoundments, as well as canals and other artificial water bodies.

Turf, sod, or lawn means a piece of grass-covered soil held together by the roots of the grass.

Vegetable garden means an area dedicated to the cultivation of edible plants.

Sec. 58-474. - Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer, areas of application of fertilizer, and landscape maintenance activities within Pinellas County, unless such applicator or activity is specifically exempted by the terms of this article from the regulatory provisions of this article.

Sec. 58-475. - Weather and seasonal restrictions.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorous to turf and/or landscape plants during the restricted season from June 1 through September 30.
- (b) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during a period for which the National Weather Service has issued any of the following advisories for any portion of Pinellas County: a severe thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or if rain greater than or equal to two inches in a 24-hour period is forecasted.

Sec. 58-476. - Fertilizer content and application rate.

- (a) Fertilizers shall be applied to turf and/or landscape plants at the recommended rate per the "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries", December 2008, as revised, with no more than four pounds of nitrogen per 1,000 feet² applied in any calendar year.
- (b) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants in Pinellas County, except where phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida-certified laboratory. Any person who obtains such a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall mail a copy of the test results to Pinellas County Watershed Management Division, Attention: Division Director, 300 South Garden Avenue, Clearwater, FL 33756 prior to the application of phosphorous.

- (c) Nitrogen fertilizer shall not be applied on newly established turf or new landscape plants for the first 30 days.
- (d) Granular fertilizers containing nitrogen applied to turf and/or landscape plants within Pinellas County shall contain no less than 50 percent slow release nitrogen per guaranteed analysis label.
- (e) Liquid fertilizers containing nitrogen applied to turf and/or landscape plants within Pinellas County shall not be applied at a rate that exceeds 0.5 lbs/1,000 feet² per application.

Sec. 58-477. - Impervious surfaces and mode of application.

- (a) Fertilizer shall not be applied or otherwise deposited on any impervious surfaces. Any fertilizer applied or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. Fertilizer shall not be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, drainage conveyances, roadways, or surface waters.
- (b) Spreader deflector shields are required when applying fertilizer by use of any broadcast or rotary spreaders. Deflector shields must be positioned such that fertilizer granules are deflected away from all impervious surfaces and surface waters.

Sec. 58-478. - Fertilizer-free zones.

Fertilizer shall not be applied within ten feet from the top of bank of any surface water, landward edge of the top of a seawall, designated wetland or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code, as it may be amended or superseded).

Sec. 58-479. - Management of grass clippings and vegetative material.

It shall be a violation of this section for any person to wash, sweep, blow or otherwise cause grass clippings, vegetative material, and/or vegetative debris to be deposited into stormwater drains, ditches, drainage conveyances, surface waters, or roadways.

Sec. 58-480. - Exemptions.

- (a) The provisions set forth above in sections 58-475(a) and 58-476 of this article shall not apply to:
 - (1) Golf courses. For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007," as updated, are required and shall be followed when applying fertilizer to golf courses.
 - (2) Specialized turf. Specialized turf managers are required to follow the Best Management Practices embodied in the "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries", December 2008, as updated.
 - (3) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14.
 - (4) Vegetable gardens, owned by individual property owners or a community, provided that fertilizer application rates do not exceed UF/IFAS recommendations per SP103 Florida Vegetable Gardening Guide, December 2008, as revised.

- (5) Yard waste compost, mulches, or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.
 - (6) Tree trunk injection fertilization treatments that are performed by a certified arborist.
- (b) Retail or wholesale fertilizer sellers may sell products containing nitrogen and/or phosphorus to specialized turf managers or to operators of bona fide farm operations during the restricted period for use on specialized turf or for use at bona fide farm operations, respectively.

Sec. 58-481. - Certification and training.

- (a) Commercial and institutional applicators. All commercial and institutional applicators within Pinellas County shall obtain the limited certification for urban landscape fertilizer application provided for under F.S. § 482.1562, within 365 days of adoption of this article, or within 90 days of initial employment, whichever occurs later. Applicators are required to keep a copy of such certificate with them during application activities and shall present the certificate to any authorized official of the board, upon request.
- (b) Landscape maintenance. All site supervisors and managers of professional landscape maintenance companies, as well as government and institutional landscape supervisors shall abide by and successfully complete a Pinellas County approved Best Management Practices Training Program within 545 days of adoption of this article. Upon successful completion, a certificate of completion will be provided. Landscape maintenance staff are required to keep a copy of such certificate with them during landscape maintenance activities and shall present the certificate to any authorized official of the board, upon request.
- (c) Landscape Maintenance. Employees of lawn and landscape maintenance companies who are not site supervisors or managers shall also be trained in the above-referenced BMPs through a county approved training program, the company, or a contractor of the company. The training shall also include the more stringent requirements set forth in sections 58-473 through 58-483 of this article. Training may be provided by a certified site supervisor or manager employed by the company. Training shall be required of all personnel of such companies within 545 days of adoption of this article, or within 90 days of initial employment. Prior to the successful completion of said program each employee shall work under the direct physical supervision of a certified landscape maintenance employee. Landscape maintenance companies shall maintain written records of compliance with this provision and shall present training records to any authorized official of the board, upon request.
- (d) All commercial and institutional applicators, site supervisors and managers of professional landscape maintenance companies, government and institutional landscape supervisors, and any employee of a lawn and landscape maintenance company shall abide by best management practices for which they have been trained or certified, as well as the provisions of this article.
- (e) A vehicle decal issued by Pinellas County indicating that the company is in compliance with the training and certification requirements herein shall be affixed and maintained on the exterior of all vehicles and/or trailers used by the company in connection with landscape maintenance activities and/or the application of fertilizer within the area regulated by this article. The vehicle and trailer decals shall be provided by Pinellas County upon submittal of demonstration of compliance of the company with the requirements herein.

Sec. 58-482. - Retail sale of fertilizer containing nitrogen or phosphorous.

- (a) Effective June 1, 2011, no person, firm, corporation, franchise, or commercial establishment shall sell, at retail, any lawn or landscape fertilizer, liquid or granular, within Pinellas County that contains any amount of nitrogen or phosphorous during the restricted season from June 1 through September 30.

- (b) Granular fertilizers containing nitrogen sold at retail within Pinellas County shall contain no less than 50 percent slow release nitrogen per guaranteed analysis label.
- (c) Displays of lawn and landscape fertilizers containing nitrogen or phosphorous shall not be allowed on the sales area of the retail store during the restricted season.
- (d) Retailers shall post a notice stating that the use of lawn and landscape fertilizers in Pinellas County is restricted in accordance with this article.
- (e) Fertilizers sold within Pinellas County shall meet the requirements set forth in Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.

Sec. 58-483. - Enforcement and penalty.

Violations of this article may be punished as provided for in section 1-8 or article VIII, chapter 2 of the Pinellas County Code. Violations of this article may also be pursued under the Pinellas County Environmental Enforcement Act, as applicable.

Sec. 58-484. - Recommendations and additional information.

- (a) A voluntary six-foot low-maintenance, "no-mow" zone is strongly recommended from those areas described as fertilizer-free zones in section 8 in order to reduce the potential for fertilizer residue entering adjacent water bodies and wetlands. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No vegetative material shall be deposited or left remaining in this zone or in the water. Care should be taken to prevent the overspray of aquatic weed products in this zone.
- (b) It is recommended that the application of fertilizer for properties using reclaimed water service be reduced in accordance with the nutrient level contained in the reclaimed water. This information is available through the Pinellas County Utilities Department and through the Pinellas County web site.
- (c) The county strongly recommends the establishment of training programs using Spanish-speaking certified BMP trainers.
- (d) The county recommends that private homeowners become familiar with and utilize the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods Program when applying fertilizer.

Sec. 58-485. - Areas embraced.

All territories within the legal boundaries of Pinellas County, Florida including all incorporated and unincorporated areas, shall be embraced by the provisions of this article, unless in conflict with or specifically deleted by a municipal ordinance.