

ORDINANCE NO. 921-G

AN ORDINANCE MAKING FINDINGS REGARDING THE USE OF FERTILIZERS CONTAINING NITROGEN AND/OR PHOSPHORUS; PROHIBITING THE SALE OF SUCH FERTILIZERS DURING CERTAIN MONTHS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, surface water runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands with low permeability soils; and

WHEREAS, base flow runoff flows from residential neighborhoods, commercial centers, industrial areas, and other lands with high permeability soils; and

WHEREAS, surface water and base flow runoff enter into natural and artificial stormwater and drainage conveyances and natural water bodies; and

WHEREAS, natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding; and

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in coastal communities due to the proximity of stormwater and drainage conveyances to coastal and estuarine waters; and

WHEREAS, nutrients are commonly found in various forms as a fertilizer for turf and landscape application and, if applied improperly, may contribute to pollution in natural water bodies; and

WHEREAS, nutrient-laden runoff containing nitrogen and phosphorous fosters undesirable plant and algae growth in natural water bodies resulting in poor water quality; and

WHEREAS, the quality of our streams, lakes, rivers, Tampa Bay and the Gulf of Mexico is critical to environmental, economic, and recreational prosperity and to the health, safety, and welfare of the citizens of the City of St Petersburg; and

WHEREAS, the amount of fertilizer applied should be the minimum necessary for the turf and landscape to meet initial establishment and subsequent growth needs; and

WHEREAS, it is generally recognized that many Florida soils are naturally high in phosphorus; and

WHEREAS, state and federal limits on the amount of nutrients permitted in designated impaired waters, including significant portions of the Tampa Bay ecosystem, may require local governments to make significant investments in water quality improvement projects.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The St. Petersburg City Code is hereby amended by adding a new Sections 8-7 to read as follows:

Section 8-7. Required Regulations concerning the Sale of Fertilizer Containing Nitrogen or Phosphorous.

(a) No person, firm, corporation, franchise, or commercial establishment shall sell at retail any lawn or landscape fertilizer, liquid or granular, that contains any amount of nitrogen or phosphorous during the restricted season (June 1 thru September 30).

(b) Displays of lawn and landscape fertilizers containing nitrogen or phosphorous shall not be permitted on the sales floor or the exterior of the store during the Restricted Season.

(c) Retailers shall post a notice stating that the use of lawn and landscape fertilizers is restricted in accordance with City Codes.

(d) Fertilizer wholesalers may sell products containing nitrogen and/or phosphorus to site supervisors during the restricted period for use only on golf courses and athletic fields.

(e) This Section 8-6 shall be a recommendation prior to May 1, 2011 and shall be enforced as a requirement on and after May 1, 2011. Any person violating this section after that date may be punished as provided in Section 1-7, City Code.

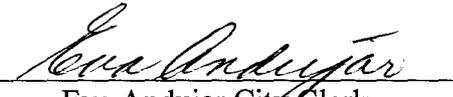
SECTION 2. Severability Clause. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason, held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this ordinance; and it shall be construed to have been the intent to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein; and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included herein.

SECTION 3. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading conducted on the 5<sup>th</sup> day of March, 2009.

Adopted by St. Petersburg City Council on second and final reading on the 19th day of March, 2009.

  
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Jeff Danner Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
Eva Andujar City Clerk

Title Published: Times 1-t 3/9/2009



**Not vetoed. Effective date Thursday, March 26 2009 at 5:00 p.m.**