

VILLAGE OF ANTIOCH

07-10-25

AN ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PHOSPHORUS-CONTAINING FERTILIZER

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

October 15, 2007

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 16th day of October, 2007.**

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ORDINANCE NO. 07-10-25

**AN ORDINANCE ESTABLISHING REGULATIONS
ON THE USE OF PHOSPHORUS-CONTAINING FERTILIZER**

WHEREAS, the Village of Antioch (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is desirous of protecting the health, safety and welfare of the public by protecting the water quality in the lakes, rivers and streams in the Village’s environs; and

WHEREAS, there is a biological link between the concentration of phosphorus in surface water runoff and the biological health of lakes, rivers and streams; and

WHEREAS, an increase in the phosphorus concentration in surface water runoff results in an increase in the rate of growth and volume of undesirable biological growth in lakes, rivers and streams;

WHEREAS, a significant source of phosphorus content in surface water runoff is fertilizer used in residential and commercial applications;

WHEREAS, for the reasons set forth herein the Corporate Authorities desire to regulate the use of phosphorus-containing fertilizer so to limit the concentration of phosphorus in the Village’s lakes, rivers and streams and by so doing increase the beneficial effects of said lakes, rivers and streams on the public’s health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE. Recitals; Enforceability. The foregoing recitals are incorporated as though fully set forth herein and represent the purpose and intent of this ordinance. In the event of any ambiguity or invalidity in the enforcement of this ordinance, it is the intent of the Village for this ordinance to be liberally construed, severable and, if necessary, reformed to accomplish the purpose and intent hereof to the fullest extent permissible by law.

SECTION TWO. Regulations. Title 5 of the Village Code is hereby amended by adding a new Chapter 6, “Phosphorus-Containing Fertilizer”, as set forth below:

CHAPTER 6

PHOSPHORUS-CONTAINING FERTILIZER

5-6-1 DEFINITIONS:

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them:

COMMERCIAL APPLICATOR: A person who is engaged in the business of applying fertilizer for hire.

FERTILIZER: A substance containing nitrogen, phosphorus, potash or any other recognized plant nutrient element or compound which is used primarily for its plant nutrient content. Fertilizer shall not include the following natural products: agricultural limestone, marl, sea solids and unprocessed animal manure, which have not been manipulated so as to alter or change them chemically, burnt or hydrated lime, and sewage sludge produced by any sanitary district; and shall not be subject to the provisions of this Ordinance.

NON-COMMERCIAL APPLICATOR: A person who applies fertilizer but who is not a Commercial Applicator.

5-6-2 PROHIBITION:

No Commercial or Non-Commercial Applicator, including homeowners and renters, shall apply to any area within the Village of Antioch any Fertilizer, liquid or granular, which contains any amount of phosphorus or other compound containing phosphorus, such as phosphate, except:

- A. The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste compost; or
- B. As otherwise provided in Section 5-6-4 of this Chapter.

5-6-3 IMPERVIOUS SURFACES, DRAINAGE WAYS and BUFFER ZONES:

No Commercial or Non-Commercial Applicator shall apply any Fertilizer to:

- A. Impervious surfaces;
- B. Areas within drainage ditches;
- C. Waterways or within ten (10) feet thereof; and
- D. Any delineated wetland and any area established as a natural buffer zone therefore.

5-6-4 EXEMPTIONS:

The following are exemptions to the prohibitions described in this Chapter:

- A. The prohibition against the use of Fertilizer containing phosphorus shall not apply to turf and lawn areas for which soil tests confirm the ambient phosphorus content is below median phosphorus levels for typical area soils. The scope of this exemption shall only be for such volume or concentration of phosphorus necessary to permit such turf or lawn area to contain phosphorus levels equal to the median phosphorus levels for typical area soils. Phosphorus applied as Fertilizer pursuant to this exemption shall be integrated into the soil where it is immobilized and generally protected from loss by stormwater runoff.
- B. The prohibition contained in Section 5-6-2 shall not apply to any farming or agricultural business, provided the use of Fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to integrate the Fertilizer into the soil where it is immobilized and generally protected from loss by stormwater runoff. This exemption shall not apply to the standard lawn area of said farm or agricultural business.

5-6-5 SIGNS:

Any person, firm, corporation or partnership which sells any Fertilizer at retail shall be required to post a sign at the point of sale for Fertilizer containing the following legend:

“THE VILLAGE OF ANTIOCH PROHIBITS THE APPLICATION OF FERTILIZER CONTAINING PHOSPHORUS TO ANY LAWN OR TURF AREA AND ANY IMPERVIOUS SURFACE, DRAINAGE WAY,

WETLAND OR BUFFER ZONE.” Such sign shall have an area not less than 93.5 square inches and shall be conspicuously posted no less than four (4) feet above the ground.

5-6-6 ENFORCEMENT:

- A. The provisions of this Chapter shall be enforced by the Chief of Police and the Director of Planning, Zoning and Building or other Village officer charged with enforcement of Village ordinances.
- B. Any person, corporation, firm, franchise or other entity found to violate of this Chapter shall be liable for penalties equal to not less than \$250 and not more than \$750 per violation.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as required by law, but in no event earlier than January 1, 2008.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 15th DAY OF October, 2007.

	Ayes:	Nays:	Absent/Abstain:
Robert J. Caulfield, Jr.	<u> X </u>	_____	_____
Lawrence M. Hanson	<u> X </u>	_____	_____
Robert E. McCarty	<u> X </u>	_____	_____
Scott A. Pierce	<u> X </u>	_____	_____
Dennis B. Crosby	<u> X </u>	_____	_____
Michael W. Wolczyk	<u> X </u>	_____	_____

APPROVED:

Date: 10/16/07
Dorothy A. Larson, Mayor

ATTEST:

Candi L. Rowe, Village Clerk

