

**CHAPTER 80  
ESTABLISHING REGULATIONS  
FOR LAWN FERTILIZER  
APPLICATION AND SALE**

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**80.01 AUTHORITY.** This chapter is recommended by the Dane County Lakes and Watershed Commission and adopted by the Dane County Board of Supervisors under the authority of sec. 33.455, Wis. Stats.

**80.02 PURPOSE AND INTENT.** The Dane County Board of Supervisors finds that Dane County's lakes and streams are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Board further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the lakes will improve and maintain lake water quality.

**80.03 APPLICABILITY. (1)** This ordinance applies in all areas of Dane County.  
**(2)** Cities and villages wholly or partially in Dane County may assume administration and regulation of lawn fertilizer application and sale if they have adopted ordinances that include standards at least as restrictive as those described in ss. 80.05 – 80.09.

**80.04 DEFINITIONS. (1)** *Agricultural use* has the meaning set forth in sec. 10.01(2a).  
**(2)** *Fertilizer* has the meaning set forth in sec. 94.64(1)(e), Wis. Stats.  
**(3)** *Lawn fertilizer* means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. *Lawn fertilizer* does not include

fertilizer products intended primarily for garden and indoor plant application.

**80.05 REGULATION OF THE USE AND APPLICATION OF LAWN FERTILIZER. (1)** Effective January 1, 2005, no person shall apply any lawn fertilizer within Dane County that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in section 80.06.

**(2)** No lawn fertilizer shall be applied when the ground is frozen.

**(3)** No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

**80.06 EXEMPTIONS.** The prohibition against the use of fertilizer under section 80.05 shall not apply to:

**(1)** Newly established turf or lawn areas during their first growing season.

**(2)** Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

**(3)** Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

**(4)** Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

**80.07 SALE OF FERTILIZER CONTAINING PHOSPHORUS. (1)** Effective January 1, 2005, no person shall sell or offer for sale any lawn fertilizer within Dane County that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in section 80.06.

**(2)** Effective January 1, 2005, no person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by s. 80.06.

(3) Effective May 1, 2004, a sign containing the regulations set forth in this ordinance and the effects of phosphorus on Dane County's waters must be prominently displayed where lawn fertilizers are sold.

**80.08 ENFORCEMENT.** Violations of this ordinance will be enforced by the Environmental Health Section of the Public Health Division, Department of Human Services.

**80.09 PENALTY.** Any person who violates section 80.05 in the application of fertilizer at his or her residence shall be subject to a forfeiture of \$25 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates section 80.05, and any person who violates section 80.07, shall be subject to a forfeiture of \$50 for the first violation within a twelve month period, \$150 for the second violation within a twelve month period, and \$300 for the third and each subsequent violation within a twelve month period.

**80.10 SEVERABILITY CLAUSE.** If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective or invalid.

[**HISTORY:** Ch. 80 (sec. 80.01 through 80.10) cr., Sub. 1 to OA 33, 2003-04, pub. 04/30/04.]

END OF CHAPTER