

Chapter 8.60

ENVIRONMENTAL REGULATIONS

Sections:

8.60.010 Lawn Fertilizer Application Control.

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A. Purpose. The purpose of the Ordinance codified in this Chapter is to define regulations which will aid the Village in managing and protecting its water resources which are enjoyed by its residents and other users.

B. Definitions. For the purpose of this Section, certain terms and words are defined as follows:

1. "Commercial Applicator" is a person who is engaged in the business of applying fertilizer for hire;
2. "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products, which may be exempted by State Law;
3. "Noncommercial Applicator" is a person who applies fertilizer but who is not a commercial lawn fertilizer applicator.

C. Phosphorous containing fertilizer prohibited.

No person, firm, corporation, franchise, or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the Village of Twin Lakes which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

1. The naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost;
2. As otherwise provided in subsection F of this Section.

D. Impervious surfaces and drainage ways. No person shall apply any fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

E. Buffer Zone. Fertilizers shall not be applied:

1. To any established natural buffer zones or delineated wetland;

2. Below the ordinary high water mark as established by the Department of Natural Resources or other state regulation;

3. Within ten (10) feet of any wetland or water resource.

F. Exemptions. The following are exemption to the specified provisions of this Section:

1. The prohibition against use of fertilizer containing any quantity of phosphorous under subsection C shall not apply to turf and lawn areas which soil tests confirm are below established phosphorous levels for typical area soils. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation. Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemption shall be integrated into the soil where it is immobilized and generally protected from loss by runoff;
2. This Section in its entirety shall not apply to any farming or agricultural business, provided the use of fertilizers as defined herein 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 runoff. This exemption shall not apply to lawn areas of said farm or agricultural business.

G. Enforcement. The provisions of this Chapter shall be enforced by the Chief of Police and the Building Inspector/Zoning Official or other Officer of the Village charged with enforcement of Village Regulations. (Ord. 2002-11-1 § 2, 2002).