

8.25 REGULATION OF THE APPLICATION AND USE OF FERTILIZERS.

(1) PURPOSE AND INTENT. The Village Board finds that the Village'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 purpose of this Section is to set forth regulations which will enable the Village to protect its water resources for the health, safety and welfare of the public without detracting from the natural beauty of property owner's lawns and gardens. The Village Board further finds that regulating the amount of nutrients and contaminants contained in fertilizer, including phosphorus, that enter the bodies of water as a result of runoff from lawns and garden will aid in the improvement and maintenance of lake water quality.

(2) APPLICABILITY. This Section applies in all areas of the Village.

(3) DEFINITIONS.

- (a) *Fertilizer* has the meaning set forth in Section 94.64(1)(e) Wisconsin Statutes.
- (b) *Impervious surface* means a highway, street, sidewalk, parking lot, driveway or other surface that prevents infiltration of water into the soil.
- (c) *Lawn fertilizer* means any fertilizer, whether distributed by a property owner 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.

(4) REGULATION OF APPLICATION OF LAWN FERTILIZER.

- (a) No person shall apply lawn fertilizer within the Village that is labeled as containing more than zero percent (0%) phosphorus or other compound containing phosphorus such as phosphate, except as provided in this Section.
- (b) No lawn fertilizer shall be applied when the ground is frozen.
- (c) No lawn fertilizer shall be applied when conditions exist which promote or create runoff.
- (d) No person shall apply any lawn fertilizer to any impervious surface. If such application occurs, the lawn fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.
- (e) No person shall apply any law fertilizer to any established natural buffer zones.

(DRAFT FOR CONSIDERATION ONLY)

- (f) No person shall apply any lawn fertilizer within twenty (20) feet of any wetland, pond, stream, shoreline or ordinary high mark of any lake or river as established by the Wisconsin Department of Natural Resources.

(5) EXEMPTIONS. The prohibition against the use of fertilizer under this Section shall not apply to:

- (a) Turf or lawn areas newly established via seed or sod procedures during their first growing season.
- (b) 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.
- (c) Agricultural uses, vegetable and flower gardens or application to trees or shrubs.
- (d) 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.

(6) ENFORCEMENT. This Section will be enforced by the Village Forester or the Village Forester's designee.

(7) PENALTY. Any person or property owner who violates any provision of this Section shall be subject to penalties as provided in Chapter 1.

(8) SEVERABILITY. If any provision of this Section is invalid or unconstitutional, or if the application of this Section to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.