

The New Regulations

In 2013, new goals and objectives were set forth by State and Federal regulatory agencies with regard to the Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus, and to be in compliance, the City was required to update its Stormwater Plan. Over the next 15 years, the City is required to reduce the total pounds of nitrogen and phosphorous making their way into the Indian River.

In addition, the State mandated that all jurisdictions had to approve and adopt the “State of Florida Model Fertilizer Ordinance.” This ordinance regulates the use of fertilizer on turf and lawns during the “rainy season,” which extends from June 1 through September 30. During this time frame, it is unlawful to utilize any fertilizer that contains nitrogen and phosphorus. Furthermore, applying fertilizer when the City is under a tropical storm watch or warning, a hurricane watch or warning, or a flood watch or warning is also prohibited. The enhanced standards and regulations stem from widespread flooding that occurred during the late 1980s and early 1990s.

FAQs

What time frame constitutes the “rainy season?”

By definition, the “rainy season” extends from June 1 through September 30.



Why is there a ban on fertilizer during the rainy season?

A portion of the fertilizer that is applied during the rainy season runs off into the Indian River Lagoon. Just one pound of fertilizer can result in 500 pounds of algae growth, which blocks sunlight and prohibits the growth of sea grass, and also deprives the water of oxygen, resulting in fish kills.

What about the rest of the year?

Fertilizer can be applied at times other than during the “rainy season,” provided that:

- Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned so that fertilizer granules are deflected away from all impervious (impenetrable) surfaces, fertilizer-free zones, surface waters and water bodies, including wetlands.
- Any fertilizer applied, spilled, or deposited on any impervious surface must be immediately and completely removed, to the greatest extent possible, and either legally applied to turf or other legal sites, or returned to the original or other appropriate container. It should not be washed down any storm drain.
- Fertilizer containing phosphorous is not permitted to be applied to turf or landscape plants in the City of West Melbourne, unless a soil or plant tissue deficiency is verified by soils tests.
- The nitrogen content of fertilizer applied to turf or landscape plants within West Melbourne must contain at least 50 percent slow-release nitrogen, per guaranteed analysis label.
- Fertilizers applied to turf within West Melbourne must be applied at rates that are in accordance with requirements and directions provided by Florida law.
- Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and not for the first 30 days after seeding or sodding. The only exception is when hydro-seeding is used for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

What constitutes a “fertilizer-free zone?”

15 feet from surface waters (e.g., pond, stream, watercourse, lake, canal, river or wetland), or within 15 feet from the top of a seawall.

What are the special conditions in a “fertilizer-free zone?”

If a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge is used in these areas, a minimum of three feet must be maintained.

Beginning 30 days after planting, newly planted turf and/or landscape plants may be fertilized in a fertilizer-free zone for a 60-day period, if such action is necessary for the plants to become well established.

Exemptions

Exemptions to the rainy season ban

- Bona fide farm operations as defined in the Florida Right to Farm Act.
- Golf courses, when landscaping is performed within the provisions of the Florida Department of Environmental Protection document, “Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses.”
- Athletic fields at public parks and school facilities that apply the concepts and principles embodied in the Florida Green BMPs, while maintaining the health and function of their specialized turf areas.

Helpful Tips

Ways you can help to protect the Lagoon

- Reduce the use of fertilizer.
- Use a mulching blade on a lawn mower.
- Don’t sweep yard clippings and leaves down catch basins—sweep back onto grass. Never leave them on the street or sidewalk or put them down a storm drain.
- Use native and Florida-friendly plants in the yard.
- Pick up after your pet and pick up after yourself.
- Report sick, dead or injured wildlife to the Fish and Wildlife Conservation Commission at 888.404.3922.

Additional Questions?

Contact the City of West Melbourne Code Enforcement

Contact Tom Forbes (321) 837-7776