

ARTICLE V - BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE AND FERTILIZER MANAGEMENT

April 6, 2022 Equestrian Preserve Committee Recommendations	Wellington Staff Recommendations (Highlight indicates difference)
<b>Introduction</b>  The Everglades ecological system not only contributes to South Florida’s water supply, flood control, and recreation, but also serves as the habitat for diverse species of wildlife and plant life. It is one of Florida’s great treasures and its ecological system is unique in the world. In response to adverse changes in water quality, quantity, distribution and timing of flows that were damaging and endangering the system, the Florida Legislature enacted the Everglades Forever Act in 1994. It has been determined that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus, which must be reduced to benefit the ecology of the Everglades.  Wellington discharges its stormwater into the C-51 canal, which is then routed through the South Florida Water Management District’s (SFWMD) Stormwater Treatment Area 1 East (STA 1E) and into the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which is within the Everglades Protection Area.  Recognizing that animal and fertilizer waste discharge significantly impacts water quality, Wellington and the SFWMD entered into a Joint Cooperation Agreement in September of 2000, pursuant to which Wellington adopted and implemented regulatory measures aimed at lowering phosphorous discharge. In 2003, Wellington and the SFWMD entered into a Memorandum of Understanding for water resource management facilities in the Basin B area, and a Cooperative/Cost Share Agreement for the implementation of Best Management Practices for livestock waste and fertilizer. In 2004, Wellington and the SFWMD entered into Memorandum of Understanding No. CP040318 concerning funding for the Acme Basin B Discharge Project to divert stormwater discharges away from the Arthur R. Marshall Loxahatchee National Wildlife Refuge. All of these agreements, together with Wellington’s SFWMD Environmental Resource Permit (50-00548-S, application 070330-35) and the State of Florida Flood Plain Management mandates, require Wellington to adopt and enforce these Best Management Practices.	<b>Introduction</b>  The Everglades ecological system not only contributes to South Florida’s water supply, flood control, and recreation, but also serves as the habitat for diverse species of wildlife and plant life. It is one of Florida’s great treasures and its ecological system is unique in the world. In response to adverse changes in water quality, quantity, distribution and timing of flows that were damaging and endangering the system, the Florida Legislature enacted the Everglades Forever Act in 1994. It has been determined that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus, which must be reduced to benefit the ecology of the Everglades.  Wellington discharges its stormwater into the C-51 canal, which is then routed through the South Florida Water Management District’s (SFWMD) Stormwater Treatment Area 1 East (STA 1E) and into the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which is within the Everglades Protection Area.  Recognizing that animal and fertilizer waste discharge significantly impacts water quality, Wellington and the SFWMD entered into a Joint Cooperation Agreement in September of 2000, pursuant to which Wellington adopted and implemented regulatory measures aimed at lowering phosphorous discharge. In 2003, Wellington and the SFWMD entered into a Memorandum of Understanding for water resource management facilities in the Basin B area, and a Cooperative/Cost Share Agreement for the implementation of Best Management Practices for livestock waste and fertilizer. In 2004, Wellington and the SFWMD entered into Memorandum of Understanding No. CP040318 concerning funding for the Acme Basin B Discharge Project to divert stormwater discharges away from the Arthur R. Marshall Loxahatchee National Wildlife Refuge. All of these agreements, together with Wellington’s SFWMD Environmental Resource Permit (50-00548-S, application 070330-35) and the State of Florida Flood Plain Management mandates, require Wellington to adopt and enforce these Best Management Practices.
<b>Sec. 9-38: Definitions</b>  The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:  <i><b>Apply Fertilizer:</b></i> the actual physical deposition of fertilizer to turf or landscape plants in Wellington.  <i><b>Applicator:</b></i> any person who applies fertilizer on turf or landscape plants in Wellington.  <i><b>Approved Disposal Site:</b></i> a real property in which a state or county registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.  <i><b>Approved Test:</b></i> a soil test and livestock waste test from a governmental entity or commercial licensed laboratory that is certified and qualified to perform soil testing and recommendations.  <i><b>Best Management Practices</b></i> or <i><b>"BMP"</b></i> : a practice, or combination of practices, based on research, field-	<b>Sec. 9-38: Definitions</b>  The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:  <i><b>Apply Fertilizer:</b></i> the actual physical deposition of fertilizer to turf or landscape plants in Wellington.  <i><b>Applicator:</b></i> any person who applies fertilizer on turf or landscape plants in Wellington.  <i><b>Approved Disposal Site:</b></i> a real property in which a state or county registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.  <i><b>Approved Test:</b></i> a soil test and livestock waste test from a governmental entity or commercial licensed laboratory that is certified and qualified to perform soil testing and recommendations.  <i><b>Best Management Practices</b></i> or <i><b>"BMP"</b></i> : a practice, or combination of practices, based on research, field-

testing, and expert review deemed to be the most effective and practicable, including economic and technological considerations and means of achieving a desired result such as improving water quality to an acceptable level in discharges.

**Best Management Practices Livestock Waste (Fertilization) Management Plan (BMPLW(F)MP):** a comprehensive waste management plan covering all aspects of managing livestock manure, urine, and bedding waste and all aspects of managing fertilizer storage and application developed to prevent the uncontrolled release of pollutants from these wastes.

**Code Compliance Officer:** any designated employee or contractor whose duty is to enforce codes and ordinances enacted by Wellington.

**Commercial Fertilizer Applicator:** (except as provided in F.S. § 482.1562(9)) means any person or entity that applies fertilizer to property for payment or other consideration.

**Commercial Livestock Waste Hauler:** person(s), firm(s), corporation(s), or other legal entity(ies) permitted by Wellington to provide livestock waste removal services within Wellington for a fee in accordance with terms and conditions established by this article.

**Common Livestock Waste Storage Area:** a livestock waste storage area established for the temporary storage of livestock waste from off-site livestock facilities.

**Composting:** the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.

**Containment:** means a system that is used for release prevention.

**Cover:** the placement of a lid, roof or protective covering (tarp like) over a livestock waste storage area so as to shield the livestock waste from rain or stormwater intake.

**District:** the South Florida Water Management District (SFWMD).

**Drainage Basin:** a topographic region in which all water drains to a common area.

**Everglades Protection Area:** water conservation areas 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Water Conservation Area 1), and the Everglades National Park.

**Drainage Conveyance Systems:** canals, detention/retention areas, grass swales, underground piping, drainage inlets, junction boxes, manholes, and any other components that store, collect, and convey rain or surface waters.

**Fertilizer:** any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

**Fertilizing or Fertilization:** the act of applying fertilizer to turf, specialized turf, or plants.

~~**Horse Wash Drainfield System:** a system of perforated piping, coarse grade wash-rock, and geotextile~~

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~~fabric for receiving the effluent flow from horse hair interceptors or direct connection to horse wash areas and designed to distribute the effluent for oxidation and absorption by the soil within the zone of aeration.~~

**Impermeable Containment Pad or Floor:** a containment pad or floor that utilizes non-porous building materials such as concrete or asphalt or like materials to prevent leakage and uncontrolled ground contamination, and provides overall containment of livestock waste or fertilizers or chemicals.

**Institutional Applicator:** any person other than a private, non-commercial, or commercial applicator (unless such definitions also apply under the circumstances), who applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators include, but are not limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium or common ownership.

**Livestock:** ~~all animals of the equine, bovine, or swine class. As defined by Florida state statute and as applicable in the Village of Wellington.~~

**Livestock Facility:** ~~property including buildings under single ownership or control where livestock is raised or boarded actively managed and does not include exclusive pasture lands.~~

**Livestock Waste:** wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.

**Livestock Waste Self-Hauler:** property owner or authorized representative registered with Wellington to provide livestock waste removal services from the owner's property in accordance with the terms and conditions established by this article.

**Livestock Waste Storage Area:** ~~an at grade, screened from public view area constructed of impermeable material such as concrete or asphalt that allows for the storage of roll dumpsters, compactors, or other storage containers.~~

**Manure Bin:** ~~a physical structure with three (3) concrete walls, a roof/cover, with a sloping floor of one-quarter (¼) inch per foot to the rear/back wall, with a minimum of a one and one-half (1- 1/2") inch rolled containment lip/curb along the front open end edge of the structure to prevent leakage of manure.~~

**Manure Test:** an analysis of livestock waste by a qualified laboratory to determine the nutrient value and makeup of the property owner's livestock waste, specifically the phosphorus content.

**Monitoring Wells:** strategically located wells from which water samples are drawn for water quality analysis or measurement of ground water levels.

**Paddock:** a fenced grassed area of ¼ acre or less used primarily for exercise and secondarily for feeding of livestock.

**Pasture:** a fenced, grassed area of approximately more than ¼ acre used primarily for exercise and secondarily for feeding of livestock.

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~~**Permit Criteria and Best Management Practices Manual for Works in the Village of Wellington:**~~  
a description of permit criteria for the development or redevelopment of properties within Wellington,  
detailing the requirements for stormwater management, water quantity, and water quality.

**Prohibited Application Period:** the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Palm Beach County, issued by the National Weather Service, or if heavy rain (two inches or more within a 24-hour period) is likely.

**Saturated Soil:** a soil in which the voids are filled with water. Saturated soil does not allow flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

**Screening:** an opaque barrier that blocks the livestock waste storage area from view from the street or neighboring properties.

**Slow Release, Controlled Release, Timed Release, Slowly-Available, or Insoluble Nitrogen:** nitrogen in a form that delays its availability for plant uptake and use after application, or that extends its availability to the plant longer than a reference rapid of quick release product.

**Soil Test:** an analysis of a site soil sample for nutrient levels by a qualified laboratory to determine fertilizer needs of the site, specifically phosphorus needs of the plants located on the property.

**Spreading:** the human or mechanical means used to distribute livestock waste, fertilizer, or compost. Animal waste on pasture lands shall not be considered spreading of livestock waste.

**Stormwater Treatment Areas "STA":** those water quality treatment and water storage areas known as Stormwater Treatment Area 1 East (STA 1E) as described and depicted in the District's conceptual design document of February 15, 1994, and any modifications thereto.

**Turf, Sod, or Lawn:** an area of grass-covered soil held together by the roots of the grass.

**Sec. 9-39: - Purpose**

The purpose of these BMPs for livestock waste and fertilizer management is to implement the policies and objectives of the Conservation, Sustainability & Resiliency Element of Wellington's Comprehensive Plan and to comply with the conditions of the Joint Cooperation Agreement between Wellington and the District. The agreement requires Wellington to implement a compliance-based pollution prevention program designed to reduce nutrient discharges, specifically phosphorus, from its surface water drainage system into the Everglades Protection Area. Wellington is therefore implementing a BMP program designed to reduce, abate, and prevent, directly and indirectly, phosphorus discharges to the surface water system within its boundaries, pursuant to the State of Florida water quality and water quantity standards

**Sec. 9-40: Applicability**

These standards shall apply to all property within the jurisdictional boundaries of Wellington.

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**Sec. 9-41: Best Management Practices for Livestock Waste**

Livestock waste shall be placed in a manure bin or a livestock waste storage container ~~that is water tight~~, including roll-off containers or dumpsters that meet the standards of this section. Further, manure bins and containers must be kept within a livestock waste storage area that is associated with a permit issued by Wellington. Livestock waste shall not be placed, accepted, stored, or allowed to accumulate on any property in Wellington, except as provided herein. This does not apply to preexisting permitted livestock waste storage areas.

A. Management of Livestock Waste:

1. Each livestock facility shall provide a livestock storage area for livestock waste.
2. The property owner is responsible to ensure that only livestock waste is placed in the storage container. Debris or garbage found in the livestock waste storage container cannot be removed from the property and must be separated from the livestock waste before it can be removed.
3. Livestock waste shall be placed or stored in a livestock waste storage area that meets the following requirements:
  - a. All new or reconstructed livestock waste storage areas shall be constructed with an impermeable floor with sidewalls constructed of concrete block or concrete or molded resin based plastic on three (3) sides. All livestock waste storage areas, livestock waste storage containers, and manure bins shall be designed and constructed to be water-tight with a cover that will not allow storm water to enter into or any liquids to discharge from the storage area. The impermeable pad or floor shall have a curb or rolled lip of asphalt or concrete not less than one ~~and one-half~~ inches (1") in height on all four sides of the containment area. The floor of a manure bin shall be pitched downward toward the rear wall of the manure bin (minimum fall from front to rear of one-quarter inch (1/4") per foot).
  - b. As an alternative livestock waste storage area and manure bin design, the impermeable floor may be designed to include a floor drain or trench drain to allow stormwater to drain from the area. The floor drain or trench drain must be connected to an exfiltration trench or French Drain system designed and sized by a Professional Civil Engineer. The exfiltration trench or French Drain system must be designed to drain a volume of water equal to the area of the livestock waste storage area or manure bin multiplied by the 1-in-100 year rainfall event. A filtration system or sediment tank must be included as part of the design and must be approved by Wellington's Engineering Department.
  - c. The livestock waste storage area shall comply with flood plain management standards, which require the storage area to be elevated to a minimum of six inches above the crown of the adjacent roadway or access easement, or 12 inches below the minimum residential finish floor, whichever is greater.
  - d. An Engineering Permit shall be obtained from Wellington prior to constructing or substantially altering a livestock waste storage area within Wellington's boundaries.
  - e. The determination of the size of the livestock waste storage area is the responsibility of the

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  - c. The livestock waste storage area shall comply with flood plain management standards, which require the storage area to be elevated to a minimum of six inches above the crown of the adjacent roadway or access easement, or 12 inches below the minimum residential finish floor, whichever is greater.
  - d. An Engineering Permit shall be obtained from Wellington prior to constructing or substantially altering **(more than 30% of the value of the storage area as determined by the Wellington Engineer)** a livestock waste storage area within Wellington's boundaries.
  - e. The determination of the size of the livestock waste storage area is the responsibility of the

<p>property owner based upon the number of horses or livestock on the property and their daily generation of manure, urine and bedding material, as well as intended frequency of removal for disposal. At no time shall livestock waste be allowed to accumulate beyond the threshold of the livestock waste storage area.</p> <p>f. Roll-off and dumpster containers may be used as livestock waste storage areas subject to the following requirements:</p> <p>i. Livestock waste storage containers, including all dumpster types and compactors, must be placed within a livestock waste storage area or manure bin.</p> <p>ii. Livestock waste storage containers, including all dumpster types, shall meet the same elevation requirements as in Sec. 9- 41(a)(3)(c).</p> <p>iii. Livestock waste storage containers, including all dumpster types and compactors, must contain an attached lid or cover and be watertight at all times. Livestock waste storage containers must be fully covered/closed when not being filled, emptied, loaded, or unloaded.</p> <p>4. All equestrian facilities shall properly store livestock waste and shall have livestock waste removed from the facility as provided in this section.</p> <p>B. Location of Waste Storage Facilities:</p> <p>1. Livestock waste storage and roll-off and dumpster containers shall be located:</p> <p>a. At least five (5) feet away from any adjacent structure roof overhang;</p> <p>b. At least 50 feet away from any grassed drainage swale;</p> <p>c. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system with direct discharge into any body of water;</p> <p>d. At least 100 feet away from a public potable water supply well, and 100 feet from a private potable well;</p> <p>e. Within reasonable proximity to the stable or barn structures on the property and in accordance with the minimum accessory use set back requirements;</p> <p>f. Adjacent to a stabilized vehicular access drive or road, of not less than 10 feet in width. The stabilized vehicular access drive or road must connect the livestock waste storage area to the adjacent access easement or road right-of-way. The stabilized access drive must be designed and constructed to provide for safe ingress/egress for waste removal services and waste haulers; and</p> <p>g. When the livestock waste storage area, manure bin, or livestock waste storage container(s) are located within a barn or a detached roofed structure with four (4) walls, and there is a roll-up door or similar structure that can be utilized to completely enclose the livestock waste storage area, manure bin, or livestock waste storage container(s), then a 50% reduction of</p>	<p>property owner based upon the number of horses or livestock on the property and their daily generation of manure, urine and bedding material, as well as intended frequency of removal for disposal. At no time shall livestock waste be allowed to accumulate beyond the threshold of the livestock waste storage area.</p> <p>f. Roll-off and dumpster containers may be used as livestock waste storage areas subject to the following requirements:</p> <p>i. Livestock waste storage containers, including all dumpster types and compactors, must be placed within a livestock waste storage area or manure bin.</p> <p>ii. 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At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system with direct discharge into any body of water;</p> <p>d. At least 100 feet away from a public potable water supply well, and 100 feet from a private potable well;</p> <p>e. Within reasonable proximity to the stable or barn structures on the property and in accordance with the minimum accessory use set back requirements;</p> <p>f. Adjacent to a stabilized vehicular access drive or road, of not less than 10 feet in width. The stabilized vehicular access drive or road must connect the livestock waste storage area to the adjacent access easement or road right-of-way. The stabilized access drive must be designed and constructed to provide for safe ingress/egress for waste removal services and waste haulers; and</p> <p>g. When the livestock waste storage area, manure bin, or livestock waste storage container(s) are located within a barn or a detached roofed structure with four (4) walls, and there is a roll-up door or similar structure that can be utilized to completely enclose the livestock waste storage area, manure bin, or livestock waste storage container(s), then a 50% reduction of</p>
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<p>the minimum setbacks listed above, may be considered by Wellington’s Engineering Department. However, no reduction shall be granted for the minimum setbacks from all potable water supply wells.</p> <p>C. Extenuating Circumstances:</p> <p>If compliance with the setback regulations is not possible because of a property’s unusual circumstances, <u>including development or related actions by adjacent property owners</u>, the property owner may submit for approval an alternate method of compliance. Mitigation measures, such as berms, grading changes or secondary containment systems, may be considered in addressing unique and unusual circumstances. Alternative measures must be approved by Wellington’s Engineering Department and shall be installed and maintained in accordance with the approved specifications. Any alternative method of compliance must:</p> <ol style="list-style-type: none"><li>1. Meet the intent of these provisions;</li><li>2. Demonstrate the ability to mitigate water quality impacts;</li><li>3. Provide a secondary method of containment; and</li><li>4. Be designed, signed, and sealed by a Professional Civil Engineer currently registered in the State of Florida.</li></ol> <p>D. Livestock Waste Storage Area Maintenance:</p> <ol style="list-style-type: none"><li>1. The removal and transportation of livestock waste on commercial and private properties within Wellington’s boundaries shall be done exclusively by a registered commercial livestock waste hauler or a registered livestock waste self- hauler.</li><li>2. Livestock waste shall be confined within the livestock waste storage area, manure bin, or livestock waste storage container.</li><li>3. Livestock waste storage area(s) shall be continuously maintained so that no stormwater runoff, liquids, or materials of any type are released or leak.</li><li>4. All livestock waste storage areas, manure bins, livestock waste storage containers, and impermeable pads shall be inspected by a code compliance officer or building inspector <u>bi</u>-annually for cracks, crevices, holes, and other damage. Repairs shall be made as warranted to prevent spillage or discharge within 30 days of notice to the owner by the Wellington Code Compliance Division of the Planning, Zoning and Building Department.</li></ol> <p>E. Disposal of Livestock Waste:</p> <p>The disposal of livestock waste within Wellington must be accomplished by composting the waste, implementing a nutrient management program, or by hauling the waste off- site to an approved disposal site.</p> <p>F. Composting of Livestock Waste: Composting of livestock waste, <u>when in compliance with the Land Development Regulations</u>, is permitted under the following conditions within Wellington's boundaries:</p>	<p>the minimum setbacks listed above, may be considered by Wellington’s Engineering Department. However, no reduction shall be granted for the minimum setbacks from all potable water supply wells.</p> <p>C. Extenuating Circumstances:</p> <p>If compliance with the setback regulations is not possible because of a property’s unusual circumstances, <u>including development or related actions by adjacent property owners</u>, the property owner may submit for approval an alternate method of compliance. Mitigation measures, such as berms, grading changes or secondary containment systems, may be considered in addressing unique and unusual circumstances. Alternative measures must be approved by Wellington’s Engineering Department and shall be installed and maintained in accordance with the approved specifications. Any alternative method of compliance must:</p> <ol style="list-style-type: none"><li>1. Meet the intent of these provisions;</li><li>2. Demonstrate the ability to mitigate water quality impacts;</li><li>3. Provide a secondary method of containment; and</li><li>4. Be designed, signed, and sealed by a Professional Civil Engineer currently registered in the State of Florida.</li></ol> <p>D. Livestock Waste Storage Area Maintenance:</p> <ol style="list-style-type: none"><li>1. The removal and transportation of livestock waste on commercial and private properties within Wellington’s boundaries shall be done exclusively by a registered commercial livestock waste hauler or a registered livestock waste self- hauler.</li><li>2. Livestock waste shall be confined within the livestock waste storage area, manure bin, or livestock waste storage container.</li><li>3. Livestock waste storage area(s) shall be continuously maintained so that no stormwater runoff, liquids, or materials of any type are released or leak.</li><li>4. All livestock waste storage areas, manure bins, livestock waste storage containers, and impermeable pads shall be inspected by a code compliance officer or building inspector <u>bi</u>-annually for cracks, crevices, holes, and other damage. Repairs shall be made as warranted to prevent spillage or discharge within 30 days of notice to the owner by the Wellington Code Compliance Division of the Planning, Zoning and Building Department.</li></ol> <p>E. Disposal of Livestock Waste:</p> <p>The disposal of livestock waste within Wellington must be accomplished by composting the waste, implementing a nutrient management program, or by hauling the waste off- site to an approved disposal site.</p> <p>F. Composting of Livestock Waste: Composting of livestock waste, <u>when in compliance with the Land Development Regulations</u>, is permitted under the following conditions within Wellington's boundaries:</p>
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1. ~~Large Scale Composting: Where the composter has received a permit from the Florida Department of Environmental Protection (DEP) pursuant to F.S. §403.707, and in accordance with Chapter 62-709, Florida Administrative Code. The approved DEP Form shall be submitted to Wellington. A copy of any and all annual reports required to be filed with DEP shall be filed with Wellington annually.~~
2. 1. Scale Composting: Where the composter proposes to spread compost generated on and within their property and is not required to obtain a permit from the DEP pursuant to F.S. §403.707, and in accordance with Chapter 62-709, Florida Administrative Code, the composter shall prepare and submit a permit application to Wellington's Engineer as described in this section. This application entitled: Registration and Annual Reporting for Composting shall be completed and reviewed based upon the following:
- a. Property Information:
- i. The number of horses kept on the owner's property.
  - ii. The amount of livestock waste generated monthly.
  - iii. The amount of compost generated monthly.
  - iv. A site plan application denoting area calculation of net available lands where compost will be spread, along with the type of vegetation within the landscape areas, pastures, or other areas where spreading will occur.
  - v. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.
  - vi. Soil and compost test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the composted waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre that the property's vegetation can sustain.
- b. Site Plan of Property:
- i. A description of all structures located on the property, including existing and proposed size, location, use, and setbacks as set forth in section 6.3.1 of Wellington's Land Development Regulations, Table 6.3-1 Property Development Regulations.
  - ii. Composting pad location and construction materials.
  - iii. Livestock waste storage facility location and construction materials as set forth in this Code.
- c. Application Contents:
- i. Completed application for registration and annual composting.
  - ii. \$50.00 non-refundable application fee made payable to Wellington.
  - iii. Completed annual report for a solid waste management facility producing compost made from solid waste.

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  - ii. The amount of livestock waste generated monthly.
  - iii. The amount of compost generated monthly.
  - iv. A site plan application denoting area calculation of net available lands where compost will be spread, along with the type of vegetation within the landscape areas, pastures, or other areas where spreading will occur.
  - v. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.
  - vi. Soil and compost test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the composted waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre that the property's vegetation can sustain.
- b. Site Plan of Property:
- i. A description of all structures located on the property, including existing and proposed size, location, use, and setbacks as set forth in section 6.3.1 of Wellington's Land Development Regulations, Table 6.3-1 Property Development Regulations.
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- i. Completed application for registration and annual composting.
  - ii. \$50.00 non-refundable application fee made payable to Wellington.
  - iii. Completed annual report for a solid waste management facility producing compost made from solid waste.



<p>d. Compost Spreading Plan: The spreading of livestock waste shall be prohibited within Wellington's boundaries, except as provided herein:</p> <p>i. The property owner must prepare a best management practice livestock waste management plan (BMPLWMP) in accordance with the requirements of this article, and must be submitted to Wellington's Engineer or designee, who will coordinate with all other departments for review and approval. Spreading of composted livestock waste is prohibited without an approved plan. All BMPLWMP's shall be subject to an annual renewal at which time the property owner shall submit to Wellington an annual report on spreading activities.</p> <p>ii. Livestock waste shall be composted before any spreading occurs.</p> <p>iii. Applications for best management practices livestock waste management plans that have been approved by Wellington, shall be reviewed annually to ensure practices are being followed as originally submitted and in accordance with the annual report.</p> <p>e. Nutrient Management Plan: A landowner may be considered exempt from composting livestock waste if a nutrient management plan is submitted to and approved by Wellington. Annually the landowner shall submit a nutrient management plan to Wellington's Engineer for review and approval, based on the following:</p> <p>i. The number of horses kept on the owner's properties.</p> <p>ii. The amount of livestock waste generated monthly.</p> <p>iii. A site plan denoting area calculation of net available lands where livestock waste will be spread along with the type of vegetation within the landscape areas, pastures, and other areas where spreading will occur.</p> <p>iv. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.</p> <p>v. Soil and manure test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the livestock waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre which the property's vegetation can sustain.</p> <p><del>f. <u>G.</u> Livestock Waste Hauling:</del></p> <p><del>1. <u>vi.</u> All commercial livestock waste haulers and livestock waste self- haulers shall be annually permitted and registered, as required by Wellington.</del></p> <p><del>vii. Livestock waste may be moved from one livestock facility to another in Wellington only for:</del></p> <p><del>a) The purpose of composting in an approved composting area; or</del></p> <p><del>b) Storage in a common livestock waste storage area for removal in bulk.</del></p>	<p>d. Compost Spreading Plan: The spreading of livestock waste shall be prohibited within Wellington's boundaries, except as provided herein:</p> <p>i. The property owner must prepare a best management practice livestock waste management plan (BMPLWMP) in accordance with the requirements of this article, and must be submitted to Wellington's Engineer or designee, who will coordinate with all other departments for review and approval. Spreading of composted livestock waste is prohibited without an approved plan. All BMPLWMP's shall be subject to an annual renewal at which time the property owner shall submit to Wellington an annual report on spreading activities.</p> <p>ii. Livestock waste shall be composted before any spreading occurs.</p> <p>iii. 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Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.</p> <p>v. Soil and manure test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the livestock waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre which the property's vegetation can sustain.</p> <p><del>f. <u>G.</u> Livestock Waste Hauling:</del></p> <p><del>1. <u>vi.</u> All commercial livestock waste haulers and livestock waste self-haulers shall be annually permitted and registered, as required by Wellington.</del></p> <p><del>vii. Livestock waste may be moved from one livestock facility to another in Wellington only for:</del></p> <p><del>a) The purpose of composting in an approved composting area; or</del></p> <p><del>b) Storage in a common livestock waste storage area for removal in bulk.</del></p>
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~~2. viii.~~ All livestock facilities within Wellington’s boundaries shall provide for the removal of livestock waste by either a commercial livestock waste hauler or a livestock waste self-hauler that is permitted and registered by Wellington.

~~3. ix.~~ Disposal of livestock waste must be within an approved disposal facility ~~that is registered to operate under Florida Administrative Code Section 62-709.320.~~ Additionally, the disposal facility must provide copies of all current valid permits annually to Wellington and must agree to periodic audits and provide copies of all load tickets obtained from the haulers to Wellington’s Engineer.

~~4. x.~~ Commercial livestock waste haulers will pay a permit fee to Wellington as may be adjusted from time to time. Livestock waste self-haulers will not pay a fee.

~~5. xi.~~ Commercial livestock waste haulers and livestock waste self- haulers permits and registrations shall be subject to revocation for failure to abide by the terms of this article.

~~6. xii.~~ Hauling reports shall be provided by commercial livestock waste haulers and livestock self-haulers to Wellington quarterly. Hauling records shall identify the waste source, quantity in cubic yards or tons, and the waste disposal site with quantity deposited in cubic yards or tons within an approved site. Hauling records shall include signed load tickets or affidavits certifying the loads from both the source and disposal site owners. Failure to provide quarterly hauling records may result in the loss of the hauler’s permit. Wellington reserves the right to audit the hauling record and load tickets from the generating properties and approved disposal sites.

~~7. The livestock waste hauling regulations do not relieve the property owner of their responsibility to use authorized livestock waste haulers.~~

#### **~~Sec. 9-42: Required Horse Washes~~ Horse Wash Drainage**

A. If constructing a permanent horse rack, a concrete slab with a rough finish is ideal. Rubber mats, rubber pavers, or poured rubber particle finishes can also be used on top of the concrete, if desired. Slab drains can be designed to discharge into small on-site holding ponds or filter strip. If a drain in the slab is not constructed, the slab should be pitched so that the water gently runs off. A trench filled with gravel can then be incorporated into the design to receive water from the lowest point of the slab.

B. If not using a permanent wash rack, rotate horse wash sites, using established turf areas to prevent mud and sedimentation problems. If necessary, portable rubber mats can be used to prevent denuding of turf areas.

C. Whether permanent or temporary washing areas are used, locate them at least 50 feet away from water bodies, wells, and domestic septic tank drain fields. Direct run-off into a well vegetated area.

~~A. All properties with a barn or on which horses will be housed must have a horse wash area designed and designated specifically for the bathing and cleaning of horses.~~

~~B. Horse wash areas must be designed with a floor drain(s) and/or trench drain(s) designed to collect all water used to wash horses. No water is permitted to leave the horse wash area, except through an~~

~~2. viii.~~ All livestock facilities within Wellington’s boundaries shall provide for the removal of livestock waste by either a commercial livestock waste hauler or a livestock waste self-hauler that is permitted and registered by Wellington.

~~3. ix.~~ Disposal of livestock waste must be within an approved disposal facility ~~that is registered to operate under Florida Administrative Code Section 62-709.320.~~ Additionally, the disposal facility must provide copies of all current valid permits annually to Wellington and must agree to periodic audits and provide copies of all load tickets obtained from the haulers to Wellington’s Engineer.

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~~6. xii.~~ Hauling reports shall be provided by commercial livestock waste haulers and livestock self-haulers to Wellington quarterly. Hauling records shall identify the waste source, quantity in cubic yards or tons, and the waste disposal site with quantity deposited in cubic yards or tons within an approved site. Hauling records shall include signed load tickets or affidavits certifying the loads from both the source and disposal site owners. Failure to provide quarterly hauling records may result in the loss of the hauler’s permit. Wellington reserves the right to audit the hauling record and load tickets from the generating properties and approved disposal sites.

~~7. The livestock waste hauling regulations do not relieve the property owner of their responsibility to use authorized livestock waste haulers.~~

#### **~~Sec. 9-42: Required Horse Washes~~ Horse Wash Drainfield System**

A. A permanent horse wash drainfield system with a concrete slab with a rough finish is required for barns with more than two horses. Rubber mats, rubber pavers, or poured rubber particle finishes may be used on top of the concrete, if desired. Slab drains shall be designed to discharge into an on-site dry retention pond or trench drain. If a drain in the slab is not constructed, the slab shall be pitched so that the water gently runs off into a trench filled with gravel designed to receive water from the lowest point of the slab.

B. If a permanent horse wash drainfield system is not required, rotation of horse wash sites, using established turf areas to prevent mud and sedimentation problems, is required. Portable rubber mats can be used to prevent denuding of turf areas.

C. Permanent horse wash drainfield systems or temporary washing areas shall be located at least 50 feet away from water bodies, wells, and domestic septic tank drain fields. Temporary washing areas may direct run-off into a well vegetated area.

~~D. All properties with a barn or on which horses will be housed must have a horse wash area designed and designated specifically for the bathing and cleaning of horses.~~

~~E. Horse wash areas must be designed with a floor drain(s) and/or trench drain(s) designed to collect all water used to wash horses. No water is permitted to leave the horse wash area, except through an approved drain system.~~

<p><del>approved drain system.</del></p> <p><del>C. All horse wash areas must be connected to a permitted and approved Horse Wash Drainfield system. Horse Wash Drainfield systems are highly recommended, but not required, to be designed to include a dual-chambered sediment basin/septic tank/horse hair interceptor prior to the gray water entering the Horse Wash Drainfield.</del></p> <p><del>D. All Horse Wash Drainfield systems must meet the minimum sizing criteria per Wellington's Engineering Standards Manual. The minimum Horse Wash Drainfield sizing criteria is based on the number of stalls located on the property, regardless of the type of stalls (permanent stalls in barn or temporary tent stalls).</del></p> <p><del>E. <u>D.</u> No new connections of Horse Washes Drainfields to the Public sanitary sewer system shall be permitted.</del></p> <p><del>F. Horse Wash Drainfields shall be located:</del></p> <p><del>1. At least 50 feet away from any grassed drainage swale;</del></p> <p><del>2. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system that has direct discharge into any body of water; and</del></p> <p><del>3. At least 100 feet away from a public potable water supply well and 100 feet from a private potable well.</del></p>	<p><del>E. All horse wash areas must be connected to a permitted and approved Horse Wash Drainfield system. Horse Wash Drainfield systems are highly recommended, but not required, to be designed to include a dual-chambered sediment basin/septic tank/horse hair interceptor prior to the gray water entering the Horse Wash Drainfield.</del></p> <p><del>G. All Horse Wash Drainfield systems must meet the minimum sizing criteria per Wellington's Engineering Standards Manual. The minimum Horse Wash Drainfield sizing criteria is based on the number of stalls located on the property, regardless of the type of stalls (permanent stalls in barn or temporary tent stalls).</del></p> <p><del>H. <u>D.</u> No new connections of horse washes drainfields to the public sanitary sewer system shall be permitted.</del></p> <p><del>I. <u>E. Horse Wash Drainfields shall be located:</u></del></p> <p><del>1. At least 50 feet away from any grassed drainage swale;</del></p> <p><del>2. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system that has direct discharge into any body of water; and</del></p> <p><del>3. At least 100 feet away from a public potable water supply well and 100 feet from a private potable well.</del></p>
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## **CHAPTER 9 - ENVIRONMENT**

### **ARTICLE 1 - LOT CLEARING AND DILAPIDATED PROPERTIES**

#### **Sec. 9-1: Definitions**

The following words, terms and phrases, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

**Adjacent Property:** the lot immediately adjoining a lot that is subject to review under this article.

**Department:** the Wellington Planning, Zoning, and Building Department.

**Developed Property:** any real property upon which a structure, paving, lake, waterway, water body, golf course or sports field improvement, or other improvement has been erected or installed. Overhead, underground, and other public or private franchised utility installations shall not be considered improvements for the purposes of this definition.

**Dilapidated Structure:** any real property upon which all, or a portion of the structure(s), is/are not maintained in good repair, in a structurally sound manner, or in a sanitary manner, including but not limited to the following items when such items are visible from a public right-of-way, public property, or adjacent property; broken window or door glass; broken or damaged windows or window frames; broken or damaged doors or entryways; broken or damaged garage doors; roofs with damage that may cause interior leaks; or unsecured or stagnant swimming pools.

**Landscaped Areas:** outdoor areas required to consist of, or consisting of, any of the following or combination thereof: grass, ground covers, shrubs, vines, hedges, trees, or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, or fences, but excluding paving.

**Lot:** any tract or parcel of land other than an approved landfill site.

**Native Vegetation:** any plant species with a geographic distribution indigenous to all or part of Wellington. Plant species that have been introduced by man are not native vegetation.

**Natural Area:** an area of native vegetative cover.

**Non-native:** any plant not native to the State of Florida.

**Noxious Vegetation:** those species defined as Category 1 invasive plant species so listed by the Florida Exotic Pest Plant Council.

**Owner:** the owner of record of a lot as appears in the official records of Palm Beach County.

**Special Magistrate:** the special magistrate appointed as provided in Chapter 2 of this Code.

**Stagnant Residential Swimming Pool:** a pool with water that does not comply with the water clarity or turnover requirements as provided in the International Property Maintenance Code or the American National Standards Institute/National Spa and Pool Institute 5-2003 (ANSI/NSPI-5 2003) "Standards for Residential Inground Swimming Pools," as amended.

**Undeveloped Property:** any real property that is not developed property.

**Unoccupied Structure:** any structure not occupied by a permitted use normally associated with the structure, including the residing of an individual or individuals overnight or the use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Unsecured Swimming Pool:** an existing swimming pool that is not in compliance with the pool barrier requirements of the Florida Building Code, as amended.

**Untended Vegetation:** grass, weeds, and underbrush allowed to grow in an uncontrolled manner, or not cared for or maintained on a regular basis, dead or diseased trees, dead or diseased hedges, or dense growth of trees, vines, roots, or other vegetation.

**Waste:** shall be defined as in Chapter 17 of the Code of Ordinances.

## **Sec. 9-2: Exemption**

Natural areas, if the vegetation consists entirely of native vegetation, shall be exempt from the requirements of these regulations.

## **Sec. 9-3: Nuisance Declared**

It is hereby declared and determined by the Wellington Council that the following shall individually, or in any combination, be considered nuisances when they exist upon a lot, an occupied structure, or an unoccupied structure in Wellington:

- A. Accumulations of waste, trash, yard trash, junk, rubble, or debris.
- B. Excessive growth of grass, weeds, and low-growing vegetation. Such grass, weeds and low-growing vegetation shall be maintained as follows:

**Table 9-3.1**

<b><u>Lot and Use</u></b>	<b><u>Size of Lot</u></b>	<b><u>Maximum Maintenance Height</u></b>
<u>Undeveloped or Vacant Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>6 inches on the entire lot</u>
<u>Undeveloped or Vacant Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>12 inches on the first 120 feet measuring from property line or pod line of the lot on all sides of the lot adjacent to a developed lot. 18 inches on the first 120 feet outside of the urban services area and in Little Ranches and Rustic Ranches</u>
<u>Developed or Partially Developed Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>6 inches on the entire lot</u>
<u>Developed or Partially Developed Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>6 inches on the first 120 feet measuring from property line or pod line of the lot on any side of the lot</u>



<u>Lot and Use</u>	<u>Size of Lot</u>	<u>Maximum Maintenance Height</u>
<u>Golf Course Active, Inactive, or Abandoned (Prior to Redevelopment)</u>	<u>Any size</u>	<u>6 inches on the entire lot(s)</u>

- C. Noxious vegetation.
- D. Untended vegetation on developed or undeveloped property, as defined in this chapter, that creates a danger to public health, safety, and welfare by:
  - 1. Creating a fire hazard;
  - 2. Providing a nesting, breeding, or feeding area for sandflies, mosquitoes, rodents, snakes, or other species of pests and vermin, or disease-bearing organisms;
  - 3. Posing a danger to persons or structures on the property upon which the vegetation is found or adjacent properties;
  - 4. Impairing the vision of motorists or bicyclists or impeding pedestrians; or
  - 5. Adversely affecting the aesthetic appearance of the property upon which the vegetation is found or adjacent properties.
- E. Dilapidated structures.
- F. Private residential swimming pools that are unsecured or stagnant.
- G. Dilapidated private roadways, sidewalks, and traffic control signs.
- H. Abandoned vehicles on public or private property.

#### **Sec. 9-4: Nuisance Abated**

The Wellington Council further determines that any nuisance listed in section 9-3 found in Wellington shall be abated in the following manner:

- A. If the nuisance consists of accumulations of waste, trash, yard trash, junk, rubble, or debris, it shall be abated in its entirety.
- B. If the nuisance consists of grass, weeds, and low-growing vegetation as provided in section 9-3(2) the nuisance shall be abated as provided in Table 9-3.1.
- C. If the nuisance consists of noxious vegetation on developed or undeveloped lots inside the urban services area that are adjacent to developed lots, the nuisance shall be abated in its entirety if the lot is one-half acre or less. If the lot is greater than one-half acre, only so much of the nuisance shall be abated as lies within 120 feet of the boundary of an adjacent property that is developed and within 120 feet of a property line abutting a street.
- D. If the nuisance creates a danger to the health, safety, and welfare in one or more of the ways provided in section 9-3(D), the nuisance shall be abated in its entirety.

- E. If the nuisance consists of an unoccupied structure containing broken window or door glass, broken or damaged windows or window frames, broken or damaged exterior doors or entryways, broken or damaged garage doors, an unsecured swimming pool, a stagnant swimming pool, or damaged roofs that may allow an interior leak, the nuisance shall be abated in its entirety.
- F. If the nuisance consists of dilapidated private roadways or sidewalks, the nuisance shall be abated as to provide for safe vehicular and pedestrian travel. If the nuisance consists of dilapidated traffic control signs, the nuisance shall be abated to provide traffic control signs and other pavement markings to comply with the Standards Manual on Uniform Traffic Control Devices.

### **Sec. 9-5: Procedure for Enforcement**

- A. Upon the finding by Wellington that a nuisance exists, Wellington will send a notice of nuisance to the property owner.
- B. If the nuisance has not been corrected within 21 days after mailing the notice of nuisance, a notice of violation shall be issued to the property owner that shall set forth:
  - 1. The Code section violated and description of the nature of the violation;
  - 2. A demand that remedial action be completed within a maximum of 15 days from the date of the mailing, delivery, or posting of such notice;
  - 3. A statement that failure to remedy the violation will result in correction of the violation by Wellington at the expense of the property owner; and
  - 4. A statement that the notice of violation may be appealed pursuant to section 9-6.
- C. The notice of violation shall be mailed to the address of the property owner, as shown by the tax rolls of the county, by certified mail, return receipt requested. The notice shall also be posted upon the property's front door or facade, or if there is no building, stapled to a stake sign and covered with plastic. The notice shall state that no further notice of Wellington remedial actions to address the violations will be given if Wellington effects remedial action and subsequently, the same condition or conditions occur. However, this shall apply only if the property owner remains the same according to the tax rolls of the county. If the property owner changes, a new notice shall be provided.
- D. If the owner of the subject property fails to correct the violation as required by this section and the notice of violation by the date specified in the notice of violation, the Village Manager may authorize the correction of the noncomplying condition by Wellington. The charge for the cost of abatement shall be levied in an amount equal to the actual cost to Wellington. The actual method of correction shall be determined by the Village Manager, and may, in the case of a dilapidated structure, include boarding of broken windows and doors.
- E. If Wellington effects abatement, the costs shall be calculated, and an invoice sent to the property owner of record by regular mail.
- F. Failure to pay the full amount of any charges assessed pursuant to this section, when due, shall result in Wellington filing a lien in the public records of Palm Beach County. Such lien shall bear interest at the rate of 12% per annum from the date of recordation until paid. The property owner shall be responsible for the cost of filing and release of the lien. A notice that

a lien has been recorded shall be sent to the property owner at the owner's address according to the tax rolls of the county.

- G. Nothing in this section shall prevent the department from pursuing enforcement of this Article through the code compliance process.
- H. The Wellington Code Compliance Division will keep a docket of these liens, and will notify the Wellington Council of liens that are not paid. Wellington may enforce the lien in any manner or method permitted by law, including instituting an action to foreclose the lien after authorization by the Wellington Council. The Wellington Council's decision not to approve foreclosure shall not constitute an estoppel or waiver of Wellington's lien rights or staff's ability to present the matter for council consideration at a later time. Wellington is entitled to recover all costs, expenses, and attorneys' fees incurred in enforcing the lien, including those on appeal.

### **Sec. 9-6: Appeals**

The lot owner may file an appeal to the special magistrate for a hearing to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Any appeal must be filed within 15 days after the date of the initial notice of a nuisance sent by the department. Notice of the right to an appeal shall be included in the initial notice of nuisance to the property owner. The owner's appeal shall be submitted upon forms to be provided by the department and shall be accompanied by a certified check or money order in the amount of \$100.00 made payable to Wellington. The amount shall constitute the fee necessary to defray the costs to Wellington for processing and administering the appeal. The special magistrate shall give the property owner seeking an appeal written notice of the date, time, and location of the scheduled hearing and shall hear the appeal at its regularly scheduled agenda no later than 30 days after receipt of the appeal by the department. Failure to file an appeal or to appear before the special magistrate shall be deemed a waiver of the property owner's rights to appeal the administrative action.

## **ARTICLE II - STORMWATER QUALITY MANAGEMENT**

### **Sec. 9-7: Title**

This article shall be known as the "Wellington's Initial Stormwater Control Ordinance," and may be so cited.

### **Sec. 9-8: Purpose and Intent**

The purpose of this article is to promote the health, safety, and general welfare of the inhabitants of Wellington. This article is intended to comply with federal and state law and regulations regarding water quality.

### **Sec. 9-9: Definitions**

For the purposes of this article, the following terms shall have the following meanings:

**Authorized Official:** any employee or agent of Wellington authorized by the director to administer or enforce the provisions of this article.

**Director:** the director of public works.

**Discharge:** any direct or indirect entry of any solid, liquid, or gaseous matter.

**District:** the South Florida Water Management District, a government entity created under Chapter 373, F.S.

**Person:** any natural individual, corporation, partnership, institution, or other entity.

**Site of Industrial Activity:** any area or facility used for manufacturing, processing or storing of raw materials, as defined under 40 CFR Section 122.26(b)(14) of regulations of the U.S. Environmental Protection Agency, as amended.

**Stormwater:** any stormwater runoff, surface runoff, or drainage.

**Stormwater System:** the system of conveyances owned by Wellington used for collecting, storing, and transporting stormwater, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

### **Sec. 9-10: Operation and Maintenance Responsibilities for Stormwater Systems**

Water management systems within Wellington shall be operated and maintained in a manner that will ensure that development and redevelopment adequately accommodate stormwater to meet all federal, state, and local requirements.

Wellington establishes the following regulations relating to the operation and maintenance of stormwater management systems within Wellington:

- A. Wellington will be responsible for the construction, operation, and maintenance of the primary water management system in Wellington (backbone), which consists of canals, pump stations and other stormwater management facilities described in Wellington's drainage facility map.
- B. Wellington will be responsible for the secondary water management system, which is comprised of Wellington rights-of-way and Wellington-owned properties.
- C. All other stormwater management facilities shall be operated and maintained by either the individual property owner or a duly constituted homeowners or property owners association having ownership or control of the property on which the facilities are located.
- D. Operation and maintenance responsibilities for stormwater management facilities on private property may be assumed by Wellington only pursuant to a written agreement between the parties and the execution of all necessary easements and/or rights of entry.
- E. Wellington will monitor all applications to modify the Surface Water Management Permit No. 50-00548-S (Master Permit for the Village of Wellington issued to Acme Improvement District) and will object to the issuance of any modification by the District that is inconsistent with these regulations.

### **Sec. 9-11: General Prohibitions**

- A. Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation, or permit is prohibited.
- B. Except as set forth in this article, or in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

**Sec. 9-12: Administrative Orders**

The Wellington Engineer, or designee, may issue an order to any person to immediately cease any discharge determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

**Sec. 9-13: Specific Prohibitions on Industrial Activity**

By adoption of industrial activity stormwater regulations, or by issuance of industrial activity stormwater permits, or both, the Wellington Engineer, or designee, may impose reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits shall be in accordance with applicable law.

**Sec. 9-14: NPDES Permits**

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the Wellington Engineer no later than 60 calendar days after issuance.

**Sec. 9-15: Specific Prohibitions (Sewage or Waste Materials)**

Any discharge to the stormwater system containing any sewage, industrial waste, other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders, or permits, is prohibited.

**Sec. 9-16: Authorized Exceptions**

Unless the Wellington Engineer determines that it is not properly managed, or otherwise is not acceptable, the following discharges are exempt from the general prohibitions set forth under in this article:

- A. Flows from firefighting, water line flushing, and other contributions from potable water sources;
- B. Landscape irrigation and lawn watering irrigation water;
- C. Diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, flows from riparian habitats and wetlands, and springs;  
and
- D. Foundation and footing drains, water from crawl space pumps, air conditioning condensation, individual residential car washings, and de-chlorinated swimming pool contributions.

**Sec. 9-17: Illicit Connections**

No person may maintain, use, or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this article. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.



**Sec. 9-18: Notification of Spills**

As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify Wellington. If such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such notification in writing to the Wellington Engineer and Utility Department within 24 hours.

**Sec. 9-19: Injunctive Relief**

Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety, or general welfare.

**9-20: Continuing Violation**

Each day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder, shall be a separate violation.

**Sec 9-21: Enforcement Actions**

The Wellington Engineer may take all actions necessary, including the issuance of notices of violation, the filing of court actions, or referral of the matter to the Code Compliance Division to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

**Sec. 9-22: Authority for Inspections**

Whenever necessary to make an inspection to enforce this article, or any regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation this article, or any regulation or permit issued hereunder, the authorized official may enter the property, building, or facility at any reasonable time to inspect or to perform any duty related to enforcement of this article, or any regulation or permits issued hereunder; provided that (a) if such property, building, or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and (b) if such property, building, or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building, or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and in the event entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized authority. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

**Sec. 9-23: Authority for Monitoring and Sampling**

Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to

enforce the provisions of this article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.

#### **Sec. 9-24: Requirements for Monitoring**

The director may require any person engaging in any activity or owning any property, building, or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

### **ARTICLE III - WATER CONSERVATION**

#### **Sec. 9-25: Applicability**

The provisions of this Code shall apply to each user providing landscape irrigation from all water resources within the boundaries of the Wellington. Declaration of a water shortage condition and/or water shortage emergency within all or parts of Wellington by the District's Governing Board or Executive Director shall supersede this Code for the duration of the applicable declaration. Such a declaration applies to all users, using the water resource within the geographical areas subject to a water shortage or water shortage emergency, as determined by the District, whether from public or privately-owned water utility systems, private wells or private connections with surface water bodies, but shall not apply to users using reclaimed water. Nothing in this article shall be construed to relieve any person from compliance with any applicable regulations enacted by any agency of the State of Florida having jurisdiction over water resources in Wellington.

#### **Sec. 9-26: Purpose and Intent**

It is the purpose and intent of this Code to implement requirements to protect the water resources of Wellington; to promote water conservation through the efficient use of landscape irrigation consistent with the District's mandatory year-round landscape irrigation conservation measures in accordance with Chapter 40E-24, Florida Administrative Code, (F.A.C.) and to increase water use efficiency; prevent and curtail wasteful irrigation practices by providing mandatory landscape irrigation conservation measures; and to prohibit the operation of irrigation systems in a manner causing water to be wasted.

#### **Sec. 9-27: Definitions**

The following definitions shall apply within this article:

**Address:** "House number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers, but excludes post office box numbers. "

**Athletic Play Area:** All golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.

**Consumptive Use Permit (CUP):** A permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

**District:** South Florida Water Management District, a government entity created under Chapter 373, F.S.

**Even-Numbered Address:** An address ending in the number 0, 2, 4, 6 or 8; rights-of-way or other locations with no address; or the letters A-M.

**Existing Landscaping:** Any landscaping that has been planted in the ground for more than ninety (90) days.

**Landscaping:** Shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale.

**Landscape Irrigation:** The outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale.

**Low Volume Hand Watering:** The watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.

**Low Volume Irrigation:** The use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

**Micro-irrigation:** The application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or micro-spray, and subsurface irrigation.

**New Landscaping:** Any landscaping that has been planted and established for 90 days or less.

**Odd-Numbered Address:** An address ending in the number 1, 3, 5, 7 or 9; or the letters N-Z.

**Reclaimed Water:** Wastewater that has received at least secondary treatment, and basic disinfection and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

**User:** Any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity, whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, who directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses water from individual wells or pumps.

**Wasteful and Unnecessary:** Allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

**Water Resource:** Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

**Water Shortage:** When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. When the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

### **Sec. 9-28: Restrictions**

The following requirements, or exceptions, shall apply to all users, unless otherwise specified:

- A. Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided in this section.
- B. Irrigation of existing landscaping shall comply with the following provisions:
  - 1. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.
  - 2. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays, and/or Saturdays.
- C. Irrigation of new landscaping shall comply with the following provisions:
  - 1. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.
  - 2. A 90 day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
  - 3. Irrigation of new landscaping that has been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
  - 4. Irrigation of new landscaping that has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
  - 5. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, or any appropriate method that isolates and waters only the new landscaping.
- D. Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes per zone.

- E. Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state, or local law, shall be allowed under the following conditions:
  - 1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and
  - 2. Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- F. Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.
- G. In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.
- H. In the event the District imposes restrictions on landscape irrigation for new and existing installations, that are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.
- I. It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Code that affect each particular water use.
- J. Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with section 373.62, F.S. and these ordinances.
- K. It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing water to be directed onto any sidewalk or paved portion of a road right-of-way.
- L. Failure to comply with the requirements of these restrictions will constitute a violation of this Code.

### **Sec. 9-29: Exemptions**

The activities below shall be exempt from the provisions of this article, unless prohibited by District requirements.

- A. Landscape irrigation by hand watering using a self-canceling nozzle or low-volume irrigation system.
- B. Landscape irrigation by systems from which the sole source is treated wastewater reuse.
- C. Flushing of water and sewer mains required for normal clearance and maintenance and for maintenance of water quality.
- D. Landscape irrigation for the purpose of watering in fungicides, insecticides, herbicides, pesticides, and fertilizers as required by the manufacturer or by federal or state laws;



however, this exemption applies only to licensed pest control operators and shall be limited to manufacturer's recommendations, which must be completed within 24 hours of application. Further, such operators must be on premises when such watering takes place outside the hours allowed for irrigation.

- E. Recirculating ornamental water features.
- F. Firefighting, health, or medical uses.
- G. Agricultural irrigation (including nurseries).
- H. Irrigation of clay tennis courts or athletic play areas, limited to one hour two times per day.

### **Sec. 9-30: Enforcement and Penalties**

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law enforce, the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.
- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.

### **Sec. 9-31: Variance Relief**

- A. Any user affected by this Code may apply for a variance to the Village Manager, or their designee.
- B. Recognition of District Variances: Wellington recognizes and adopts all irrigation variances or waivers issued by the District.

## **ARTICLE IV – WATER SHORTAGES**

### **Sec. 9-32: Applicability**

The provisions of this article shall apply to each user using the water resource within the geographical areas subject to the water shortage condition or water shortage emergency, as determined by the District, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This article shall not apply to users using reclaimed water.

### **Sec. 9-33: Purpose and Intent**

It is the purpose and intent of this article to protect the water resources of Wellington from the harmful effects of overutilization during periods of water shortage in support of the District's implementation of a water shortage plan, or issued water shortage orders, under Chapter 40E-21, Florida Administrative Code (F.A.C.).

**Sec. 9-34: Definitions**

The following definitions shall apply within this article:

**District:** South Florida Water Management District, a government entity created under Chapter 373, F.S].

**User:** Any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, who directly or indirectly take water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells and pumps.

**Water Resources:** Any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

**Water Shortage:** When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm.

**Water Shortage Emergency:** When the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

**Sec. 9-35: Declaration of Water Shortage or Water Shortage Emergency**

A declaration of a water shortage condition and/or water shortage emergency within all or parts of Wellington issued by the District's Governing Board or Executive Director shall invoke the provisions of this article. Upon such declaration, all water use restrictions or other measures adopted by the District applicable to Wellington, or any portion thereof, shall be subject to enforcement action in accordance with this Code. Any violation of the water use restrictions or other measures adopted by the District, or any order issued, shall be a violation of this Code. Water shortage or water shortage emergency measures adopted by the District and enforced by Wellington shall supersede mandatory year-round water irrigation measures until the more restrictive measure is rescinded by the District.

**Sec. 9-36: Variances**

Wellington recognizes all variances issued by the District.

**Sec. 9-37: Enforcement and Penalties**

- A. **Enforcement:** Every law enforcement official having jurisdiction in the area governed by this a may, in connection with all other duties imposed by law, enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other Wellington departments, in accordance with state and local law.

- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.

## **ARTICLE V - BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE AND FERTILIZER MANAGEMENT**

### **Introduction**

The Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but also serves as the habitat for diverse species of wildlife and plant life. It is one of Florida's great treasures and its ecological system is unique in the world. In response to adverse changes in water quality, quantity, distribution and timing of flows that were damaging and endangering the system, the Florida Legislature enacted the Everglades Forever Act in 1994. It has been determined that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus, which must be reduced to benefit the ecology of the Everglades.

Wellington discharges its stormwater into the C-51 canal, which is then routed through the South Florida Water Management District's (SFWMD) Stormwater Treatment Area 1 East (STA 1E) and into the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which is within the Everglades Protection Area.

Recognizing that animal and fertilizer waste discharge significantly impacts water quality, Wellington and the SFWMD entered into a Joint Cooperation Agreement in September of 2000, pursuant to which Wellington adopted and implemented regulatory measures aimed at lowering phosphorous discharge. In 2003, Wellington and the SFWMD entered into a Memorandum of Understanding for water resource management facilities in the Basin B area, and a Cooperative/Cost Share Agreement for the implementation of Best Management Practices for livestock waste and fertilizer. In 2004, Wellington and the SFWMD entered into Memorandum of Understanding No. CP040318 concerning funding for the Acme Basin B Discharge Project to divert stormwater discharges away from the Arthur R. Marshall Loxahatchee National Wildlife Refuge. All of these agreements, together with Wellington's SFWMD Environmental Resource Permit (50-00548-S, application 070330-35) and the State of Florida Flood Plain Management mandates, require Wellington to adopt and enforce these Best Management Practices.

### **Sec. 9-38: Definitions**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

**Apply Fertilizer:** the actual physical deposition of fertilizer to turf or landscape plants in Wellington.

**Applicator:** any person who applies fertilizer on turf or landscape plants in Wellington.

**Approved Disposal Site:** a real property in which a state or county registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.

**Approved Test:** a soil test and livestock waste test from a governmental entity or commercial licensed laboratory that is certified and qualified to perform soil testing and recommendations.

**Best Management Practices or "BMP":** a practice, or combination of practices, based on research, field-testing, and expert review deemed to be the most effective and practicable, including economic and technological considerations and means of achieving a desired result such as improving water quality to an acceptable level in discharges.

**Best Management Practices Livestock Waste (Fertilization) Management Plan (BMPLW(F)MP):** a comprehensive waste management plan covering all aspects of managing livestock manure, urine, and bedding waste and all aspects of managing fertilizer storage and application developed to prevent the uncontrolled release of pollutants from these wastes.

**Code Compliance Officer:** any designated employee or contractor whose duty is to enforce codes and ordinances enacted by Wellington.

**Commercial Fertilizer Applicator:** (Except as provided in F.S. § 482.1562(9)) means any person or entity that applies fertilizer to property for payment or other consideration.

**Commercial Livestock Waste Hauler:** person(s), firm(s), corporation(s), or other legal entity(ies) permitted by Wellington to provide livestock waste removal services within Wellington for a fee in accordance with terms and conditions established by this article.

**Common Livestock Waste Storage Area:** a livestock waste storage area established for the temporary storage of livestock waste from off-site livestock facilities.

**Composting:** the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.

**Containment:** a system that is used for release prevention.

**Cover:** the placement of a lid, roof or protective covering (tarp like) over a livestock waste storage area so as to shield the livestock waste from rain or stormwater intake.

**District:** the South Florida Water Management District (SFWMD).

**Drainage Basin:** a topographic region in which all water drains to a common area.

**Everglades Protection Area:** water conservation areas 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Water Conservation Area 1), and the Everglades National Park.

**Drainage Conveyance Systems:** canals, detention/retention areas, grass swales, underground piping, drainage inlets, junction boxes, manholes, and any other components that store, collect, and convey rain or surface waters.

**Fertilizer:** any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

**Fertilizing or Fertilization:** the act of applying fertilizer to turf, specialized turf, or plants.

**Impermeable Containment Pad or Floor:** a containment pad or floor that utilizes non-porous building materials such as concrete or asphalt or like materials to prevent leakage and uncontrolled ground contamination, and provides overall containment of livestock waste or fertilizers or chemicals.

**Institutional Applicator:** any person other than a private, non-commercial, or commercial applicator (unless such definitions also apply under the circumstances), who applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators include, but are not limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium or common ownership.

**Livestock:** as defined by Florida state statute and as applicable in the Village of Wellington.

**Livestock Facility:** property including buildings where livestock is actively managed and does not include exclusive pasture lands.

**Livestock Waste:** wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.

**Livestock Waste Self-Hauler:** property owner or authorized representative registered with Wellington to provide livestock waste removal services from the owner's property in accordance with the terms and conditions established by this article.

**Livestock Waste Storage Area:** an at grade area constructed of impermeable material such as concrete or asphalt that allows for the storage of roll dumpsters, compactors, or other storage containers.

**Manure Bin:** a physical structure to prevent leakage of manure.

**Manure Test:** an analysis of livestock waste by a qualified laboratory to determine the nutrient value and makeup of the property owner's livestock waste, specifically the phosphorus content.

**Monitoring Wells:** strategically located wells from which water samples are drawn for water quality analysis or measurement of ground water levels.

**Paddock:** a fenced grassed area of ¼ acre or less used primarily for exercise and secondarily for feeding of livestock.

**Pasture:** a fenced, grassed area of approximately more than ¼ acre used primarily for exercise and secondarily for feeding of livestock.

**Prohibited Application Period:** the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Palm Beach County, issued by the National Weather Service, or if heavy rain (two inches or more within a 24-hour period) is likely.

**Saturated Soil:** a soil in which the voids are filled with water. Saturated soil does not allow flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

**Screening:** an opaque barrier that blocks the livestock waste storage area from view from the street or neighboring properties.

**Slow Release, Controlled Release, Timed Release, Slowly-Available, or Insoluble Nitrogen:** nitrogen in a form that delays its availability for plant uptake and use after application, or that extends its availability to the plant longer than a reference rapid or quick release product.



**Soil Test:** an analysis of a site soil sample for nutrient levels by a qualified laboratory to determine fertilizer needs of the site, specifically phosphorus needs of the plants located on the property.

**Spreading:** the human or mechanical means used to distribute livestock waste, fertilizer, or compost. Animal waste on pasture lands shall not be considered spreading of livestock waste.

**Stormwater Treatment Areas "STA":** those water quality treatment and water storage areas known as Stormwater Treatment Area 1 East (STA 1E) as described and depicted in the District's conceptual design document of February 15, 1994, and any modifications thereto.

**Turf, Sod, or Lawn:** an area of grass-covered soil held together by the roots of the grass.

### **Sec. 9-39: Purpose**

The purpose of these BMPs for livestock waste and fertilizer management is to implement the policies and objectives of the Conservation, Sustainability & Resiliency Element of Wellington's Comprehensive Plan and to comply with the conditions of the Joint Cooperation Agreement between Wellington and the District. The agreement requires Wellington to implement a compliance-based pollution prevention program designed to reduce nutrient discharges, specifically phosphorus, from its surface water drainage system into the Everglades Protection Area. Wellington is therefore implementing a BMP program designed to reduce, abate, and prevent, directly and indirectly, phosphorus discharges to the surface water system within its boundaries, pursuant to the State of Florida water quality and water quantity standards.

### **Sec. 9-40: Applicability**

These standards shall apply to all property within the jurisdictional boundaries of Wellington.

### **Sec. 9-41: Best Management Practices for Livestock Waste**

Livestock waste shall be placed in a manure bin or a livestock waste storage container, including roll-off containers or dumpsters that meet the standards of this section. Further, manure bins and containers must be kept within a livestock waste storage area that is associated with a permit issued by Wellington. Livestock waste shall not be placed, accepted, stored, or allowed to accumulate on any property in Wellington, except as provided herein. This does not apply to pre-existing permitted livestock waste storage areas.

#### **A. Management of Livestock Waste:**

1. Each livestock facility shall provide a livestock storage area for livestock waste.
2. The property owner is responsible to ensure that only livestock waste is placed in the storage container. Debris or garbage found in the livestock waste storage container cannot be removed from the property and must be separated from the livestock waste before it can be removed.
3. Livestock waste shall be placed or stored in a livestock waste storage area that meets the following requirements:
  - a. All new or reconstructed livestock waste storage areas shall be constructed with an impermeable floor with sidewalls constructed of concrete block or concrete or molded resin based plastic on three (3) sides. All livestock waste storage areas, livestock waste storage containers, and manure bins shall be designed and constructed to be water-tight with a cover that will not allow storm water to enter

into or any liquids to discharge from the storage area. The impermeable pad or floor shall have a curb or rolled lip of asphalt or concrete not less than one inch (1") in height on all four sides of the containment area. The floor of a manure bin shall be pitched downward toward the rear wall of the manure bin (minimum fall from front to rear of one-quarter inch (1/4") per foot).

- b. As an alternative livestock waste storage area and manure bin design, the impermeable floor may be designed to include a floor drain or trench drain to allow stormwater to drain from the area. The floor drain or trench drain must be connected to an exfiltration trench or French Drain system designed and sized by a Professional Civil Engineer. The exfiltration trench or French Drain system must be designed to drain a volume of water equal to the area of the livestock waste storage area or manure bin multiplied by the 1-in-100 year rainfall event. A filtration system or sediment tank must be included as part of the design and must be approved by Wellington's Engineering Department.
  - c. The livestock waste storage area shall comply with flood plain management standards, which require the storage area to be elevated to a minimum of six inches above the crown of the adjacent roadway or access easement, or 12 inches below the minimum residential finish floor, whichever is greater.
  - d. An Engineering Permit shall be obtained from Wellington prior to constructing or substantially altering a livestock waste storage area within Wellington's boundaries.
  - e. The determination of the size of the livestock waste storage area is the responsibility of the property owner based upon the number of horses or livestock on the property and their daily generation of manure, urine and bedding material, as well as intended frequency of removal for disposal. At no time shall livestock waste be allowed to accumulate beyond the threshold of the livestock waste storage area.
  - f. Roll-off and dumpster containers may be used as livestock waste storage areas subject to the following requirements:
    - i. Livestock waste storage containers, including all dumpster types and compactors, must be placed within a livestock waste storage area or manure bin.
    - ii. Livestock waste storage containers, including all dumpster types, shall meet the same elevation requirements as in Sec. 9-41(a)(3)(c).
    - iii. Livestock waste storage containers, including all dumpster types and compactors, must contain an attached lid or cover and be watertight at all times. Livestock waste storage containers must be fully covered/closed when not being filled, emptied, loaded, or unloaded.
4. All equestrian facilities shall properly store livestock waste and shall have livestock waste removed from the facility as provided in this section.

#### B. Location of Waste Storage Facilities:

1. Livestock waste storage and roll-off and dumpster containers shall be located:

- a. At least five (5) feet away from any adjacent structure roof overhang;
- b. At least 50 feet away from any grassed drainage swale;
- c. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system with direct discharge into any body of water;
- d. At least 100 feet away from a public potable water supply well, and 100 feet from a private potable well;
- e. Within reasonable proximity to the stable or barn structures on the property and in accordance with the minimum accessory use set back requirements;
- f. Adjacent to a stabilized vehicular access drive or road, of not less than 10 feet in width. The stabilized vehicular access drive or road must connect the livestock waste storage area to the adjacent access easement or road right-of-way. The stabilized access drive must be designed and constructed to provide for safe ingress/egress for waste removal services and waste haulers; and
- g. When the livestock waste storage area, manure bin, or livestock waste storage container(s) are located within a barn or a detached roofed structure with four (4) walls, and there is a roll-up door or similar structure that can be utilized to completely enclose the livestock waste storage area, manure bin, or livestock waste storage container(s), then a 50% reduction of the minimum setbacks listed above, may be considered by Wellington's Engineering Department. However, no reduction shall be granted for the minimum setbacks from all potable water supply wells.

C. Extenuating Circumstances:

If compliance with the setback regulations is not possible because of a property's unusual circumstances, including development or related actions by adjacent property owners, the property owner may submit for approval an alternate method of compliance. Mitigation measures, such as berms, grading changes or secondary containment systems, may be considered in addressing unique and unusual circumstances. Alternative measures must be approved by Wellington's Engineering Department and shall be installed and maintained in accordance with the approved specifications. Any alternative method of compliance must:

- 1. Meet the intent of these provisions;
- 2. Demonstrate the ability to mitigate water quality impacts;
- 3. Provide a secondary method of containment; and
- 4. Be designed, signed, and sealed by a Professional Civil Engineer currently registered in the State of Florida.

D. Livestock Waste Storage Area Maintenance:

- 1. The removal and transportation of livestock waste on commercial and private properties within Wellington's boundaries shall be done exclusively by a registered commercial livestock waste hauler or a registered livestock waste self-hauler.

2. Livestock waste shall be confined within the livestock waste storage area, manure bin, or livestock waste storage container.
3. Livestock waste storage area(s) shall be continuously maintained so that no stormwater runoff, liquids, or materials of any type are released or leak.
4. All livestock waste storage areas, manure bins, livestock waste storage containers, and impermeable pads shall be inspected by a code compliance officer or building inspector bi-annually for cracks, crevices, holes, and other damage. Repairs shall be made as warranted to prevent spillage or discharge within 30 days of notice to the owner by the Wellington Code Compliance Division of the Planning, Zoning and Building Department.

E. Disposal of Livestock Waste:

The disposal of livestock waste within Wellington must be accomplished by composting the waste, implementing a nutrient management program, or by hauling the waste off-site to an approved disposal site.

F. Composting of Livestock Waste: Composting of livestock waste, when in compliance with the Land Development Regulations, is permitted under the following conditions within Wellington's boundaries:

1. Scale Composting: Where the composter proposes to spread compost generated on and within their property and is not required to obtain a permit from the DEP pursuant to F.S. § 403.707, and in accordance with Chapter 62-709, Florida Administrative Code, the composter shall prepare and submit a permit application to Wellington's Engineer as described in this section. This application entitled: Registration and Annual Reporting for Composting shall be completed and reviewed based upon the following:

a. Property Information:

- i. The number of horses kept on the owner's property.
- ii. The amount of livestock waste generated monthly.
- iii. The amount of compost generated monthly.
- iv. A site plan application denoting area calculation of net available lands where compost will be spread, along with the type of vegetation within the landscape areas, pastures, or other areas where spreading will occur.
- v. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.
- vi. Soil and compost test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the composted waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre that the property's vegetation can sustain.

b. Site Plan of Property:

- i. A description of all structures located on the property, including existing and proposed size, location, use, and setbacks as set forth in section

6.3.1 of Wellington's Land Development Regulations, Table 6.3-1  
Property Development Regulations.

- ii. Composting pad location and construction materials.
- iii. Livestock waste storage facility location and construction materials as set forth in this Code.
- c. Application Contents:
  - i. Completed application for registration and annual composting.
  - ii. \$50.00 non-refundable application fee made payable to Wellington.
  - iii. Completed annual report for a solid waste management facility producing compost made from solid waste.
- d. Compost Spreading Plan: The spreading of livestock waste shall be prohibited within Wellington's boundaries, except as provided herein:
  - i. The property owner must prepare a best management practice livestock waste management plan (BMPLWMP) in accordance with the requirements of this article, and must be submitted to Wellington's Engineer or designee, who will coordinate with all other departments for review and approval. Spreading of composted livestock waste is prohibited without an approved plan. All BMPLWMP's shall be subject to an annual renewal at which time the property owner shall submit to Wellington an annual report on spreading activities.
  - ii. Livestock waste shall be composted before any spreading occurs.
  - iii. Applications for best management practices livestock waste management plans that have been approved by Wellington, shall be reviewed annually to ensure practices are being followed as originally submitted and in accordance with the annual report.
- e. Nutrient Management Plan: A landowner may be considered exempt from composting livestock waste if a nutrient management plan is submitted to and approved by Wellington. Annually the landowner shall submit a nutrient management plan to Wellington's Engineer for review and approval, based on the following:
  - i. The number of horses kept on the owner's properties.
  - ii. The amount of livestock waste generated monthly.
  - iii. A site plan denoting area calculation of net available lands where livestock waste will be spread along with the type of vegetation within the landscape areas, pastures, and other areas where spreading will occur.
  - iv. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.

- v. Soil and manure test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the livestock waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre which the property's vegetation can sustain.

#### G. Livestock Waste Hauling:

1. All commercial livestock waste haulers and livestock waste self-haulers shall be annually permitted and registered, as required by Wellington.
2. All livestock facilities within Wellington's boundaries shall provide for the removal of livestock waste by either a commercial livestock waste hauler or a livestock waste self-hauler that is permitted and registered by Wellington.
3. Disposal of livestock waste must be within an approved disposal facility. Additionally, the disposal facility must provide copies of all current valid permits annually to Wellington and must agree to periodic audits and provide copies of all load tickets obtained from the haulers to Wellington's Engineer.
4. Commercial livestock waste haulers will pay a permit fee to Wellington as may be adjusted from time to time. Livestock waste self-haulers will not pay a fee.
5. Commercial livestock waste haulers and livestock waste self-haulers permits and registrations shall be subject to revocation for failure to abide by the terms of this article.
6. Hauling reports shall be provided by commercial livestock waste haulers and livestock self-haulers to Wellington quarterly. Hauling records shall identify the waste source, quantity in cubic yards or tons, and the waste disposal site with quantity deposited in cubic yards or tons within an approved site. Hauling records shall include signed load tickets or affidavits certifying the loads from both the source and disposal site owners. Failure to provide quarterly hauling records may result in the loss of the hauler's permit. Wellington reserves the right to audit the hauling record and load tickets from the generating properties and approved disposal sites.
7. The livestock waste hauling regulations do not relieve the property owner of their responsibility to use authorized livestock waste haulers.

#### **Sec. 9-42: Horse Wash Drainage**

- A. If constructing a permanent horse rack, a concrete slab with a rough finish is ideal. Rubber mats, rubber pavers, or poured rubber particle finishes can also be used on top of the concrete, if desired. Slab drains can be designed to discharge into small on-site holding ponds or filter strip. If a drain in the slab is not constructed, the slab should be pitched so that the water gently runs off. A trench filled with gravel can then be incorporated into the design to receive water from the lowest point of the slab.
- B. If not using a permanent wash rack, rotate horse wash sites, using established turf areas to prevent mud and sedimentation problems. If necessary, portable rubber mats can be used to prevent denuding of turf areas.
- C. Whether permanent or temporary washing areas are used, locate them at least 50 feet away from water bodies, wells, and domestic septic tank drain fields. Direct run-off into a well vegetated area.



- D. No new connections of horse wash drainfields to the public sanitary sewer system shall be permitted.

#### **Sec. 9-43: Best Management Practices for the Application and Storage of Fertilizer**

- A. All fertilizers shall be stored in a dry storage area protected from rainfall and ponding.
- B. No fertilizer containing in excess of two percent phosphate/phosphorus ( $P^2O^5$ ) per guaranteed analysis label (as defined by F.S. ch. 576) shall be applied to turf grass, pastures, paddocks, or used in nurseries unless justified by a soil test.
- C. Fertilizer containing in excess of two percent phosphate/phosphorus ( $P^2O^5$ ) per guaranteed analysis label shall not be applied within ten feet of the edge of water or within ten feet of a drainage facility.
- D. All fertilizer shall be applied such that spreading of fertilizer on all impervious surfaces is minimized.
- E. Liquid fertilizers containing in excess of two percent phosphate/phosphorus ( $P^2O^5$ ) per guaranteed analysis label shall not be applied through an irrigation system within ten feet of the edge of water or within ten feet of a drainage facility.
- F. Liquid fertilizers containing in excess of two percent phosphate/phosphorus ( $P^2O^5$ ) per guaranteed analysis label shall not be applied through high or medium mist application or directed spray application within ten feet of the edge of water or within ten feet of a drainage facility.
- G. Wellington shall establish a public education program focused on the following:
  - 1. Proper irrigation of landscaped areas;
  - 2. Application rates of fertilizer;
  - 3. Appropriate types of fertilizer for different plants; and
  - 4. Proper use of organic fertilizers and soil amendments.
- H. Timing of Fertilizer Applications:
  - 1. No applicator shall apply fertilizers containing nitrogen or phosphorus to turf or landscape during the prohibited application period and within the fertilizer free zones as identified in this section, or to saturated soils.
  - 2. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation, or in accordance with the stormwater pollution plan for the site.
- I. Fertilizer Free Zones: Fertilizer shall not be applied within ten feet of any pond, stream, lake, canal, water body, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a headwall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in their zones only for a 60-day period

beginning no sooner than 30 days after planting, if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

J. Fertilizer Content and Application Rates:

1. Fertilizers applied to turf within Wellington shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative Code, required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.
2. Unless a soil or tissue deficiency has been verified by an approved test, nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in this chapter for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs.
3. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practice for the Enhancement of Environmental Quality of Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007. Fertilizer used at parks or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida Administrative Code.

K. Fertilizer Application Practices:

1. Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
2. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or other permissible surface, or be returned to the original or other appropriate container.
3. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies. Property owners and managers are encouraged to use an Integrated Pest Management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

L. Management of Grass Clippings, Vegetative Matter: In no case shall grass clippings, vegetative material, or vegetative debris be washed, swept, or blown onto or into storm water drains, ditches, conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is inadvertently deposited shall be immediately removed to the maximum extent practicable.

M. Training:

1. All commercial and institutional applicators of fertilizer within Wellington shall abide by and successfully complete the six hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida Friendly Landscapes" program or approved equivalent program.

2. Non-commercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida Friendly Landscape Program" and label instructions when applying fertilizer.

N. Licensing of Commercial Applicators:

1. All commercial applicators applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, multi-family, equestrian, and condominium properties) must ensure that the business owner or the owner's designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate or landscape registration. Owners of such businesses shall provide proof of completion of the program to Wellington. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate as a condition of receiving their business tax receipt or landscape registration annually.
2. All commercial applicators of fertilizer within Wellington shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator.

**Sec. 9-44: Commercial Fertilizer Applicators**

- A. Any person, firm, corporation, or other legal entity that provides fertilization services for a fee within Wellington shall pay an annual registration fee as may be adjusted from time to time by resolution of Wellington's Council.
- B. Commercial fertilizer registrations shall be subject to revocation for failure to abide by the terms and conditions established in this article and other Wellington regulations.

**Sec. 9-45: Enforcement**

Any owner, owner's representative, tenant, or person violating any provision of this article may be subject to enforcement as provided in Chapter 2 of this Code.

## **CHAPTER 9 - ENVIRONMENT**

### **ARTICLE 1 - LOT CLEARING AND DILAPIDATED PROPERTIES**

#### **Sec. 9-1: Definitions**

The following words, terms and phrases, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

**Adjacent Property:** the lot immediately adjoining a lot that is subject to review under this article.

**Department:** the Wellington Planning, Zoning, and Building Department.

**Developed Property:** any real property upon which a structure, paving, lake, waterway, water body, golf course or sports field improvement, or other improvement has been erected or installed. Overhead, underground, and other public or private franchised utility installations shall not be considered improvements for the purposes of this definition.

**Dilapidated Structure:** any real property upon which all, or a portion of the structure(s), is/are not maintained in good repair, in a structurally sound manner, or in a sanitary manner, including but not limited to the following items when such items are visible from a public right-of-way, public property, or adjacent property; broken window or door glass; broken or damaged windows or window frames; broken or damaged doors or entryways; broken or damaged garage doors; roofs with damage that may cause interior leaks; or unsecured or stagnant swimming pools.

**Landscaped Areas:** outdoor areas required to consist of, or consisting of, any of the following or combination thereof: grass, ground covers, shrubs, vines, hedges, trees, or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, or fences, but excluding paving.

**Lot:** any tract or parcel of land other than an approved landfill site.

**Native Vegetation:** any plant species with a geographic distribution indigenous to all or part of Wellington. Plant species that have been introduced by man are not native vegetation.

**Natural Area:** an area of native vegetative cover.

**Non-native:** any plant not native to the State of Florida.

**Noxious Vegetation:** those species defined as Category 1 invasive plant species so listed by the Florida Exotic Pest Plant Council.

**Owner:** the owner of record of a lot as appears in the official records of Palm Beach County.

**Special Magistrate:** the special magistrate appointed as provided in Chapter 2 of this Code.

**Stagnant Residential Swimming Pool:** a pool with water that does not comply with the water clarity or turnover requirements as provided in the International Property Maintenance Code or the American National Standards Institute/National Spa and Pool Institute 5-2003 (ANSI/NSPI-5 2003) "Standards for Residential Inground Swimming Pools," as amended.

**Undeveloped Property:** any real property that is not developed property.

**Unoccupied Structure:** any structure not occupied by a permitted use normally associated with the structure, including the residing of an individual or individuals overnight or the use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Unsecured Swimming Pool:** an existing swimming pool that is not in compliance with the pool barrier requirements of the Florida Building Code, as amended.

**Untended Vegetation:** grass, weeds, and underbrush allowed to grow in an uncontrolled manner, or not cared for or maintained on a regular basis, dead or diseased trees, dead or diseased hedges, or dense growth of trees, vines, roots, or other vegetation.

**Waste:** shall be defined as in Chapter 17 of the Code of Ordinances.

## **Sec. 9-2: Exemption**

Natural areas, if the vegetation consists entirely of native vegetation, shall be exempt from the requirements of these regulations.

## **Sec. 9-3: Nuisance Declared**

It is hereby declared and determined by the Wellington Council that the following shall individually, or in any combination, be considered nuisances when they exist upon a lot, an occupied structure, or an unoccupied structure in Wellington:

- A. Accumulations of waste, trash, yard trash, junk, rubble, or debris.
- B. Excessive growth of grass, weeds, and low-growing vegetation. Such grass, weeds and low-growing vegetation shall be maintained as follows:

**Table 9-3.1**

<b><u>Lot and Use</u></b>	<b><u>Size of Lot</u></b>	<b><u>Maximum Maintenance Height</u></b>
<u>Undeveloped or Vacant Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>6 inches on the entire lot</u>
<u>Undeveloped or Vacant Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>12 inches on the first 120 feet measuring from property line or pod line of the lot on all sides of the lot adjacent to a developed lot. 18 inches on the first 120 feet outside of the urban services area and in Little Ranches and Rustic Ranches</u>
<u>Developed or Partially Developed Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>6 inches on the entire lot</u>
<u>Developed or Partially Developed Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>6 inches on the first 120 feet measuring from property line or pod line of the lot on any side of the lot</u>

<u>Lot and Use</u>	<u>Size of Lot</u>	<u>Maximum Maintenance Height</u>
<u>Golf Course Active, Inactive, or Abandoned (Prior to Redevelopment)</u>	<u>Any size</u>	<u>6 inches on the entire lot(s)</u>

- C. Noxious vegetation.
- D. Untended vegetation on developed or undeveloped property, as defined in this chapter, that creates a danger to public health, safety, and welfare by:
  - 1. Creating a fire hazard;
  - 2. Providing a nesting, breeding, or feeding area for sandflies, mosquitoes, rodents, snakes, or other species of pests and vermin, or disease-bearing organisms;
  - 3. Posing a danger to persons or structures on the property upon which the vegetation is found or adjacent properties;
  - 4. Impairing the vision of motorists or bicyclists or impeding pedestrians; or
  - 5. Adversely affecting the aesthetic appearance of the property upon which the vegetation is found or adjacent properties.
- E. Dilapidated structures.
- F. Private residential swimming pools that are unsecured or stagnant.
- G. Dilapidated private roadways, sidewalks, and traffic control signs.
- H. Abandoned vehicles on public or private property.

#### **Sec. 9-4: Nuisance Abated**

The Wellington Council further determines that any nuisance listed in section 9-3 found in Wellington shall be abated in the following manner:

- A. If the nuisance consists of accumulations of waste, trash, yard trash, junk, rubble, or debris, it shall be abated in its entirety.
- B. If the nuisance consists of grass, weeds, and low-growing vegetation as provided in section 9-3(2) the nuisance shall be abated as provided in Table 9-3.1.
- C. If the nuisance consists of noxious vegetation on developed or undeveloped lots inside the urban services area that are adjacent to developed lots, the nuisance shall be abated in its entirety if the lot is one-half acre or less. If the lot is greater than one-half acre, only so much of the nuisance shall be abated as lies within 120 feet of the boundary of an adjacent property that is developed and within 120 feet of a property line abutting a street.
- D. If the nuisance creates a danger to the health, safety, and welfare in one or more of the ways provided in section 9-3(D), the nuisance shall be abated in its entirety.



- E. If the nuisance consists of an unoccupied structure containing broken window or door glass, broken or damaged windows or window frames, broken or damaged exterior doors or entryways, broken or damaged garage doors, an unsecured swimming pool, a stagnant swimming pool, or damaged roofs that may allow an interior leak, the nuisance shall be abated in its entirety.
- F. If the nuisance consists of dilapidated private roadways or sidewalks, the nuisance shall be abated as to provide for safe vehicular and pedestrian travel. If the nuisance consists of dilapidated traffic control signs, the nuisance shall be abated to provide traffic control signs and other pavement markings to comply with the Standards Manual on Uniform Traffic Control Devices.

#### **Sec. 9-5: Procedure for Enforcement**

- A. Upon the finding by Wellington that a nuisance exists, Wellington will send a notice of nuisance to the property owner.
- B. If the nuisance has not been corrected within 21 days after mailing the notice of nuisance, a notice of violation shall be issued to the property owner that shall set forth:
  - 1. The Code section violated and description of the nature of the violation;
  - 2. A demand that remedial action be completed within a maximum of 15 days from the date of the mailing, delivery, or posting of such notice;
  - 3. A statement that failure to remedy the violation will result in correction of the violation by Wellington at the expense of the property owner; and
  - 4. A statement that the notice of violation may be appealed pursuant to section 9-6.
- C. The notice of violation shall be mailed to the address of the property owner, as shown by the tax rolls of the county, by certified mail, return receipt requested. The notice shall also be posted upon the property's front door or facade, or if there is no building, stapled to a stake sign and covered with plastic. The notice shall state that no further notice of Wellington remedial actions to address the violations will be given if Wellington effects remedial action and subsequently, the same condition or conditions occur. However, this shall apply only if the property owner remains the same according to the tax rolls of the county. If the property owner changes, a new notice shall be provided.
- D. If the owner of the subject property fails to correct the violation as required by this section and the notice of violation by the date specified in the notice of violation, the Village Manager may authorize the correction of the noncomplying condition by Wellington. The charge for the cost of abatement shall be levied in an amount equal to the actual cost to Wellington. The actual method of correction shall be determined by the Village Manager, and may, in the case of a dilapidated structure, include boarding of broken windows and doors.
- E. If Wellington effects abatement, the costs shall be calculated, and an invoice sent to the property owner of record by regular mail.
- F. Failure to pay the full amount of any charges assessed pursuant to this section, when due, shall result in Wellington filing a lien in the public records of Palm Beach County. Such lien shall bear interest at the rate of 12% per annum from the date of recordation until paid. The property owner shall be responsible for the cost of filing and release of the lien. A notice that

a lien has been recorded shall be sent to the property owner at the owner's address according to the tax rolls of the county.

- G. Nothing in this section shall prevent the department from pursuing enforcement of this Article through the code compliance process.
- H. The Wellington Code Compliance Division will keep a docket of these liens, and will notify the Wellington Council of liens that are not paid. Wellington may enforce the lien in any manner or method permitted by law, including instituting an action to foreclose the lien after authorization by the Wellington Council. The Wellington Council's decision not to approve foreclosure shall not constitute an estoppel or waiver of Wellington's lien rights or staff's ability to present the matter for council consideration at a later time. Wellington is entitled to recover all costs, expenses, and attorneys' fees incurred in enforcing the lien, including those on appeal.

### **Sec. 9-6: Appeals**

The lot owner may file an appeal to the special magistrate for a hearing to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Any appeal must be filed within 15 days after the date of the initial notice of a nuisance sent by the department. Notice of the right to an appeal shall be included in the initial notice of nuisance to the property owner. The owner's appeal shall be submitted upon forms to be provided by the department and shall be accompanied by a certified check or money order in the amount of \$100.00 made payable to Wellington. The amount shall constitute the fee necessary to defray the costs to Wellington for processing and administering the appeal. The special magistrate shall give the property owner seeking an appeal written notice of the date, time, and location of the scheduled hearing and shall hear the appeal at its regularly scheduled agenda no later than 30 days after receipt of the appeal by the department. Failure to file an appeal or to appear before the special magistrate shall be deemed a waiver of the property owner's rights to appeal the administrative action.

## **ARTICLE II - STORMWATER QUALITY MANAGEMENT**

### **Sec. 9-7: Title**

This article shall be known as the "Wellington's Initial Stormwater Control Ordinance," and may be so cited.

### **Sec. 9-8: Purpose and Intent**

The purpose of this article is to promote the health, safety, and general welfare of the inhabitants of Wellington. This article is intended to comply with federal and state law and regulations regarding water quality.

### **Sec. 9-9: Definitions**

For the purposes of this article, the following terms shall have the following meanings:

**Authorized Official:** any employee or agent of Wellington authorized by the director to administer or enforce the provisions of this article.

**Director:** the director of public works.

**Discharge:** any direct or indirect entry of any solid, liquid, or gaseous matter.

**District:** the South Florida Water Management District, a government entity created under Chapter 373, F.S.

**Person:** any natural individual, corporation, partnership, institution, or other entity.

**Site of Industrial Activity:** any area or facility used for manufacturing, processing or storing of raw materials, as defined under 40 CFR Section 122.26(b)(14) of regulations of the U.S. Environmental Protection Agency, as amended.

**Stormwater:** any stormwater runoff, surface runoff, or drainage.

**Stormwater System:** the system of conveyances owned by Wellington used for collecting, storing, and transporting stormwater, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

### **Sec. 9-10: Operation and Maintenance Responsibilities for Stormwater Systems**

Water management systems within Wellington shall be operated and maintained in a manner that will ensure that development and redevelopment adequately accommodate stormwater to meet all federal, state, and local requirements.

Wellington establishes the following regulations relating to the operation and maintenance of stormwater management systems within Wellington:

- A. Wellington will be responsible for the construction, operation, and maintenance of the primary water management system in Wellington (backbone), which consists of canals, pump stations and other stormwater management facilities described in Wellington's drainage facility map.
- B. Wellington will be responsible for the secondary water management system, which is comprised of Wellington rights-of-way and Wellington-owned properties.
- C. All other stormwater management facilities shall be operated and maintained by either the individual property owner or a duly constituted homeowners or property owners association having ownership or control of the property on which the facilities are located.
- D. Operation and maintenance responsibilities for stormwater management facilities on private property may be assumed by Wellington only pursuant to a written agreement between the parties and the execution of all necessary easements and/or rights of entry.
- E. Wellington will monitor all applications to modify the Surface Water Management Permit No. 50-00548-S (Master Permit for the Village of Wellington issued to Acme Improvement District) and will object to the issuance of any modification by the District that is inconsistent with these regulations.

### **Sec. 9-11: General Prohibitions**

- A. Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation, or permit is prohibited.
- B. Except as set forth in this article, or in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

**Sec. 9-12: Administrative Orders**

The Wellington Engineer, or designee, may issue an order to any person to immediately cease any discharge determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

**Sec. 9-13: Specific Prohibitions on Industrial Activity**

By adoption of industrial activity stormwater regulations, or by issuance of industrial activity stormwater permits, or both, the Wellington Engineer, or designee, may impose reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits shall be in accordance with applicable law.

**Sec. 9-14: NPDES Permits**

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the Wellington Engineer no later than 60 calendar days after issuance.

**Sec. 9-15: Specific Prohibitions (Sewage or Waste Materials)**

Any discharge to the stormwater system containing any sewage, industrial waste, other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders, or permits, is prohibited.

**Sec. 9-16: Authorized Exceptions**

Unless the Wellington Engineer determines that it is not properly managed, or otherwise is not acceptable, the following discharges are exempt from the general prohibitions set forth under in this article:

- A. Flows from firefighting, water line flushing, and other contributions from potable water sources;
- B. Landscape irrigation and lawn watering irrigation water;
- C. Diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, flows from riparian habitats and wetlands, and springs;  
and
- D. Foundation and footing drains, water from crawl space pumps, air conditioning condensation, individual residential car washings, and de-chlorinated swimming pool contributions.

**Sec. 9-17: Illicit Connections**

No person may maintain, use, or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this article. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

**Sec. 9-18: Notification of Spills**

As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify Wellington. If such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such notification in writing to the Wellington Engineer and Utility Department within 24 hours.

**Sec. 9-19: Injunctive Relief**

Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety, or general welfare.

**9-20: Continuing Violation**

Each day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder, shall be a separate violation.

**Sec 9-21: Enforcement Actions**

The Wellington Engineer may take all actions necessary, including the issuance of notices of violation, the filing of court actions, or referral of the matter to the Code Compliance Division to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

**Sec. 9-22: Authority for Inspections**

Whenever necessary to make an inspection to enforce this article, or any regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation this article, or any regulation or permit issued hereunder, the authorized official may enter the property, building, or facility at any reasonable time to inspect or to perform any duty related to enforcement of this article, or any regulation or permits issued hereunder; provided that (a) if such property, building, or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and (b) if such property, building, or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building, or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and in the event entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized authority. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

**Sec. 9-23: Authority for Monitoring and Sampling**

Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to

enforce the provisions of this article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.

#### **Sec. 9-24: Requirements for Monitoring**

The director may require any person engaging in any activity or owning any property, building, or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

### **ARTICLE III - WATER CONSERVATION**

#### **Sec. 9-25: Applicability**

The provisions of this Code shall apply to each user providing landscape irrigation from all water resources within the boundaries of the Wellington. Declaration of a water shortage condition and/or water shortage emergency within all or parts of Wellington by the District's Governing Board or Executive Director shall supersede this Code for the duration of the applicable declaration. Such a declaration applies to all users, using the water resource within the geographical areas subject to a water shortage or water shortage emergency, as determined by the District, whether from public or privately-owned water utility systems, private wells or private connections with surface water bodies, but shall not apply to users using reclaimed water. Nothing in this article shall be construed to relieve any person from compliance with any applicable regulations enacted by any agency of the State of Florida having jurisdiction over water resources in Wellington.

#### **Sec. 9-26: Purpose and Intent**

It is the purpose and intent of this Code to implement requirements to protect the water resources of Wellington; to promote water conservation through the efficient use of landscape irrigation consistent with the District's mandatory year-round landscape irrigation conservation measures in accordance with Chapter 40E-24, Florida Administrative Code, (F.A.C.) and to increase water use efficiency; prevent and curtail wasteful irrigation practices by providing mandatory landscape irrigation conservation measures; and to prohibit the operation of irrigation systems in a manner causing water to be wasted.

#### **Sec. 9-27: Definitions**

The following definitions shall apply within this article:

**Address:** "House number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers, but excludes post office box numbers. "

**Athletic Play Area:** All golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.

**Consumptive Use Permit (CUP):** A permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

**District:** South Florida Water Management District, a government entity created under Chapter 373, F.S.



**Even-Numbered Address:** An address ending in the number 0, 2, 4, 6 or 8; rights-of-way or other locations with no address; or the letters A-M.

**Existing Landscaping:** Any landscaping that has been planted in the ground for more than ninety (90) days.

**Landscaping:** Shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale.

**Landscape Irrigation:** The outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale.

**Low Volume Hand Watering:** The watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.

**Low Volume Irrigation:** The use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

**Micro-irrigation:** The application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or micro-spray, and subsurface irrigation.

**New Landscaping:** Any landscaping that has been planted and established for 90 days or less.

**Odd-Numbered Address:** An address ending in the number 1, 3, 5, 7 or 9; or the letters N-Z.

**Reclaimed Water:** Wastewater that has received at least secondary treatment, and basic disinfection and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

**User:** Any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity, whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, who directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses water from individual wells or pumps.

**Wasteful and Unnecessary:** Allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

**Water Resource:** Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

**Water Shortage:** When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. When the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

### **Sec. 9-28: Restrictions**

The following requirements, or exceptions, shall apply to all users, unless otherwise specified:

- A. Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided in this section.
- B. Irrigation of existing landscaping shall comply with the following provisions:
  - 1. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.
  - 2. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays, and/or Saturdays.
- C. Irrigation of new landscaping shall comply with the following provisions:
  - 1. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.
  - 2. A 90 day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
  - 3. Irrigation of new landscaping that has been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
  - 4. Irrigation of new landscaping that has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
  - 5. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, or any appropriate method that isolates and waters only the new landscaping.
- D. Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes per zone.

- E. Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state, or local law, shall be allowed under the following conditions:
1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and
  2. Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- F. Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.
- G. In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.
- H. In the event the District imposes restrictions on landscape irrigation for new and existing installations, that are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.
- I. It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Code that affect each particular water use.
- J. Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with section 373.62, F.S. and these ordinances.
- K. It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing water to be directed onto any sidewalk or paved portion of a road right-of-way.
- L. Failure to comply with the requirements of these restrictions will constitute a violation of this Code.

### **Sec. 9-29: Exemptions**

The activities below shall be exempt from the provisions of this article, unless prohibited by District requirements.

- A. Landscape irrigation by hand watering using a self-canceling nozzle or low-volume irrigation system.
- B. Landscape irrigation by systems from which the sole source is treated wastewater reuse.
- C. Flushing of water and sewer mains required for normal clearance and maintenance and for maintenance of water quality.
- D. Landscape irrigation for the purpose of watering in fungicides, insecticides, herbicides, pesticides, and fertilizers as required by the manufacturer or by federal or state laws;

however, this exemption applies only to licensed pest control operators and shall be limited to manufacturer's recommendations, which must be completed within 24 hours of application. Further, such operators must be on premises when such watering takes place outside the hours allowed for irrigation.

- E. Recirculating ornamental water features.
- F. Firefighting, health, or medical uses.
- G. Agricultural irrigation (including nurseries).
- H. Irrigation of clay tennis courts or athletic play areas, limited to one hour two times per day.

#### **Sec. 9-30: Enforcement and Penalties**

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law enforce, the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.
- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.

#### **Sec. 9-31: Variance Relief**

- A. Any user affected by this Code may apply for a variance to the Village Manager, or their designee.
- B. Recognition of District Variances: Wellington recognizes and adopts all irrigation variances or waivers issued by the District.

### **ARTICLE IV – WATER SHORTAGES**

#### **Sec. 9-32: Applicability**

The provisions of this article shall apply to each user using the water resource within the geographical areas subject to the water shortage condition or water shortage emergency, as determined by the District, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This article shall not apply to users using reclaimed water.

#### **Sec. 9-33: Purpose and Intent**

It is the purpose and intent of this article to protect the water resources of Wellington from the harmful effects of overutilization during periods of water shortage in support of the District's implementation of a water shortage plan, or issued water shortage orders, under Chapter 40E-21, Florida Administrative Code (F.A.C.).

**Sec. 9-34: Definitions**

The following definitions shall apply within this article:

**District:** South Florida Water Management District, a government entity created under Chapter 373, F.S].

**User:** Any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, who directly or indirectly take water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells and pumps.

**Water Resources:** Any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

**Water Shortage:** When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm.

**Water Shortage Emergency:** When the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

**Sec. 9-35: Declaration of Water Shortage or Water Shortage Emergency**

A declaration of a water shortage condition and/or water shortage emergency within all or parts of Wellington issued by the District's Governing Board or Executive Director shall invoke the provisions of this article. Upon such declaration, all water use restrictions or other measures adopted by the District applicable to Wellington, or any portion thereof, shall be subject to enforcement action in accordance with this Code. Any violation of the water use restrictions or other measures adopted by the District, or any order issued, shall be a violation of this Code. Water shortage or water shortage emergency measures adopted by the District and enforced by Wellington shall supersede mandatory year-round water irrigation measures until the more restrictive measure is rescinded by the District.

**Sec. 9-36: Variances**

Wellington recognizes all variances issued by the District.

**Sec. 9-37: Enforcement and Penalties**

- A. **Enforcement:** Every law enforcement official having jurisdiction in the area governed by this a may, in connection with all other duties imposed by law, enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other Wellington departments, in accordance with state and local law.

- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.

## **ARTICLE V - BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE AND FERTILIZER MANAGEMENT**

### **Introduction**

The Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but also serves as the habitat for diverse species of wildlife and plant life. It is one of Florida's great treasures and its ecological system is unique in the world. In response to adverse changes in water quality, quantity, distribution and timing of flows that were damaging and endangering the system, the Florida Legislature enacted the Everglades Forever Act in 1994. It has been determined that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus, which must be reduced to benefit the ecology of the Everglades.

Wellington discharges its stormwater into the C-51 canal, which is then routed through the South Florida Water Management District's (SFWMD) Stormwater Treatment Area 1 East (STA 1E) and into the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which is within the Everglades Protection Area.

Recognizing that animal and fertilizer waste discharge significantly impacts water quality, Wellington and the SFWMD entered into a Joint Cooperation Agreement in September of 2000, pursuant to which Wellington adopted and implemented regulatory measures aimed at lowering phosphorous discharge. In 2003, Wellington and the SFWMD entered into a Memorandum of Understanding for water resource management facilities in the Basin B area, and a Cooperative/Cost Share Agreement for the implementation of Best Management Practices for livestock waste and fertilizer. In 2004, Wellington and the SFWMD entered into Memorandum of Understanding No. CP040318 concerning funding for the Acme Basin B Discharge Project to divert stormwater discharges away from the Arthur R. Marshall Loxahatchee National Wildlife Refuge. All of these agreements, together with Wellington's SFWMD Environmental Resource Permit (50-00548-S, application 070330-35) and the State of Florida Flood Plain Management mandates, require Wellington to adopt and enforce these Best Management Practices.

### **Sec. 9-38: Definitions**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

**Apply Fertilizer:** the actual physical deposition of fertilizer to turf or landscape plants in Wellington.

**Applicator:** any person who applies fertilizer on turf or landscape plants in Wellington.

**Approved Disposal Site:** a real property in which a state or county registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.

**Approved Test:** a soil test and livestock waste test from a governmental entity or commercial licensed laboratory that is certified and qualified to perform soil testing and recommendations.



**Best Management Practices or "BMP":** a practice, or combination of practices, based on research, field-testing, and expert review deemed to be the most effective and practicable, including economic and technological considerations and means of achieving a desired result such as improving water quality to an acceptable level in discharges.

**Best Management Practices Livestock Waste (Fertilization) Management Plan (BMPLW(F)MP):** a comprehensive waste management plan covering all aspects of managing livestock manure, urine, and bedding waste and all aspects of managing fertilizer storage and application developed to prevent the uncontrolled release of pollutants from these wastes.

**Code Compliance Officer:** any designated employee or contractor whose duty is to enforce codes and ordinances enacted by Wellington.

**Commercial Fertilizer Applicator:** (Except as provided in F.S. § 482.1562(9)) means any person or entity that applies fertilizer to property for payment or other consideration.

**Commercial Livestock Waste Hauler:** person(s), firm(s), corporation(s), or other legal entity(ies) permitted by Wellington to provide livestock waste removal services within Wellington for a fee in accordance with terms and conditions established by this article.

**Common Livestock Waste Storage Area:** a livestock waste storage area established for the temporary storage of livestock waste from off-site livestock facilities.

**Composting:** the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.

**Containment:** a system that is used for release prevention.

**Cover:** the placement of a lid, roof or protective covering (tarp like) over a livestock waste storage area so as to shield the livestock waste from rain or stormwater intake.

**District:** the South Florida Water Management District (SFWMD).

**Drainage Basin:** a topographic region in which all water drains to a common area.

**Everglades Protection Area:** water conservation areas 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Water Conservation Area 1), and the Everglades National Park.

**Drainage Conveyance Systems:** canals, detention/retention areas, grass swales, underground piping, drainage inlets, junction boxes, manholes, and any other components that store, collect, and convey rain or surface waters.

**Fertilizer:** any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

**Fertilizing or Fertilization:** the act of applying fertilizer to turf, specialized turf, or plants.

**Horse Wash Drainfield System:** a system of perforated piping, coarse grade wash-rock, and geotextile fabric for receiving the effluent flow from horse wash areas and designed to distribute the effluent for oxidation and absorption by the soil within the zone of aeration.

**Impermeable Containment Pad or Floor:** a containment pad or floor that utilizes non-porous building materials such as concrete or asphalt or like materials to prevent leakage and uncontrolled ground contamination, and provides overall containment of livestock waste or fertilizers or chemicals.

**Institutional Applicator:** any person other than a private, non-commercial, or commercial applicator (unless such definitions also apply under the circumstances), who applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators include, but are not limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium or common ownership.

**Livestock:** as defined by Florida state statute and as applicable in the Village of Wellington.

**Livestock Facility:** property with buildings where livestock is actively managed.

**Livestock Waste:** wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.

**Livestock Waste Self-Hauler:** property owner or authorized representative registered with Wellington to provide livestock waste removal services from the owner's property in accordance with the terms and conditions established by this article.

**Livestock Waste Storage Area:** an at grade area constructed of impermeable material such as concrete or asphalt that allows for the storage of roll dumpsters, compactors, or other storage containers.

**Manure Bin:** a physical structure to prevent leakage of manure.

**Manure Test:** an analysis of livestock waste by a qualified laboratory to determine the nutrient value and makeup of the property owner's livestock waste, specifically the phosphorus content.

**Monitoring Wells:** strategically located wells from which water samples are drawn for water quality analysis or measurement of ground water levels.

**Paddock:** a fenced grassed area of ¼ acre or less used primarily for exercise and secondarily for feeding of livestock.

**Pasture:** a fenced, grassed area of approximately more than ¼ acre used primarily for exercise and secondarily for feeding of livestock.

**Prohibited Application Period:** the time period during which a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Palm Beach County, issued by the National Weather Service, or if heavy rain (two inches or more within a 24-hour period) is likely.

**Saturated Soil:** a soil in which the voids are filled with water. Saturated soil does not allow flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

**Screening:** an opaque barrier that blocks the livestock waste storage area from view from the street or neighboring properties.

**Slow Release, Controlled Release, Timed Release, Slowly-Available, or Insoluble Nitrogen:** nitrogen in a form that delays its availability for plant uptake and use after application, or that extends its availability to the plant longer than a reference rapid of quick release product.

**Soil Test:** an analysis of a site soil sample for nutrient levels by a qualified laboratory to determine fertilizer needs of the site, specifically phosphorus needs of the plants located on the property.

**Spreading:** the human or mechanical means used to distribute livestock waste, fertilizer, or compost. Animal waste on pasture lands shall not be considered spreading of livestock waste.

**Stormwater Treatment Areas "STA":** those water quality treatment and water storage areas known as Stormwater Treatment Area 1 East (STA 1E) as described and depicted in the District's conceptual design document of February 15, 1994, and any modifications thereto.

**Turf, Sod, or Lawn:** an area of grass-covered soil held together by the roots of the grass.

### **Sec. 9-39: Purpose**

The purpose of these BMPs for livestock waste and fertilizer management is to implement the policies and objectives of the Conservation, Sustainability & Resiliency Element of Wellington's Comprehensive Plan and to comply with the conditions of the Joint Cooperation Agreement between Wellington and the District. The agreement requires Wellington to implement a compliance-based pollution prevention program designed to reduce nutrient discharges, specifically phosphorus, from its surface water drainage system into the Everglades Protection Area. Wellington is therefore implementing a BMP program designed to reduce, abate, and prevent, directly and indirectly, phosphorus discharges to the surface water system within its boundaries, pursuant to the State of Florida water quality and water quantity standards.

### **Sec. 9-40: Applicability**

These standards shall apply to all property within the jurisdictional boundaries of Wellington.

### **Sec. 9-41: Best Management Practices for Livestock Waste**

Livestock waste shall be placed in a manure bin or a livestock waste storage container that is water tight, including roll-off containers or dumpsters that meet the standards of this section. Further, manure bins and containers must be kept within a livestock waste storage area that is associated with a permit issued by Wellington. Livestock waste shall not be placed, accepted, stored, or allowed to accumulate on any property in Wellington, except as provided herein. This does not apply to pre-existing permitted livestock waste storage areas.

#### **A. Management of Livestock Waste:**

1. Each livestock facility shall provide a livestock storage area for livestock waste.
2. The property owner is responsible to ensure that only livestock waste is placed in the storage container. Debris or garbage found in the livestock waste storage container cannot be removed from the property and must be separated from the livestock waste before it can be removed.
3. Livestock waste shall be placed or stored in a livestock waste storage area that meets the following requirements:

- a. All new or reconstructed livestock waste storage areas shall be constructed with an impermeable floor with sidewalls constructed of concrete block or concrete or molded resin based plastic on three (3) sides. All livestock waste storage areas, livestock waste storage containers, and manure bins shall be designed and constructed to be water-tight with a cover that will not allow storm water to enter into or any liquids to discharge from the storage area. The impermeable pad or floor shall have a curb or rolled lip of asphalt or concrete not less than one inch (1") in height on all four sides of the containment area. The floor of a manure bin shall be pitched downward toward the rear wall of the manure bin (minimum fall from front to rear of one-quarter inch (1/4") per foot).
- b. As an alternative livestock waste storage area and manure bin design, the impermeable floor may be designed to include a floor drain or trench drain to allow stormwater to drain from the area. The floor drain or trench drain must be connected to an exfiltration trench or French Drain system designed and sized by a Professional Civil Engineer. The exfiltration trench or French Drain system must be designed to drain a volume of water equal to the area of the livestock waste storage area or manure bin multiplied by the 1-in-100 year rainfall event. A filtration system or sediment tank must be included as part of the design and must be approved by Wellington's Engineering Department.
- c. The livestock waste storage area shall comply with flood plain management standards, which require the storage area to be elevated to a minimum of six inches above the crown of the adjacent roadway or access easement, or 12 inches below the minimum residential finish floor, whichever is greater.
- d. An Engineering Permit shall be obtained from Wellington prior to constructing or substantially altering (more than 30% of the value of the storage area as determined by the Wellington Engineer) a livestock waste storage area within Wellington's boundaries.
- e. The determination of the size of the livestock waste storage area is the responsibility of the property owner based upon the number of horses or livestock on the property and their daily generation of manure, urine and bedding material, as well as intended frequency of removal for disposal. At no time shall livestock waste be allowed to accumulate beyond the threshold of the livestock waste storage area.
- f. Roll-off and dumpster containers may be used as livestock waste storage areas subject to the following requirements:
  - i. Livestock waste storage containers, including all dumpster types and compactors, must be placed within a livestock waste storage area or manure bin.
  - ii. Livestock waste storage containers, including all dumpster types, shall meet the same elevation requirements as in Sec. 9-41(a)(3)(c).
  - iii. Livestock waste storage containers, including all dumpster types and compactors, must contain an attached lid or cover and be watertight at all times. Livestock waste storage containers must be fully covered/closed when not being filled, emptied, loaded, or unloaded.

4. All equestrian facilities shall properly store livestock waste and shall have livestock waste removed from the facility as provided in this section.

B. Location of Waste Storage Facilities:

1. Livestock waste storage and roll-off and dumpster containers shall be located:
  - a. At least five (5) feet away from any adjacent structure roof overhang;
  - b. At least 50 feet away from any grassed drainage swale;
  - c. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system with direct discharge into any body of water;
  - d. At least 100 feet away from a public potable water supply well, and 100 feet from a private potable well;
  - e. Within reasonable proximity to the stable or barn structures on the property and in accordance with the minimum accessory use set back requirements;
  - f. Adjacent to a stabilized vehicular access drive or road, of not less than 10 feet in width. The stabilized vehicular access drive or road must connect the livestock waste storage area to the adjacent access easement or road right-of-way. The stabilized access drive must be designed and constructed to provide for safe ingress/egress for waste removal services and waste haulers; and
  - g. When the livestock waste storage area, manure bin, or livestock waste storage container(s) are located within a barn or a detached roofed structure with four (4) walls, and there is a roll-up door or similar structure that can be utilized to completely enclose the livestock waste storage area, manure bin, or livestock waste storage container(s), then a 50% reduction of the minimum setbacks listed above, may be considered by Wellington's Engineering Department. However, no reduction shall be granted for the minimum setbacks from all potable water supply wells.

C. Extenuating Circumstances:

If compliance with the setback regulations is not possible because of a property's unusual circumstances, including development or related actions by adjacent property owners, the property owner may submit for approval an alternate method of compliance. Mitigation measures, such as berms, grading changes or secondary containment systems, may be considered in addressing unique and unusual circumstances. Alternative measures must be approved by Wellington's Engineering Department and shall be installed and maintained in accordance with the approved specifications. Any alternative method of compliance must:

1. Meet the intent of these provisions;
2. Demonstrate the ability to mitigate water quality impacts;
3. Provide a secondary method of containment; and
4. Be designed, signed, and sealed by a Professional Civil Engineer currently registered in the State of Florida.

D. Livestock Waste Storage Area Maintenance:

1. The removal and transportation of livestock waste on commercial and private properties within Wellington's boundaries shall be done exclusively by a registered commercial livestock waste hauler or a registered livestock waste self-hauler.
2. Livestock waste shall be confined within the livestock waste storage area, manure bin, or livestock waste storage container.
3. Livestock waste storage area(s) shall be continuously maintained so that no stormwater runoff, liquids, or materials of any type are released or leak.
4. All livestock waste storage areas, manure bins, livestock waste storage containers, and impermeable pads shall be inspected by a code compliance officer or building inspector bi-annually for cracks, crevices, holes, and other damage. Repairs shall be made as warranted to prevent spillage or discharge within 30 days of notice to the owner by the Wellington Code Compliance Division of the Planning, Zoning and Building Department.

E. Disposal of Livestock Waste:

The disposal of livestock waste within Wellington must be accomplished by composting the waste, implementing a nutrient management program, or by hauling the waste off-site to an approved disposal site.

F. Composting of Livestock Waste: Composting of livestock waste, when in compliance with the Land Development Regulations, is permitted under the following conditions within Wellington's boundaries:

1. Large Scale Composting: Where the composter has received a permit from the Florida Department of Environmental Protection (DEP) pursuant to F.S. § 403.707, and in accordance with Chapter 62-709, Florida Administrative Code. The approved DEP Form shall be submitted to Wellington. A copy of any and all annual reports required to be filed with DEP shall be filed with Wellington annually.
2. Scale Composting: Where the composter proposes to spread compost generated on and within their property and is not required to obtain a permit from the DEP pursuant to F.S. § 403.707, and in accordance with Chapter 62-709, Florida Administrative Code, the composter shall prepare and submit a permit application to Wellington's Engineer as described in this section. This application entitled: Registration and Annual Reporting for Composting shall be completed and reviewed based upon the following:
  - a. Property Information:
    - i. The number of horses kept on the owner's property.
    - ii. The amount of livestock waste generated monthly.
    - iii. The amount of compost generated monthly.
    - iv. A site plan application denoting area calculation of net available lands where compost will be spread, along with the type of vegetation within the landscape areas, pastures, or other areas where spreading will occur.



- v. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.
- vi. Soil and compost test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the composted waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre that the property's vegetation can sustain.
- b. Site Plan of Property:
  - i. A description of all structures located on the property, including existing and proposed size, location, use, and setbacks as set forth in section 6.3.1 of Wellington's Land Development Regulations, Table 6.3-1 Property Development Regulations.
  - ii. Composting pad location and construction materials.
  - iii. Livestock waste storage facility location and construction materials as set forth in this Code.
- c. Application Contents:
  - i. Completed application for registration and annual composting.
  - ii. \$50.00 non-refundable application fee made payable to Wellington.
  - iii. Completed annual report for a solid waste management facility producing compost made from solid waste.
- d. Compost Spreading Plan: The spreading of livestock waste shall be prohibited within Wellington's boundaries, except as provided herein:
  - i. The property owner must prepare a best management practice livestock waste management plan (BMPLWMP) in accordance with the requirements of this article, and must be submitted to Wellington's Engineer or designee, who will coordinate with all other departments for review and approval. Spreading of composted livestock waste is prohibited without an approved plan. All BMPLWMP's shall be subject to an annual renewal at which time the property owner shall submit to Wellington an annual report on spreading activities.
  - ii. Livestock waste shall be composted before any spreading occurs.
  - iii. Applications for best management practices livestock waste management plans that have been approved by Wellington, shall be reviewed annually to ensure practices are being followed as originally submitted and in accordance with the annual report.
- e. Nutrient Management Plan: A landowner may be considered exempt from composting livestock waste if a nutrient management plan is submitted to and approved by Wellington. Annually the landowner shall submit a nutrient management plan to Wellington's Engineer for review and approval, based on the following:

- i. The number of horses kept on the owner's properties.
- ii. The amount of livestock waste generated monthly.
- iii. A site plan denoting area calculation of net available lands where livestock waste will be spread along with the type of vegetation within the landscape areas, pastures, and other areas where spreading will occur.
- iv. Setbacks from wells, drainage inlets, and water bodies as referenced in this Code.
- v. Soil and manure test sample reports prepared by UF-IFAS Soil Testing Laboratories shall be submitted, detailing the nutrient value of the livestock waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre which the property's vegetation can sustain.

#### G. Livestock Waste Hauling:

- 1. All commercial livestock waste haulers and livestock waste self-haulers shall be annually permitted and registered, as required by Wellington.
- 2. All livestock facilities within Wellington's boundaries shall provide for the removal of livestock waste by either a commercial livestock waste hauler or a livestock waste self-hauler that is permitted and registered by Wellington.
- 3. Disposal of livestock waste must be within an approved disposal facility. Additionally, the disposal facility must provide copies of all current valid permits annually to Wellington and must agree to periodic audits and provide copies of all load tickets obtained from the haulers to Wellington's Engineer.
- 4. Commercial livestock waste haulers will pay a permit fee to Wellington as may be adjusted from time to time. Livestock waste self-haulers will not pay a fee.
- 5. Commercial livestock waste haulers and livestock waste self-haulers permits and registrations shall be subject to revocation for failure to abide by the terms of this article.
- 6. Hauling reports shall be provided by commercial livestock waste haulers and livestock self-haulers to Wellington quarterly. Hauling records shall identify the waste source, quantity in cubic yards or tons, and the waste disposal site with quantity deposited in cubic yards or tons within an approved site. Hauling records shall include signed load tickets or affidavits certifying the loads from both the source and disposal site owners. Failure to provide quarterly hauling records may result in the loss of the hauler's permit. Wellington reserves the right to audit the hauling record and load tickets from the generating properties and approved disposal sites.
- 7. The livestock waste hauling regulations do not relieve the property owner of their responsibility to use authorized livestock waste haulers.

#### **Sec. 9-42: Horse Wash Drainfield System**

- A. A permanent horse wash drainfield system with a concrete slab with a rough finish is required for barns with more than two horses. Rubber mats, rubber pavers, or poured rubber particle

finishes may be used on top of the concrete, if desired. Slab drains shall be designed to discharge into an on-site dry retention pond or trench drain. If a drain in the slab is not constructed, the slab shall be pitched so that the water gently runs off into a trench filled with gravel designed to receive water from the lowest point of the slab.

- B. If a permanent horse wash drainfield system is not required, rotation of horse wash sites, using established turf areas to prevent mud and sedimentation problems, is required. Portable rubber mats can be used to prevent denuding of turf areas.
- C. Permanent horse wash drainfield systems or temporary washing areas shall be located at least 50 feet away from water bodies, wells, and domestic septic tank drain fields. Temporary washing areas may direct run-off into a well vegetated area.
- D. No new connections of horse wash drainfields to the public sanitary sewer system shall be permitted.
- E. Horse Wash Drainfields shall be located:
  - 1. At least 50 feet away from any grassed drainage swale;
  - 2. At least 100 feet away from any drainage port of entry, body of water, public or private storm drainage conveyance system that has direct discharge into any body of water; and
  - 3. At least 100 feet away from a public potable water supply well and 100 feet from a private potable well.

#### **Sec. 9-43: Best Management Practices for the Application and Storage of Fertilizer**

- A. All fertilizers shall be stored in a dry storage area protected from rainfall and ponding.
- B. No fertilizer containing in excess of two percent phosphate/phosphorus (P<sup>2</sup>O<sup>5</sup>) per guaranteed analysis label (as defined by F.S. ch. 576) shall be applied to turf grass, pastures, paddocks, or used in nurseries unless justified by a soil test.
- C. Fertilizer containing in excess of two percent phosphate/phosphorus (P<sup>2</sup>O<sup>5</sup>) per guaranteed analysis label shall not be applied within ten feet of the edge of water or within ten feet of a drainage facility.
- D. All fertilizer shall be applied such that spreading of fertilizer on all impervious surfaces is minimized.
- E. Liquid fertilizers containing in excess of two percent phosphate/phosphorus (P<sup>2</sup>O<sup>5</sup>) per guaranteed analysis label shall not be applied through an irrigation system within ten feet of the edge of water or within ten feet of a drainage facility.
- F. Liquid fertilizers containing in excess of two percent phosphate/phosphorus (P<sup>2</sup>O<sup>5</sup>) per guaranteed analysis label shall not be applied through high or medium mist application or directed spray application within ten feet of the edge of water or within ten feet of a drainage facility.
- G. Wellington shall establish a public education program focused on the following:
  - 1. Proper irrigation of landscaped areas;

2. Application rates of fertilizer;
3. Appropriate types of fertilizer for different plants; and
4. Proper use of organic fertilizers and soil amendments.

H. Timing of Fertilizer Applications:

1. No applicator shall apply fertilizers containing nitrogen or phosphorus to turf or landscape during the prohibited application period and within the fertilizer free zones as identified in this section, or to saturated soils.
2. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation, or in accordance with the stormwater pollution plan for the site.

- I. Fertilizer Free Zones: Fertilizer shall not be applied within ten feet of any pond, stream, lake, canal, water body, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a headwall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in their zones only for a 60-day period beginning no sooner than 30 days after planting, if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

J. Fertilizer Content and Application Rates:

1. Fertilizers applied to turf within Wellington shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative Code, required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.
2. Unless a soil or tissue deficiency has been verified by an approved test, nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in this chapter for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs.
3. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practice for the Enhancement of Environmental Quality of Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007. Fertilizer used at parks or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida Administrative Code.

K. Fertilizer Application Practices:

1. Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

2. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or other permissible surface, or be returned to the original or other appropriate container.
  3. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies. Property owners and managers are encouraged to use an Integrated Pest Management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.
- L. Management of Grass Clippings, Vegetative Matter: In no case shall grass clippings, vegetative material, or vegetative debris be washed, swept, or blown onto or into storm water drains, ditches, conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is inadvertently deposited shall be immediately removed to the maximum extent practicable.
- M. Training:
1. All commercial and institutional applicators of fertilizer within Wellington shall abide by and successfully complete the six hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida Friendly Landscapes" program or approved equivalent program.
  2. Non-commercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida Friendly Landscape Program" and label instructions when applying fertilizer.
- N. Licensing of Commercial Applicators:
1. All commercial applicators applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, multi-family, equestrian, and condominium properties) must ensure that the business owner or the owner's designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate or landscape registration. Owners of such businesses shall provide proof of completion of the program to Wellington. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate as a condition of receiving their business tax receipt or landscape registration annually.
  2. All commercial applicators of fertilizer within Wellington shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator.

#### **Sec. 9-44: Commercial Fertilizer Applicators**

- A. Any person, firm, corporation, or other legal entity that provides fertilization services for a fee within Wellington shall pay an annual registration fee as may be adjusted from time to time by resolution of Wellington's Council.

- B. Commercial fertilizer registrations shall be subject to revocation for failure to abide by the terms and conditions established in this article and other Wellington regulations.

**Sec. 9-45: Enforcement**

Any owner, owner's representative, tenant, or person violating any provision of this article may be subject to enforcement as provided in Chapter 2 of this Code.