

The Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but serves as the habitat for diverse species of wildlife and plant life. It is one of Florida's great treasures. 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 its ecology.

Wellington discharges our stormwater into the C-51 canal, which is then typically routed through the South Florida Water Management District's Stormwater Treatment Area 1 East (STA1E) and then 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 our SFWMD Environmental Resource Permit (50-00548-S, application 070330-35) and the State of Florida Flood Plain Management mandates require us to adopt and enforce these Best Management Practices.

Sec. ~~309~~32. – 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:

- (a) *Application* or *Apply*: The actual physical deposition of fertilizer to turf or landscape plants in Wellington.
- (b) *Applicator*: Any person who applies fertilizer on turf and/or landscape plants in Wellington.
- (c) *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 193.461, Florida Statutes (F.S.).
- (d) *Approved Test*: A soil test and livestock waste test from a governmental entity or commercial licensed laboratory that is certified and qualified to perform regularly performs soil testing and recommendations.
- (e) *Best Management Practices* or "*BMP*": A practice, or combination of practices, based on research, field-testing, and expert review to be the most effective

and practicable, including economic and technological considerations and means of achieving a desired result such as improving water quality in discharges to an acceptable level.

- (f) *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/or all aspects of managing fertilizer storage and application developed to prevent the uncontrolled release of pollutants from these wastes.
- (g) *Code Compliance Officer*: Any designated employee or contractor of Wellington whose duty is to enforce codes and ordinances enacted by Wellington.
- (h) *Commercial Fertilizer Applicator*: (except as provided in F.S. § 482.1562(9)): Any person or entity who applies fertilizer to property for payment or other consideration to property.
- (i) *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 within Wellington in accordance with terms and conditions established by this article.
- (j) *Common Livestock Waste Storage Area*: A livestock waste storage area established for the temporary storage of livestock waste from off-site livestock facilities.
- (k) *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 which can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.
- (l) *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-/stormwater intake.
- (m) *District*: The South Florida Water Management District.
- (n) *Drainage Basin*: A topographic region in which all water drains to a common area.
- (o) *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.
- (p) *Drainage Conveyance Systems*: Canals, detention/retention areas, grass swales, underground piping, drainage inlets, junction boxes, manholes ~~are all and any other~~ components that store, collect, and convey rain/surface waters. ~~Specifically above-ground ports of entry or near surface components that store or collect rain/surface waters are herein referred to as drainage conveyance systems.~~
- (q) *Fertilizing or Fertilization*: The act of applying fertilizer to turf, specialized turf, or plants. *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.

- (r) 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 the livestock waste or fertilizers/chemicals.
- (st) Institutional Applicator: Any person other than a private, non-commercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be 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 and/or common ownership.
- (tu) Livestock: All animals of the equine, bovine, or swine class.
- (uv) Livestock Facility: Property under single ownership or control where livestock is raised and or boarded.
- (vw) 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.
- (wx) Livestock Waste Self-Hauler: Property owner or authorized representative registered with Wellington to provide livestock waste removal services from their own property in accordance with the terms and conditions established by this article.
- (xy) 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 of dumpsters, compactors, or other such with an impermeable cover; or a mechanical storage containers that can be sealed, lifted, and transported.
- (z) Livestock Waste Storage Container (roll-off dumpster): A fully enclosed receptacle that is made of materials that are durable and are fully rigid, in order to store livestock waste that shall be located on or within a livestock waste storage area, which has an impermeable surface for storage, loading and transporting of livestock waste.
- (aa) Manure Bin: A physical structure with three (3) concrete walls, a roof/cover, with a sloping floor of one-quarter (1/4) 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.
- (ybb) 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.
- (zcc) Monitoring Wells: Strategically located wells from which water samples are drawn for water quality analysis or measurement of ground water levels.

- (aadd) *Paddock*: A fenced grassed area of ¼ acre or less used primarily for exercise and secondarily for feeding of livestock.
- (bbeee) *Pasture*: A fenced, grassed area of approximately more than ¼ acre used primarily for exercise and secondarily for feeding of livestock.
- (ff) *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.
- (egg) *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.
- (ddhh) *Saturated Soil*: A soil in which the voids are filled with water. ~~Saturation~~ Saturated soil does not ~~require~~ allow flow. For the purposes of this Ordinance, 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.
- (ii) *Screening*: An opaque barrier that blocks the livestock waste storage area from view from the street or neighboring properties.
- (eeiii) *Slow Release, Controlled Release, Timed Release, Slowly-Available, or Insoluble Nitrogen*: Nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid of quick release product.
- (ffjjkk) *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 ~~grown on the site~~ located on the property.
- (ggkkll) *Spreading*: Refers to the human or mechanical means to distribute livestock waste or compost. Animal waste on pasture lands shall not be considered spreading of livestock waste.
- (hhllmm) *Stormwater Treatment Areas "STAs"*: Those water quality treatment and water storage areas know as Stormwater Treatment Area 1 East (STA 1E) as described and depicted in the ~~d~~ District's conceptual design document of February 15, 1994, and any modifications thereto.
- (iimmiinn) *Turf, Sod, or Lawn*: An area of grass-covered soil held together by the roots of the grass.
- (jjnnjoo) *Urban Landscape*: Pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in F.S. § 570.02.

#### Sec. 309-33. - Purpose.

The purpose of these best management practices (BMPs) for livestock waste and

Draft 10/8/21 4

fertilizer management is to comply with Policy ~~4.2.11 and 13~~ 1.3.1 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 South Florida Water Management District which requires Wellington to implement a compliance-based ~~pollution prevention~~ program designed to reduce nutrient discharges, specifically phosphorus, from its surface water drainage system that ultimately flows into the Everglades Protection Area. This compliance-based program is specifically identified as the Permit Criteria and Best Management Practices Manual for Works in the Village of Wellington. Wellington is therefore implementing ~~at this~~ this BMPs program, which is designed to reduce, abate, and prevent, directly and indirectly, phosphorus discharges into the surface water system within Wellington, pursuant to the State of Florida water quality and water quantity standards.

Sec. ~~309-34.~~ - Applicability.

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

Sec. ~~309-35.~~ - Best management practices for livestock waste.

Livestock waste shall be placed in a manure bin or ~~stored in a livestock waste storage area or container that is water tight container such as a~~ including roll-off containers or dumpsters and must be within a livestock waste storage area that ~~which~~ is associated with a permit issued by the Village of Wellington. Livestock waste shall not be placed, accepted, stored, or allowed to accumulate on any property in Wellington, except as provided herein.

- (1) *Management of livestock waste.* Each livestock facility shall provide a livestock storage area for livestock waste.
- (2) The property owner is responsible to insure 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.

~~(23)~~ (3) Livestock waste shall be placed, or stored in a livestock waste storage area that meets the following requirements:

- a. ~~As of June 24, 2013, 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 sides. ~~The~~ All livestock waste storage areas, livestock waste storage containers, and manure bins shall be designed and constructed to be water-tight with a cover which will not allow storm water to enter into or any liquids to discharge from the storage area. discharge. The impermeable pad or floor shall be impermeable and have a curb or rolled

lip of asphalt or concrete not less than one and one-half inches in height on all four (4) sides of the containment area. ~~or a slab pitched~~ The floor of a manure bin shall pitch downward toward the rear wall of the storage area manure bin. (Minimum fall from front to rear of 1/4" (one-quarter inch) per foot ~~two inches~~); and

- 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 the Village of Wellington's Engineering Department.
- ~~b.c.~~ c. The livestock waste storage area shall comply with flood plain management standards, which requires the storage area to be elevated to a minimum of six inches above the crown of the adjacent roadway/access easement; or 12 inches below the minimum residential finish floor whichever is greater; and
- ~~ed.~~ d. An building "permit" or a zoning compliance determination Engineering Permit shall be obtained from the Village of Wellington prior to constructing or altering a livestock waste storage area within Wellington boundaries; and
- ~~de.~~ 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,; and
- ~~ef.~~ 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 Roll-off and dumpster types and compactors must be placed within a containers used as livestock waste storage areas or manure bin shall be placed on a concrete or asphalt pad with at least a two inch curb around the entire storage area; and
  - ii. Livestock waste storage containers, including all dumpster types and compactors Roll-off and dumpster containers used as livestock waste storage areas shall meet the same elevation requirements as listed in [(2)b];; and
  - iii. Livestock waste storage containers, including all dumpster types and compactors Roll-off and dumpster containers must contain an attached lid or cover and be water tight at all times. Livestock waste

storage containers must be covered/closed when not being filled, emptied, loaded, or unloaded.

- (34) 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 areas, manure bins, and livestock waste storage containers, including all dumpster types and compactors~~and roll-off and dumpster containers~~ shall be located:

- a. At least five 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 which has direct discharge into any body of water;
- d. At least 100 feet away from a potable water supply well.
- e. Within reasonable proximity to the stable/barn structure 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.
- 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 which 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, shall be considered by the Village of Wellington's Engineering Department. This potential reduction in the minimum setbacks shall, in no case, apply to the minimum setbacks from all potable water supply wells.

- (2) Extenuating circumstances; if compliance with the setback regulations is not possible because of a property's properties unusual circumstances, the property owner may submit an alternate method of compliance. Mitigation measures such as berms, grading changes or secondary containment systems can be considered in addressing unique and unusual circumstances. If a Alternative measures are must be approved they must be by the Village of Wellington's Engineering Department and shall be installed and maintained in accordance with the approved specifications. Any alternate method of compliance must;

- a. Meet the intent of these provisions,

- b. Demonstrate the ability to mitigate water quality impacts
- c. Provide a secondary method of containment and
- d. ~~Be supported by an engineering study.~~ designed, signed, and sealed by a Professional Civil Engineer currently registered in the State of Florida.

(c) *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 either 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 structure.
- (3) Livestock waste storage area(s) shall be continuously maintained so that no stormwater runoff or any types of liquids/materials are allowed to be released/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 annually for cracks, crevices, holes, and other damages. Repairs shall be made as warranted to prevent spillage or discharge, within 30 days of notice to the owner by the Village of Wellington Code Department or Building Department.

(d) *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.

- (1) Composting of livestock waste is permitted under the following conditions within Wellington's boundaries:
  - a. 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.
  - b. Small scale composting: Where the composter proposes to spread compost 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 on the following standards.

i. Property Information:

- a) The number of horses kept within the owner's properties.



- b) The amount of livestock waste being generated monthly.
- c) The amount of compost being generated monthly.
- d) Provide an application with a site plan denoting area calculation of net available lands where compost will be spread along with the type of vegetation within the landscape areas, pastures, etc.
- e) Setbacks from wells, drainage inlets and water bodies as referenced in section 30-153(b)(1).
- f) Soil and compost test sample reports shall be submitted (UF-IFAS Soil Testing Laboratories) 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 which the ~~properties~~ property's vegetation can sustain.

ii. Site plan of property to include:

- a) A description of all structures located on property including existing and proposed size, location, use and setbacks (Section 6.10.6 Development standards, (A) minimum setbacks).
- b) Composting pad location and construction materials.
- c) Livestock waste storage facility location and construction materials section 30-153(a)2a.

iii. Narrative to include: (see Composting Frequently Asked Questions)

- a) A brief description of how the compost will be used.
- b) A description of how odor and vectors will be controlled.
- c) A description of how stormwater intrusion will be controlled and the type of cover to be provided in the storage structure.
- d) The operating parameters to be followed for managing the process.
- e) A description of how the facility will be closed.

iv. Application:

- a) Completed application for registration and annual composting.
- b) ~~\$25.00~~ \$50.00 non-refundable application fee made payable to Wellington.
- c) Completed Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste (Part C).

v. Compost Spreading Plan:

- a) The spreading of livestock waste shall be prohibited within Wellington's boundaries, except as provided herein:

- 1) The property owner must prepare a best management practice livestock waste management plan (BMPLWMP) in accordance with Wellington requirements and ~~submitted~~ submit 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 existing spreading plans shall be required to submit a new BMPLWMP by October 1, 2014, and a~~ 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~~ activities.
  - 2) Livestock waste shall be composted before any spreading occurs.
  - 3) Best Management Practices Livestock Waste Management Plan applications, which 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.
- (2) Nutrient Management Plan: A landowner may be considered exempt from composting livestock waste if a Nutrient Management Plan is submitted to Wellington and approved. Annually, the landowner shall submit a Nutrient Management Plan to the Village Engineer for review and approval, based on the following standards:
- a. Property Information:
    - i. The number of horses kept within the owner's properties.
    - ii. The amount of livestock waste being generated monthly.
    - iii. Provide an application with 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, etc.
    - iv. Setbacks from wells, drainage inlets and water bodies as referenced in section 30-153(b)1.
    - v. Soil and manure test sample reports shall be submitted (UF- IFAS soil testing laboratories) 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 ~~properties~~ property's vegetation can sustain. ~~Permit shall remain valid so long as testing meets the applicable state standard.~~
- (3) Livestock waste hauling:
- a. All commercial livestock waste haulers and/or livestock waste self-haulers shall be permitted and registered, as required, annually by Wellington.

- b. Livestock waste may be moved from one livestock facility to another in Wellington only for.
  - i. The purpose of composting in an approved composting area; or
  - ii. Storage in a common livestock waste storage area for removal in bulk.
- c. All livestock facilities within Wellington boundaries shall remove livestock waste by either a commercial livestock waste hauler or a livestock waste self-hauler that is registered by Wellington.
- d. Disposal of livestock waste must be within an approved disposal site which is registered to operate under Florida Administrative Code Chapter 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 to Wellington which were obtained from the haulers.
- e. Commercial livestock waste haulers will pay a permit fee to the Village of Wellington as may be adjusted from time to time. Livestock waste self-haulers will not pay a fee. 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.
- f. 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 haulers permit in Wellington. Wellington reserves the right to audit the hauling record and load tickets from the generating properties and disposal sites which have been approved as a disposal site as defined herein.
- f.g. The livestock waste hauling regulations do not relieve the property owner of their responsibility to properly dispose of livestock waste.

(e) Horse Wash Drainfields

1. All properties with a barn or where horses will be kept, must have a horse wash area designed and designated specifically for the bathing and cleaning of horses.
2. Horse wash areas must be designed with a floor drain(s) and/or trench drains 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.
3. All horse wash areas must be connected to a permitted and approved Horse Wash Drainfield System. It is strongly recommended that Horse Wash Drainfield systems must be designed to include a dual-chambered sediment basin/septic tank/horse hair interceptor prior to the gray water entering the horse wash drainfield.

4. All Horse Wash Drainfield system must meet the minimum sizing criteria per the Village of 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).

5. Other than existing connections to the Village of Wellington's sanitary sewer system, no new connections of Horse Wash Drainfields to the sanitary sewer system shall be permitted after 08/01/2021.

6. Location of Horse Wash Drainfields.

(1) Horse Wash Drainfields shall be located:

a. At least 50 feet away from any grassed drainage swale;

b. 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;

c. At least 100 feet away from a potable water supply well.

Sec. ~~309~~-36. - 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 ( $P^{2}O^{5}$ ) 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 ( $P^{2}O^{5}$ ) 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 ( $P^{2}O^{5}$ ) 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 ( $P^{2}O^{5}$ ) 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 that is focused on the following: proper irrigation of landscaped areas; application rates of fertilizer; appropriate types of fertilizer for different plants; and proper use of organic fertilizers and soil amendments.
- (h) Timing of fertilizer applications.
  - (1) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape during the prohibited application period and within the fertilizer free zones as identified in section 30-154(i)(1) below or to saturated soils.

- (2) Fertilizer containing nitrogen and/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 (wildlife, etc.), or in accordance with the stormwater pollution plan for that site.
- (i) Fertilizer free zones.
- (1) 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 its zone 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 section (1) above 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, either intentionally or accidentally, 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 any other legal site, or 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.

- (1) In no case shall grass clippings, vegetative material and/or vegetative debris intentionally be washed, swept, or blown on to 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 businesses applying fertilizer to turf of 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 his/her 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 for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the 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 to receive their Business Tax Receipt or landscape registration annually.
- (2) After December 31, 2013, 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 per Rule 5E-14.117(18) Florida Administrative Code.

~~(2)~~

- ~~(a)~~(3) All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties multi-family, equestrian and condominium properties) must ensure that at least one employee has an appropriate "Florida- friendly Best Management Practices for

Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Business Tax Receipt or landscape registration. Standard Business Tax Receipt (BTR) or landscape registration and transaction fees shall apply.

Sec. ~~309-37~~37. - Commercial fertilizer applicators.

Any person, firm, corporation, or other legal entity which provides fertilization services for a fee within the Village of Wellington shall pay such an annual registration fee as may be adjusted from time to time. This registration fee may, from time to time, be adjusted by resolution of Wellington Council.

~~(b)~~(a) Commercial fertilizer registrations shall be subject to revocation for failure to abide by the terms and conditions established in this and other regulations of Wellington.

Sec. ~~9-38456~~38456. - Enforcement.

Any owner, owner's representative, tenant or person violating any provision of this part may be subject to enforcement as provided in Chapter 2 Article IV, Division 1 and 2 of the Wellington Codes of Ordinances.