

ORDINANCE NO. 2007 - __

**AN ORDINANCE ESTABLISHING REGULATIONS
FOR LAWN FERTIZLER APPLICATION**

WHEREAS, Lake Beulah Management District (the “District”) is a municipal entity existing pursuant to Wisconsin Statutes, Section 33.235 with powers of a Town Sanitary District as provided therein, and the powers of an Inland Lake Protection and rehabilitation district as provided in Wisconsin Statutes, Section 33.22; and

WHEREAS, the District is authorized under Sec. 33.22, Wis. Stats., to undertake the acts necessary to carry out a program of lake protection and rehabilitation; and

WHEREAS, the District finds that Lake Beulah is a natural asset, which enhances the environmental, recreational, cultural and economic resources of the area and contributes to the general health and welfare of the electors.

WHEREAS, the District finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering Lake Beulah will improve and maintain lake water quality;

NOW THEREFORE, the Commissioners of the Lake Beulah Management District do ordain as follows:

Section 1. DEFINITIONS.

- A. *Agricultural use* means beekeeping, dairying, egg production, floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.
- B. *Fertilizer* means any substance, containing one or more plant nutrients, which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal or vegetable manures, marl, liming material, sewage sludge other than finished sewage sludge products, and wood ashes. "Fertilizer" includes fertilizer materials, mixed fertilizers, custom mixed fertilizers, nonagricultural fertilizers and all other fertilizers or mixtures of fertilizers, regardless of type or form.
- C. *Lawn fertilizer* means any fertilizer, whether applied by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not

include fertilizer products intended primarily for garden, tree or indoor plant application.

Section 2. PROHIBITED ACTS. It shall be unlawful and prohibited by this Ordinance for any person or entity to do any of the following at any location within the Lake Beulah Management District unless such acts are authorized in advance by and performed in conformance with a valid permit issued by the District pursuant to this Ordinance:

- a. No person shall apply any lawn fertilizer within the District that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in Section 5, below;
- b. No lawn fertilizer shall be applied when the ground is frozen;
- c. No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

Section 3. ENFORCEMENT. The Lake Beulah Management District will enforce violations of this Ordinance.

Section 4. PENALTY. Any person who violates this Ordinance in the application of fertilizer at his or her residence shall be subject to a forfeiture of \$25 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates this Ordinance shall be subject to a forfeiture of \$50 for the first violation within a twelve month period, \$150 for the second violation within a twelve month period, and \$300 for the third and each subsequent violation within a twelve month period.

Section 5. EXCEPTIONS. The prohibition against the use of phosphorous fertilizer under Section 2, above, shall not apply to:

- a. Newly established turf or lawn areas during their first growing season;
- b. Turf or lawn areas that soil tests, performed within the past three years by a state certified soil testing laboratory, confirm are below optimal levels established by the University of Wisconsin Extension Service. However any lawn fertilizer application performed under this section shall not apply an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation;

c. Agricultural uses, vegetable and flower gardens, or application to trees or shrubs;

d. Yard waste compost, manure, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical conditions of the soil.

Section 6. ADMINISTRATIVE CONVENIENCE. The District may develop, adopt and require the use of forms and other materials consistent with and useful for the administration of this Ordinance.

Section 7. SEVERABILITY. If any section, provision or portion of this Ordinance is ruled invalid by a court, the remainder for the Ordinance shall not for that reason be rendered ineffective or invalid.

Section 8. EFFECTIVE DATE. This Ordinance shall become effective on the first day after the Ordinance has been both adopted by the Board of Commissioners and duly published.

Dated this _____ day of _____, 2007.

LAKE BEULAH MANAGEMENT DISTRICT

_____, Commissioner

ATTEST:

_____, Clerk-Treasurer

Date Adopted _____
Date Published _____
Effective Date _____