

CHARTER TOWNSHIP OF BLOOMFIELD

**COUNTY OF OAKLAND
STATE OF MICHIGAN**

ORDINANCE NO. 621

**AN ORDINANCE TO REGULATE THE APPLICATION OF FERTILIZER TO
PROTECT WATER QUALITY**

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

Section 1.

Article VI. Fertilizer.

Sec. 14-137. Intent and purpose.

The Charter Township of Bloomfield's water resources, including lakes, streams, wetlands, drains and natural watercourses are precious resources necessary to preserve. Based upon general knowledge and technical information, the Charter Township of Bloomfield is concerned that certain compounds containing nitrogen and phosphorus, commonly found in fertilizers, are contributing to the excessive growth of algae and aquatic plants, which have been shown to be detrimental to water resources. The Charter Township of Bloomfield finds it necessary and appropriate to monitor the application of fertilizers that are used in the Township by way of registering commercial applicators and to provide guidelines of fertilizer application rates and schedules for the public use.

Sec. 14-138. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TOWNSHIP- The Charter Township of Bloomfield and its department heads and agents.

DEPARTMENT- The Charter Township of Bloomfield and its agents.

COMMERCIAL APPLICATOR- Any individual or entity that applies manufactured fertilizer in the Township in exchange for money, goods, services, or other valuable consideration.

INSTITUTIONAL APPLICATOR- Any person who applies manufactured fertilizer to general turf areas of more than one (1) acre. Institutional applicators shall include but shall not be limited to, owners, operators, and caretakers of public lands, parks, schools, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium or common

ownership. Owners of individual parcels in single-family residential zoning districts shall not be considered institutional applicators.

GENERAL TURF- Nonagricultural land managed using turf grasses including but not limited to home lawns, cemeteries, as well as commercial, school, university and government grounds. General turf does not include vegetable or flower gardens, sod farms, or other agricultural use.

MANUFACTURED FERTILIZERS – A commercially manufactured substance which enriches the soil containing elements essential for turf growth, being nitrogen, phosphorus, and potassium.

NATURAL FERTILIZERS - Fertilizers commonly made from waste products of animals or composted waste. These products offer a slow, steady release of nutrients that are derived from plants, animals or natural minerals.

GOLF COURSE TURF –The grass covering golf courses, which is used as a playing surface in the sport of golf.

RECREATIONAL TURF – Grass that is maintained for the purpose of playing sports by an institutional applicator.

SOIL ANALYSIS- A set of scientific measurements that determine the basic texture of soil, the pH level of soil, and the levels of phosphorus, potassium, calcium and magnesium in soil, for the purpose of providing a recommendation regarding the amount of nutrients and rates of application of nutrients for general turf growth.

Sec. 14-139. Construction and application.

The following rules of construction apply in the interpretation and application of this article:

- A. In the case of a difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.
- B. Particulars provided by way of illustration or enumeration shall not control general language.
- C. Ambiguities, if any, shall be construed liberally in favor of the protection and preservation of natural resources.

Sec. 14-140. Prohibitions.

The following regulations shall apply for turf applications of manufactured fertilizers by a commercial applicator. These regulations, while not required, are highly encouraged for

those residents applying fertilizer to their own property to protect water resources:

- A. Fertilizers shall not be allowed to be placed within twenty-five (25) feet of the shoreline of any lake, stream, drain, river, wetland, or any natural watercourse within the Township.
- B. Fertilizer shall not be applied, deposited, or placed in any manner that could allow the fertilizer to enter into any lake, stream, river, drain, wetland or any natural watercourse within the Township.

Sec. 14-141. Administrative relief.

- A. All applicators desiring to apply manufactured fertilizers more frequently than permitted in this article or in amounts exceeding the quantities prescribed in this article may seek administrative relief in accordance with this section.
- B. An applicator desiring to seek administrative relief under this section shall provide a written request to the Township along with a soil analysis indicating a nutrient deficiency for the property.

Sec. 14-142. Commercial applicator registration.

- A. Any Commercial applicator shall be required to be registered with the Township prior to applying any fertilizer in the Township.
- B. Registration of fertilizer applicators shall be valid for a timeframe set by resolution of the Township Board of Trustees.
- C. To secure a license, a commercial applicator shall complete and submit to the Township a license application. The license application shall include the following:
 - i. Legal and business name(s), address, telephone number and contact person of applicant.
 - ii. The product name or names of manufactured fertilizer to be used, including the percentage weight and ratios of elemental nitrogen and elemental phosphorus.
 - iii. A copy of the applicant's material safety data sheet (MSDS) may also be required as part of the license application.
 - iv. A description of the vehicles, including trailers, which will be used by the applicator during the license period to apply manufactured fertilizer to turf areas in the Township, which shall include the make, model and year of the vehicle; the vehicle identification number; the

license plate/registration number assigned by the Michigan Secretary of State and any other registration or identification numbers assigned by other state or federal governmental agencies.

- D. Application and associated fees for registration will be established by resolution by the Township Board.
- E. The application shall be approved or denied by the Township and, if approved:
 - i. A numbered license shall be issued that shall be valid for a timeframe set by resolution of the Township Board of Trustees.
 - ii. A sticker or decal for each vehicle disclosed in the application under subsection (c)(ii) shall be issued, which shall immediately be displayed by the licensee on the driver's side back bumper of each licensed vehicle.
- F. The Township will maintain an updated list of all fertilizer applicators registered within the Township.
- G. The Township encourages commercial applicators to disclose to customers the fertilizer application rates and to certify compliance after each application. See Sec. 14-144. Fertilizer application

Sec. 14-143. Inspection and revocation of registration.

- A. The Township shall monitor for conformance with this article and shall be permitted to conduct periodic inspections on all commercial or institutional fertilizer applicators.
- B. Should a commercial or institutional applicator be found to be in violation of this article, the Township, following notice, and an opportunity of the registrant to be heard, shall have the right to revoke a license for a period of up to one year. If a commercial or institutional applicator is found to be in violation of this article on more than one (1) occasion, in any one (1) calendar year, the Township shall revoke the registration of such applicator for a period of not less than one (1) calendar year but not more than five (5) calendar years.

Sec. 14-144. Fertilizer Application

- A. Manufactured fertilizers should be applied only at the lowest rate necessary without exceeding the maximum weight per application as recommended as follows:
 - i) Nitrogen (N) should be applied with a slow release formula at a maximum of four (4) pounds per one thousand (1000) square feet of turf area per

year.

- ii) Phosphorus (P) should not be applied without first performing a soil test to verify the necessity due to phosphorus depletion. If necessary, phosphorus should not exceed one-quarter (0.25) pound per one thousand (1000) square feet of turf area per application and applied no more than twice a year.
 - iii) Residents applying fertilizer to their own property are highly encouraged to protect water resources by following the regulations listed above.
- B. Fertilizers should not be applied more than once every six weeks within the growing season from April 1 through November 15 of each calendar year.
 - C. Fertilizers should not be applied to sidewalks, streets, driveways or other non-turf or non-landscaped areas unless removed immediately after each application by dry broom sweeping.
 - D. Fertilizers should be watered within 24 hours of application. However, fertilizers should not be applied before an anticipated heavy rainfall.

Sec. 14-145. Special uses exception.

The Township recognizes the specialized needs of golf course turf and other recreational turf associated with school and community activities, therefore, these areas shall be exempted from the requirement of Sec. 14-144.

Sec. 14-146.

- A. Any person who shall violate the provisions of this article shall be responsible for a municipal civil infraction, subject to the following penalties:
 - i) Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:
 - 1. First offense. The civil fine for a first offense violation shall be in an amount of \$75.00 plus costs and other sanctions, for each offense.
 - 2. Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of \$150.00 plus costs and other sanctions for each offense.
 - ii) Enforcement. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation, of this article.

iii) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

iv) Remedies not exclusive. In addition to any remedies provided for by this article, any equitable or other remedies available may be sought.

B. The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.

C. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

Secs. 14-147 – 14-157. Reserved.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Bloomfield at a meeting thereof duly called and held on the 22 day of March, 2010, and ordered to be given publication in the manner prescribed by the Charter Township of Bloomfield.