

**TOWN OF LIBERTY
MANITOWOC COUNTY**

Ordinance No. 011209

Ordinance to Regulate Lawn Fertilizer Usage

WHEREAS, the Town of Liberty Town Board deems it necessary and appropriate to consider and adopt regulations intended to protect the water resources located in the Town for the health, safety and welfare of the public; and,

WHEREAS, the Town Board pursuant to 60.10 Wis. Stat. has Village Powers;

NOW THEREFORE, the Town Board of the Town of Liberty, Manitowoc County, Wisconsin do ordain as follows:

1. **Authority.** This ordinance is adopted pursuant to the Village Powers under Section 60.10 Wis. Stat. and Section 61.34 (1) Wis. Stat. in the interest of public health, welfare and public convenience.
2. **Purpose and Intent.** The Town Board finds that the lakes and streams located in the Town of Liberty, Manitowoc County, Wisconsin are natural assets which enhance the environmental, recreational, cultural, and economic resources of the area and contribute to the general health and welfare of the public. The purpose of this ordinance is to set forth regulations which will enable the town to protect its water resources for the health, safety, and welfare of the public without detracting from the natural beauty of homeowner's lawns and gardens. The Town Board further finds that regulating the amount of nutrients and contaminants contained in fertilizer, including phosphorous, that enter the bodies of water as a result of runoff from lawns and turf will aid in the improvement and maintenance of lake water quality.
3. **Applicability.** This ordinance applies in all areas of the Town of Liberty, Manitowoc County, Wisconsin.
4. **Definitions.**
 - a) "Agricultural use" means beekeeping, dairying, egg production, floriculture, fish or fur farming, forest, and game management, grazing, livestock raising, orchards, plant greenhouse and nurseries, poultry raising, grain raising, grass raising, raising of fruits and 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 claim to have value in promoting plant growth except un-manipulated animal or vegetable manures, marl liming material, sewerage sludge other than finished sewerage sludge

products, and wood ashes, as defined in Section 94.64 (1) (e) Wis. Stat.

- c) "Label" means any written, printed or graphic matter on or attached to packaged fertilizer or which is used to identify fertilizer distributed in bulk or held in bulk storage.
- d) "Lawn fertilizer" means any fertilizer, whether applied by property owner, renter or commercial entity, applied for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden or indoor use, or products intended for snow or ice removal.
- e) "Town" means the Town of Liberty, Manitowoc County, Wisconsin.

5. Regulation of the Use and Application of Lawn Fertilizer. Except as provided in Section 6, the following prohibitions and regulations apply:

- a) No person shall apply lawn fertilizer within the Town of Liberty that is labeled as containing more than 0% Phosphorus or other compound containing phosphorus, such as phosphate.
- b) No person shall apply lawn fertilizer containing phosphorus to any impervious surface within the Town including, but not limited to, parking lots, roadway, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to a permissible surface or placed in an appropriate container.
- c) No person shall apply lawn fertilizer when the ground is frozen.
- d) No person shall apply lawn fertilizer when conditions exist which promote or create runoff.
- e) No person shall apply fertilizer to any established natural buffer zones.
- f) No person shall apply fertilizer within 50 feet of any wetland, pond, shoreline, or ordinary high water mark of any lake or river as established by the Wisconsin Department of Resources, as required by Manitowoc County Soil and Water Department.

6. Exceptions. The provisions of section 5 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 phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain 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, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

7. **Enforcement.** This Ordinance shall be enforced by the Town Board, the Town Constable, or an appointed designee of the Town Board.

8. **Penalty.** Any person who violates Section 5 in the application of fertilizer at his or her residence shall be subject to a fifty (\$50.00) dollar fine per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates Section 5, shall be subject to a forfeiture of seventy-five (\$75.00) dollars for the first (1st) violation within a twelve (12) month period; one hundred fifty (\$150.00) for the second (2nd) violation within a twelve month period, and three hundred (\$300.00) dollars for the third (3rd) and each subsequent violation within a twelve (12) month period.

9. **Severability Clause.** If any section provision or portion of this Ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

10. **Effective Date.** This ordinance shall be effective upon adoption and publication according to law.

Adopted: January 12, 2009

Town of Liberty Town Board

By: David Schultz
David Schultz, Town Chairperson

Attest: Angela Vetting
Angela Vetting, Town Clerk