

# AN ORDINANCE TO REGULATE THE APPLICATION OF PHOSPHORUS FERTILIZERS IN ROSCOMMON COUNTY

## **Section 1. Authority**

This ordinance is adopted under the authority of MCLA 46.10b

## **Section 2. Title**

The Ordinance shall be known and cited as the Roscommon County Phosphorus Fertilizer Ordinance.

## **Section 3. Intent and Purpose**

Roscommon County finds that the County's water resources are a vital community asset, and protecting these resources is essential to protecting public health, safety, and general welfare. Phosphorus contained in lawn fertilizers can wash into lakes and streams and cause excessive and accelerated growth of aquatic plants and algae. It is the purpose and intent of this Ordinance to regulate the use and application of lawn fertilizers containing phosphorus to protect the County's water resources.

## **Section 4. Definitions**

*Lawn* means non-crop land planted in closely mowed, managed grasses including, but not limited to, residential property, commercial property, and golf courses. Lawn does not mean pasture, hay, turf grown on turf farms, or any other form of agriculture production.

*Lawn fertilizer* means any fertilizer distributed for non-agricultural purposes such as lawns, golf courses, and parks. Lawn fertilizer does not include fertilizer products intended for gardens, indoor uses, or farmlands.

*Soil test* means a set of scientific measurements that determine the basic texture of soil, the PH of the soil, and levels of nutrients such as nitrogen, phosphorus, potassium, and other constituents for the purpose of providing a recommendation regarding the amount of nutrients and rate of application of nutrients for lawn growth.

*Soil testing service* means an entity such as Michigan State University that performs soil tests and recommends fertilizer application rates.

## **Section 5. Regulation of the use and application of lawn fertilizer**

Lawn fertilizers containing phosphorus shall not be applied to any lawn in the County except as provided in Section 6.

## **Section 6. Exceptions for the use and application of lawn fertilizer**

Lawn fertilizer containing phosphorus can only be used within the County under the following conditions:

- 1) A soil test performed by a soil testing service within the last year indicates that the level of phosphorus in the soil is not sufficient to support a lawn. The application of lawn fertilizer under this section shall not exceed the application rate of phosphorus recommended by the soil testing service.
- 2) Lawn that is being established from seed or sod during the first growing season.

**Section 7. Enforcement**

- 1) Violation of this ordinance is a municipal civil infraction, for which the fine shall be established by the County Board.
- 2) Violation of this ordinance is declared to be a nuisance *per se*. In addition to other penalties and remedies, the County may seek injunctive relief against the violator, in addition to other relief provided by law.

**Section 8. Appeals**

Any person aggrieved by a decision or determination made by the County under this ordinance shall have the right to appeal to the County Board.

- 1) The appeal may be commenced by filing with the County Board a written statement containing the specific reasons for the appeal within 30 days following the date of the decision being appealed.
- 2) The County Board shall consider the appeal at a public meeting. The County Board shall affirm, affirm with conditions, or reverse the decision or determination being appealed, consistent with the terms of this ordinance.
- 3) The decision of the County Board shall be set forth in writing and a copy thereof shall be given to the part appealing. If the appeal is denied, the written decision shall include the reasons for denial.

**Section 9. Severability**

The various parts, sentences, paragraphs and clauses of this ordinance are severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

**Section 10. Adoption and Effective Date**

This Ordinance was approved and adopted by the Roscommon County Board of Commissioners of Roscommon County, Michigan on the 14<sup>th</sup> day of May, 2008 and is ordered to take effect on January 1, 2009. Within 30 days of adoption, the Ordinance shall be published in a newspaper of general circulation in the County.

**Dated: May 14, 2008**

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**Larry D. Mead, Chairman**  
**Roscommon County Board of Commissioners**