

ARTICLE VIII. PHOSPHORUS FERTILIZER

Added by Ord. No. 2002-28, 7-1-2002

SEC. 10.49. PURPOSE.

Studies conducted at the University of Minnesota and the Minnesota Department of Agriculture demonstrate that in the Twin Cities metropolitan area soils generally contain a surplus of phosphorus. Soil tests conducted in Bloomington by City staff produced similar results. These findings reveal that healthy lawns in Bloomington can be maintained without applying the fertilizer containing phosphorus. Excessive phosphorus in lawn fertilizer and from other sources, such as leaves and grass clippings swept into streets, can enter storm water runoff and degrade the quality of nearby water bodies. Reducing the amount of phosphorus entering the City's water resources will improve water quality. The purpose of this Article is to impose regulations on the sale and application of fertilizer containing phosphorus that will improve water quality and protect the City's water resources.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.50. DEFINITIONS.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

Fertilizer – a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

Impervious Surface – a highway, street, sidewalk, parking lot, driveway or other material that prevents infiltration of water into the soil.

Turf – noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses and property owned by federal, state or local units of government, including parks, recreation areas and public golf courses. Turf does not mean pasture, hay land, hay, turf grown on turf farms or any other form of agriculture production.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.51. RESTRICTIONS ON APPLICATION OF FERTILIZER.

- (a) No person shall apply a fertilizer containing the plant nutrient phosphorus to turf within the City except under the following conditions:
 - (1) A tissue, soil or other test by a laboratory or method approved by the Minnesota Commissioner of Agriculture and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
 - (2) Newly established turf via seed or sod procedures and only during the first growing season; or
 - (3) Fertilizer containing phosphorus is used on a golf course under the direction of a person licensed, certified or approved by an organization with an ongoing training program approved by the Minnesota Commissioner of Agriculture.
- (b) Fertilizer with phosphorus shall not be applied to any established natural buffer zones as identified in the City's Wetland Protection Management Plan, below the Ordinary High Water level, as designated by the Minnesota Department of Natural Resources, of any water body or within ten feet of any wetland or water resources.
- (c) No person shall apply a fertilizer to impervious services, areas within drainage ditches or waterways.
- (d) Application of phosphorus fertilizer authorized under paragraph (a), clause (1) or (2) must not exceed rates recommended by the University of Minnesota and approved by the Minnesota Commissioner of Agriculture.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.52. RESTRICTIONS ON SALE OF PHOSPHORUS FERTILIZER.

No person, firm, corporation, franchise or commercial establishment shall sell or display for sale within the City any fertilizer containing any amount of phosphorus or other compound containing phosphorus, such as phosphate, unless:

- (1) Phosphorus-free fertilizer is also available for sale;
- (2) Phosphorus-free fertilizer and fertilizer with phosphorus are separately displayed with each display being clearly marked as to whether or not the fertilizer contains phosphorus;
- (3) Displays of phosphorus-free fertilizer are of equal size and prominence; and
- (4) A sign or brochure is on prominent display next to any fertilizer display containing the City of Bloomington's regulations concerning the use of fertilizer with phosphorus.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.53. PENALTY.

A violation of this Article shall be a petty misdemeanor.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.54. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of the Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article.

(Added by Ord. No. 2002-28, 7-1-2002)

SEC. 10.55. EFFECTIVE DATE.

This ordinance shall be effective on July 31, 2002.

(Added by Ord. No. 2002-28, 7-1-2002)