

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission **First Reading**

FROM: Jimmy L. Morales, City Manager

DATE: September 16, 2020

DocuSigned by:
Jimmy Morales
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SUBJECT:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," TO CREATE ARTICLE IX THEREOF, TO BE ENTITLED "USE OF FERTILIZER," RELATING TO FLORIDA FRIENDLY FERTILIZER USE WITHIN THE CITY OF MIAMI BEACH, PROVIDING FOR DEFINITIONS, APPLICABILITY, TIMING OF FERTILIZER APPLICATIONS, FERTILIZER FREE ZONES, FERTILIZER CONTENT AND APPLICATION REQUIREMENTS, AND MANAGEMENT OF VEGETATIVE MATTER, OUTLINING CERTAIN EXEMPTIONS, REQUIRING TRAINING AND LICENSING, PROVIDING ENFORCEMENT AND PENALTIES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

BACKGROUND

Biscayne Bay is critical to the environmental, recreational, cultural and economic well-being of the community. The challenges facing the Bay are complex and regional in nature. In the month of August, we saw unprecedented fish kill and algal blooms in the northern Biscayne Bay basin. These events are believed to be caused by multiple factors including extremely high-water temperatures, low-dissolved oxygen, increased freshwater flows from the Biscayne Canal and Little River, and an influx of nutrients. Nutrients enter the system from agricultural runoff, leaking septic tanks, fertilizers, pet waste, and yard clippings.

Nitrogen and phosphorus are primary nutrients in many fertilizers. When it rains, stormwater collects potential pollutants, including sediments, nutrients (from lawn fertilizers), bacteria (from animal waste), pesticides, metals (from rooftops and roadways), and petroleum by-products (from leaking vehicles). The excess of these nutrients can be detrimental to our waterways. Increased

nutrients are one of the main pollutants that are degrading the water quality and health of Biscayne Bay.

Currently, the City's Parks and Recreation Department and the Public Works, Greenspace Management Division are required to apply Florida-Friendly Landscaping principles and best management practices for fertilizer application on public properties. Additionally, all city landscaping contractors are required to follow industry practices and standards found in the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries". Commercial landscapers operating on private property are not currently required to abide by these standards.

Several county and city governments in Florida have enacted fertilizer bans to address improper fertilizer use on private properties. Manatee, Pinellas, Lee and Martin Counties and the cities of Miami, Melbourne and Cape Coral are examples of communities that have enacted a blackout period for fertilizer use during the rainy season.

The draft ordinance was developed using template language provided by the Florida Department of Environmental Protection and existing fertilizer ordinances that are in place in municipalities throughout Florida, including the City of Miami. The ordinance requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. The ordinance regulates and promotes the following:

- Establishes a prohibited application period from June 1 through November 1;
- Establishes fertilizer free zones adjacent to waterways and storm drains;
- Establishes proper fertilizer application rates and methods;
- Requires proper training of commercial and institutional fertilizer applicators;
- Establishes training and licensing requirements; and
- Establishes enforcement and penalties.

The draft ordinance sets forth a number of exemptions, including golf courses and newly established landscaping.

CONCLUSION

The Administration recommends the Mayor and City Commission approve the ordinance on First Reading.

Attachments:

A – Draft Fertilizer Ordinance