AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA
DECLARING THAT SARASOTA COUNTY ORDINANCE 2007-062, WHICH AMENDS SARASOTA COUNTY
ORDINANCE 2007-053 AND REGULATES THE
APPLICATION OF FERTILIZER, SHALL BE EFFECTIVE
AND ENFORCEABLE BY SARASOTA COUNTY WITHIN THE
MUNICIPAL LIMITS OF THE CITY OF SARASOTA;
FINDING THAT SAID COUNTY ORDINANCE IS NOT IN
CONFLICT WITH ANY CITY ORDINANCE; SUPERSEeding
CITY RESOLUTION 07R-1973; CREATING CITY CODE
SECTION 35-4 THAT ADOPTS COUNTY ORDINANCE
2007-062 BY REFERENCE; DIRECTING THAT A
CERTIFIED COPY OF THIS ORDINANCE BE PROVIDED
TO THE BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY; PROVIDING FOR SEVERABILITY;
PROVIDING FOR READING BY TITLE ONLY; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Sarasota
County, on August 27, 2007, adopted Ordinance 2007-062,
regulating the application of fertilizer; and,

WHEREAS, Sarasota County Ordinance 2007-062 amends Sarasota
County Emergency Ordinance 2007-053, which the City Commission
previously made effective and enforceable in the City of Sarasota
through adoption of Resolution 07R-1973; and,

WHEREAS, the revised "Sarasota County Fertilizer and
Landscape Management Code," codified in Sections 54-1020 through
54-1038 of the Sarasota County Code, regulates the content of
fertilizer and establishes when it may applied, in what amounts,
and by what method; and,

WHEREAS, Sarasota County Ordinance 2007-062 seeks to limit
the misuse and over-use of fertilizer by prohibiting spraying of
impervious surfaces and in "fertilizer-free zone," by
recommending 'low maintenance zones' near natural water bodies
and stormwater drainage systems, and by restricting applications
during the rainiest months of June through September; and,

WHEREAS, the intent of Sarasota County Ordinance 2007-062 is
to reduce the levels of phosphorous and nitrogen, ingredients
commonly found in fertilizer, that leach into surface and ground
waters and contribute to the pollution of Sarasota Bay, the Gulf
of Mexico, and local streams, lakes and estuaries; and,

WHEREAS, nitrogen and phosphorous are known to foster plant
and algae growth and may be a contributing factor in recent algae
blooms and the accumulation of red drift algae on local beaches;
and,
WHEREAS, the Florida Department of Environmental Protection has identified specific water bodies in Sarasota County as “impaired” as a result of excess nutrients; and,

WHEREAS, Sarasota County Ordinance 2007-062 is comprehensive in its approach, applying to all applications of fertilizer except on golf courses, in farm operations, and on newly established turf or landscape plants; requiring licensing and training of commercial and institutional fertilizer applicators; and setting forth procedures for enforcement and penalties for violations; and,

WHEREAS, Sarasota County Ordinance 2007-062 provides in Section 54-1024 that any municipality within Sarasota County may elect to make the ordinance applicable within its own jurisdiction; and,

WHEREAS, Section 1-7, Sarasota City Code, provides that no ordinance enacted by Sarasota County relating to any subject, activity, offense, or other matter which the City is authorized by law to regulate, shall be effective or enforceable within the city of Sarasota unless there is an affirmative finding by the City Commission that the County ordinance is not in conflict with a city ordinance; and,

WHEREAS, it is the intent of the City Commission to supersede Resolution 07R-1973 with this ordinance and to make the provisions of Sarasota County Ordinance 2007-062 effective and enforceable within the City of Sarasota; and,

WHEREAS, the City Commission finds that Sarasota County Ordinance 2007-062, if made effective and enforceable within the City, would help preserve the City’s quality of life and protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. As required by Sec. 1-7 of the Sarasota City Code, the City Commission hereby finds that Sarasota County Ordinance 2007-062, known and cited as the Sarasota County Fertilizer and Landscape Management Code, pertains to a subject that the City of Sarasota is authorized by law to regulate.

Section 2. The City Commission hereby finds that there is no Ordinance of the City of Sarasota that conflicts with Sarasota County Ordinance 2007-062.
Section 3. This Ordinance supersedes City of Sarasota Resolution 07R-1973.

Section 4. Sarasota County Ordinance 2007-062, incorporated herein by reference, shall be effective and enforceable by Sarasota County within the municipal limits of the city of Sarasota. While the text of County Ordinance 2007-062 shall not be codified in the City Code, a new section of the City Code, Section 35-4, shall be created in Chapter 35, "Vegetation," Article I, "In General," which shall read as follows:

"Section 35-4. Adoption of Sarasota County Fertilizer and Landscape Management Code.

Sarasota County Ordinance 2007-062, known and cited as the Sarasota County Fertilizer and Landscape Management Code, is effective and enforceable by Sarasota County within the municipal limits of the City of Sarasota."

Section 5. Any subsequent amendments to Sarasota County Ordinance 2007-062 that may be made from time to time by the Board of County Commissioners shall not become effective within the municipal limits of the City of Sarasota unless and until the City Commission adopts a subsequent ordinance finding that said amendments pertain to a subject upon which the City is authorized by law to regulate; finding that there are no City ordinances in conflict and declaring that said amendments shall become effective and be enforceable by Sarasota County within the city limits.

Section 6. A certified copy of this Ordinance shall be provided to the Board of County Commissioners by the Office of the City Auditor & Clerk.
Section 7. Should any section, sentence, clause, part or provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part hereof other than the part declared to be invalid. Said provision declared to be invalid shall be deemed severed from the remaining provisions of this Ordinance.

Section 8. This ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 1st day of October, 2007.

PASSED on second reading and finally adopted this 15th day of October, 2007.

CITY OF SARASOTA

Lou Ann R. Palmer, Mayor

ATTEST:

Billy E. Robinson, CMC
City Auditor and Clerk