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ORDINANCE 2012-12

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING ARTICLE V, "STORMWATER QUALITY MANAGEMENT", OF CHAPTER 30 "ENVIRONMENT" OF WELLINGTON'S CODE OF ORDINANCES, TO PROVIDE ENHANCED STANDARDS FOR BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; PROVIDING DEFINITIONS, ENHANCING THE BEST MANAGEMENT PRACTICES PROGRAM FOR APPLICATION AND STORAGE OF FERTILIZER; PROVIDING FOR ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Everglades ecological system is unique in the world and one of Florida's great treasures; and

WHEREAS, the Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but serves as the habitat for diverse species of wildlife and plant life; and

WHEREAS, the Everglades ecological system is endangered as a result of adverse changes in water quality and in the quantity, distribution, and timing of flows, and therefore, must be restored and protected; and

WHEREAS, the Florida Legislature has responded to adverse changes in water quality and in quantity, distribution, and timing of flows that endanger the Everglades ecological system by enacting the Everglades Forever Act; and

WHEREAS, the act authorized the Everglades Construction Project, which is by far the largest environmental cleanup and restoration program of this type ever undertaken; and

WHEREAS, the implementation of the Everglades Forever Act is critical to the conservation and protection of natural resources and improvement of water quality in the Everglades Protection Area and the Everglades Agricultural Area; and

WHEREAS, it has been determined that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus and that a reduction in levels of phosphorus will benefit the ecology of the Everglades Protection Area, which includes the Arthur R. Marshall Loxahatchee National Wildlife Refuge; and

WHEREAS, Wellington is a municipal corporation located adjacent to the Arthur R. Marshall Loxahatchee National Wildlife Refuge; and

1 **WHEREAS**, Wellington discharges it's stormwater into the C-51 canal.
2 Stormwater is then typically routed through the Stormwater Treatment Area 1 East (STA
3 1E), and then into the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which
4 ultimately discharges into the Everglades Protection Area; and
5

6 **WHEREAS**, the State of Florida and Palm Beach County have promulgated
7 recommendations/regulation providing Best Management Practices for application and
8 use of fertilizer; and
9

10 **WHEREAS**, it is the intent of Wellington to pursue comprehensive, aggressive,
11 and innovative solutions to issues of water quality which face the Everglades
12 ecosystem; and
13

14 **WHEREAS**, "Best Management Practices" for livestock waste and fertilizer
15 management are among the best available technology for achieving the interim water
16 quality goals of the Everglades Program and a reasonable method of achieving interim
17 total phosphorus discharge reductions; and
18

19 **WHEREAS**, Wellington entered into a Joint Cooperation Agreement with the
20 South Florida Water Management District on September 26, 2000 pursuant to which
21 Wellington adopted and implemented regulatory measures aimed at lowering
22 phosphorous discharge; and
23

24 **WHEREAS**, those regulatory measures as implemented achieved significant
25 total phosphorus discharge reductions; and
26

27 **WHEREAS**, the previously adopted measures have had an effect on lowering the
28 levels of phosphorous discharge; and
29

30 **WHEREAS**, further measures are needed to continue to reduce the level of
31 phosphorous discharge; and
32

33 **WHEREAS**, Wellington and South Florida Water Management District did enter
34 into a Memorandum of Understanding on or about June 30, 2003 relating to
35 improvement of water resource management facilities in the Basin B area of Wellington;
36 and
37

38 **WHEREAS**, Wellington and South Florida Water Management District did enter
39 into a Cooperative/Cost Share Agreement on or about September 11, 2003, for the
40 implementation of Best Management Practices for livestock waste and fertilizer
41 management to establish improved water resource management facilities in the Basin B
42 area; and
43

44 **WHEREAS**, Wellington and South Florida Water Management District enter into
45 Memorandum of Understanding No. CP040318 on or about February 10, 2004,
46 concerning the funding of the Acme Basin B Discharge Project; and

1
2 **WHEREAS**, pursuant to the agreements and memorandums of understanding
3 with South Florida Water Management District, it is necessary and advantageous to
4 Wellington to implement a revised third phase of Best Management Practices livestock
5 waste and fertilizer management with enhanced regulations to further the goals of
6 reducing phosphorous levels entering the Everglades; and
7

8 **WHEREAS**, Wellington is engaged in the long-range planning for the equestrian
9 community and is requiring the quantification of horse waste for the purpose of
10 determining environmental impacts to Wellington and the surrounding region; and
11

12 **WHEREAS**, Wellington proposes to monitor the amount of horse waste for a
13 period of 5 years by requiring commercial and self-hauling reports.
14

15 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
16 **FLORIDA, THAT:**
17

18 **SECTION 1:** Section 30-150, "Definitions" of Article V, "Stormwater Quality
19 Management", of Chapter 30, "Environment" of Wellington's Code of Ordinances is
20 hereby amended as follows:
21

22 **Section 30-150. - Definitions**

23 The following words, terms, and phrases, when used in this article, shall have the
24 meanings ascribed to them in this section, except where the context indicates a
25 different meaning:

26 (a) Application or Apply: the actual physical deposition of fertilizer to turf or
27 landscape plants in Wellington.

28 (b) Applicator: any person who applies fertilizer on turf and/or landscape
29 plants in Wellington.

30 (c) Approved Disposal Site: a real property in which a state or county
31 registration or permit has been issued for the disposal and/or processing of
32 livestock waste, as amended from time to time, and/or a plot of land that is
33 conducting bona fide agricultural activities in accordance with Section
34 193.461, Florida Statutes(F.S).

35 (d) Approved Test: a soil test and livestock waste test from a governmental
36 entity or commercial licensed laboratory that regularly performs soil testing and
37 recommendations.

38 ~~(a) Basin A: Area north of Pierson Road, however includes Village of~~
39 ~~Wellington Wastewater Treatment Facility and Village Park property and the~~
40 ~~areas east of the C-8 Canal north of and including Versailles within the Acme~~
41 ~~Improvement District. (~~

1 ~~b) Basin B: The area south of Pierson Road, excluding Basin A.~~

2 ~~(e)~~(e) *Best Management Practices* or "BMP": A practice, or combination of
3 practices, based on research, field-testing, and expert review to be the most
4 effective and practicable, including economic and technological considerations
5 and means of achieving a desired result such as improving water quality in
6 discharges to an acceptable level.

7 ~~(d)~~(f) *Best Management Practices Livestock Waste (Fertilization) Management*
8 *Plan (BMPLW(F)MP)*: A comprehensive waste management plan covering all
9 aspects of managing livestock manure, urine, and bedding waste and/or all
10 aspects of managing fertilizer storage and application developed to prevent the
11 uncontrolled release of pollutants from these wastes.

12 (g) Code Compliance Officer: any designated employee or contractor of
13 Wellington whose duty is to enforce codes and ordinances enacted by
14 Wellington.

15 (h) Commercial Fertilizer Applicator (except as provided in section
16 482.1562(9), F.S.): any person or entity who applies fertilizer for payment or
17 other consideration to property.

18 ~~(e)~~(i) *Commercial Livestock Waste Hauler*. person(s), firm(s), corporation(s), or
19 other legal entity(ies) permitted by the village Wellington to provide livestock
20 waste removal services for a fee within the village Wellington in accordance
21 with terms and conditions established by this article.

22 ~~(f)~~(j) *Common Livestock Waste Storage Area*: a livestock waste storage area
23 established for the temporary storage of livestock waste from off-site livestock
24 boarding facilities.

25 ~~(g)~~(k) *Composting*: the process by which biological decomposition of organic
26 solid waste is carried out under controlled aerobic conditions, and which
27 stabilizes the organic fraction into a material which can easily and safely be
28 stored, handled, and used in an environmentally acceptable manner for a
29 period of 30 to 90 days.

30 (l) Cover: the placement of a lid, roof or protective covering (tarp like) over a
31 livestock waste storage area so as to shield the livestock waste from rain /
32 stormwater intake.

33 ~~(h)~~(m) District: The South Florida Water Management District.

34 ~~(a)~~(n) *Drainage Basin A*: a topographic region in which all water drains to a
35 common area. Wellington was divided into two basins, A & B. Basin A was the
36 Area north of Pierson Road, however including Village of Wellington
37 Wastewater Treatment Facility, and Village Park property, and the areas north
38 and east of the C-8 Canal north of and including Versailles, all within the Acme
39 Improvement District. (b) Basin B: Was noted as an The area south of Pierson

1 ~~Road and, excluding all of Basin A as described herein.~~ These two

2
3 ~~(i)(o)~~ Everglades Protection Area: water conservation areas 2A, 2B, 3A, and
4 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Water
5 Conservation Area 1), and the Everglades National Park.

6 (p) Drainage Conveyance Systems: canals, detention/retention areas, grass
7 swales, underground piping, drainage inlets, junction boxes, manholes are all
8 components that store, collect, and convey rain/surface waters. Specifically
9 above ground ports of entry or near surface components that store or collect
10 rain/surface waters are herein referred to as drainage conveyance systems.

11 (q) Fertilizing or Fertilization: the act of applying fertilizer to turf, specialized
12 turf, or plants.

13 (r) Fertilizer: any substance or mixture of substances that contains one or
14 more recognized plant nutrients and promotes plant growth, or controls soil
15 acidity or alkalinity, or provides other soil enrichment, or provides other
16 corrective measures to the soil.

17 (s) Institutional Applicator: any person other than a private, non-commercial
18 or commercial applicator (unless such definitions also apply under the
19 circumstances), that applies fertilizer for the purpose of maintaining turf and/or
20 landscape plants. Institutional applicators shall include, but shall not be limited
21 to, owners, managers, or employees of public lands, schools, parks, religious
22 institutions, utilities, industrial or business sites and any residential properties
23 maintained in condominium and/or common ownership.

24 ~~(j)(t)~~ Livestock: all animals of the equine, bovine, or swine class.

25 ~~(k)(u)~~ Livestock facility: property under single ownership or control where
26 livestock are is raised and or boarded.

27 ~~(l)(v)~~ Livestock Waste: A solid wastes composed of excreta of animals and
28 residual materials that have been used for bedding, sanitary, or feeding
29 purposes for such animals. For purposes of this article, livestock waste that has
30 been properly composed composted shall not be considered livestock waste.

31 ~~(m)(w)~~ Livestock Waste Self-Hauler: Property owner and/or authorized
32 representative registered with the village Wellington to provide livestock waste
33 removal services from their own property in accordance with the terms and
34 conditions established by this article.

35 ~~(n)(x)~~ Livestock Waste Storage Area: an area constructed of impermeable
36 material such as concrete or asphalt; or an area containing with an
37 impermeable cover; or a mechanical storage container that can be sealed,
38 lifted, and transported.

1 (e)(y) Manure Test: an analysis of livestock waste by a qualified laboratory to
2 determine the nutrient value and make up the owner's livestock, specifically the
3 phosphorus content.

4 (p)(z) Monitoring Wells: strategically located wells from which water samples
5 are drawn for water quality analysis or measurement of ground water levels.

6 (e)(aa) Paddock: a fenced grassed area of ¼ acre or less used primarily for
7 exercise and secondarily for feeding of livestock.

8 (bb) Pasture: a fenced, grassed area of approximately more than ¼ acre used
9 primarily for exercise and secondarily for feeding of livestock.

10 (cc) Prohibited Application Period: the time period during which a Flood Watch
11 or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or
12 Warning is in effect for any portion of Palm Beach County, issued by the
13 National Weather Service, or if heavy rain (2 inches or more within a 24 hour
14 period is likely).

15 (dd) Saturated Soil: a soil in which the voids are filled with water. Saturation
16 soil does not require flow. For the purposes of this Ordinance, soils shall be
17 considered saturated if standing water is present or the pressure of a person
18 standing on the soil causes the release of free water.

19 (f)(ee) Slow Release, controlled release, timed release, slowly-available, or
20 insoluble nitrogen: nitrogen in a form which delays its availability for plant
21 uptake and use after application, or which extends its availability to the plant
22 longer than a reference rapid of quick release product.

23 (s)(t)(ff) Soil Test: an analysis of a site soil sample by a qualified laboratory to
24 determine fertilizer needs of the site, specifically phosphorus needs of the
25 plants grown on the site.

26 (gg) Spreading: refers to the human or mechanical means to distribute livestock
27 waste or compost. Animal waste on pasture lands shall not be considered
28 spreading of livestock waste. ~~Spreading of unprocessed livestock waste shall~~
29 ~~not be allowed.~~

30 (hh) Stormwater Treatment Areas or -"STAs": those water quality treatment
31 and water storage areas know as Stormwater Treatment Area 1 East (STA 1E)
32 as described and depicted in the district's conceptual design document of
33 February 15, 1994, and any modifications thereto.

34 (ii) Turf, Sod, or Lawn: an area of grass-covered soil held together by the
35 roots of the grass.

36 (jj) Urban Landscape: pervious areas on residential, commercial, industrial,
37 institutional, highway rights-of-way, or other nonagricultural lands that are
38 planted with turf or horticultural plants. For the purposes of this section,

1 agriculture has the same meaning as provided in Section 570.02 of the Florida
2 Statutes.

3
4 **SECTION 2:** Section 30-151 "Purpose" of Article V, "Stormwater Quality
5 Management", of Chapter 30, "Environment" of Wellington's Code of Ordinances is
6 hereby amended as follows:

7
8 **Section 30-151. - Purpose**

9
10 The purpose of these Best Management Practices (BMPs) for livestock waste and
11 fertilizer management is to comply with Policy 1.2.121 and 13 of the Conservation
12 Element of the Village Wellington's Comprehensive Plan and to comply with the
13 conditions of the Joint Cooperation Agreement between ~~the village~~ Wellington and
14 the South Florida Water Management District which requires ~~the village~~ Wellington
15 to implement a compliance-based pollution prevention program designed to reduce
16 nutrient discharges, specifically phosphorus, from its surface water system into the
17 Everglades Protection Area. ~~The village~~ Wellington is therefore implementing a
18 ~~best management practices (BMPs)~~ program designed to reduce, abate, and
19 prevent, directly and indirectly, phosphorus discharges to the surface water system
20 within ~~the Village of~~ Wellington.

21
22 **SECTION 3:** Section 30-152 "Applicability" of Article V, "Stormwater Quality
23 Management", of Chapter 30, "Environment" of Wellington's Code of Ordinances is
24 hereby amended as follows:

25 **Sec. 30-152. - Applicability.**

26 These standards shall apply to all property within the boundaries of the Village of
27 Wellington.

28
29 **SECTION 4:** Section 30-153 "Best Management Practices for Livestock
30 Waste" of Article V, "Stormwater Quality Management", of Chapter 30, "Environment" of
31 Wellington's Code of Ordinances is hereby amended as follows:

32 **Sec. 30-153. - Best management practices for livestock waste.**

33 Livestock waste shall be placed, or stored in a livestock waste storage area or
34 water tight container such as a roll-off or dumpster container which is associated
35 with a permit issued by the Village of Wellington. Livestock waste shall not be
36 placed, accepted, stored, or allowed to accumulate on any property in Wellington
37 ~~the village~~, except as provided herein.

38 (a) *Management of Livestock Waste.*

39 (1) Each livestock facility shall provide a storage area for livestock waste.

40 (2) Livestock waste shall be placed, or stored in a livestock waste storage
41 area that meets the following requirements:

- 1 a. As of June 24, 2013, all new or reconstructed livestock waste storage
 2 area shall be constructed with an impermeable floor with sidewalls
 3 constructed of concrete block, concrete or molded resin based
 4 plastic, or other approved impermeable material, on three sides. The
 5 storage area shall be designed and constructed to be water-tight with
 6 a cover which will not allow storm water discharge. The impermeable
 7 floor shall be impermeable and have a curb or rolled lip of asphalt or
 8 concrete not less than one inch in height or a slab pitched downward
 9 toward the rear wall of the storage area. (Minimum fall from front to
 10 rear of two inches); and
- 11 b. The livestock waste storage area shall be elevated to a minimum of
 12 six inches above the crown of road/access easement; or 12 inches
 13 below the residential finish floor whichever is greater; or and
- 14 c. A building "permit" or a zoning compliance determination shall be
 15 obtained from the Village of Wellington planning, zoning and building
 16 department prior to constructing or altering a livestock waste storage
 17 area within village Wellington boundaries; or and
- 18 d. The determination of the size of the livestock waste storage area is
 19 the responsibility of the property owner based upon the number of
 20 horses or livestock on the property and their daily generation of
 21 manure, urine and bedding material as well as intended frequency of
 22 removal for disposal. At no time shall livestock waste be allowed to
 23 accumulate beyond the threshold of the livestock waste storage area,
 24 outside of the confine of the livestock waste storage area; or and
- 25 e. Roll-off and dumpster containers may be used as livestock waste
 26 storage areas subject to the following requirements:
- 27 i. Roll-off and dumpster containers used as livestock waste storage
 28 areas shall be placed on a concrete or asphalt pad with at least a
 29 two inch curb around the entire storage area; and
- 30 ii. Roll-off and dumpster containers used as livestock waste storage
 31 areas shall meet the same elevation requirements as in [(2) b].
- 32 iii. Roll-off and dumpster containers must be water tight at all times.
- 33 (3) ~~These facilities~~ All equestrian facilities shall with improperly stored
 34 livestock waste and in existence as of September 26, 2000, shall have
 35 livestock waste removed from the facility as provided in this section.

36 (b) *Location of Waste Storage Facilities.*

- 37 (1) Livestock waste storage and roll-off and dumpster containers shall be
 38 located:

- 1 a. At least five feet away from any adjacent structure roof overhang;
- 2 b. At least 50 feet away from any ~~(public)~~ grassed drainage swale
- 3 conveyance or drainage inlet;
- 4 c. At least 100 feet away from any drainage port of entry, body of water,
- 5 public or private storm drainage conveyance system which has direct
- 6 discharge into any body of water not separated from the public
- 7 conveyance);
- 8 d. At least ~~150~~ 100 feet away from a potable water supply well.
- 9 e. Within reasonable proximity to the stable/ barn structure and in
- 10 accordance with the minimum accessory use set back requirements.

11 (2) Extenuating circumstances; if compliance with the setback regulations is

12 not possible because of properties unusual circumstances, the property

13 owner may submit an alternate method of compliance. Mitigation

14 measures such as berms, grading changes or secondary containment

15 systems can be considered in addressing unique and unusual

16 circumstances. If alternative measures are approved they must be

17 installed and maintained in accordance with the approved specifications.

18 Any alternate method of compliance must:

- 19 a. Meet the intent of these provisions.
- 20 b. Demonstrate the ability to mitigate water quality impacts
- 21 c. Provide a secondary method of containment and
- 22 d. Be supported by an engineering study.

23 ~~Compliance with the setback shall be determined by the village planning,~~

24 ~~zoning and building department.~~

25 (c) *Livestock Waste Storage Area Maintenance.*

26 (1) The removal and transportation of livestock waste on commercial and

27 private properties within village Wellington boundaries shall be done

28 exclusively by either a registered commercial livestock waste hauler or a

29 registered livestock waste self-hauler.

30 ~~(2) The commercial livestock waste hauler and livestock waste self-hauler~~

31 ~~shall be registered, as required to register with the village Wellington~~

32 ~~(environmental engineering/public works department).~~

33 ~~(23)~~ Livestock waste shall be confined within the waste storage structure.

34 (34) Livestock waste storage area(s) shall be continuously maintained so

35 that no stormwater runoff rainfall or any types of liquids/materials are

1 allowed to be released.

2 ~~(45) All livestock waste storage areas, containers and pads shall be checked~~
3 ~~and inspected by a BMP Code Compliance Officer or Building Inspector~~
4 ~~annually for cracks, crevices, and holes, and other damages. Repair~~
5 ~~shall be made as warranted to prevent spillage or discharge, done in a~~
6 ~~timely manner. Inspections will be done by a BMP Code Compliance~~
7 ~~Officer or Building Inspector.~~

8 ~~(6) Roll-off and dumpster containers that are used for storage of livestock~~
9 ~~waste shall be checked annually for cracks, crevices, holes and/or leaks.~~
10 ~~Any containers with holes, broken welds or improperly fitting lids shall be~~
11 ~~repaired or replaced immediately.~~

12 ~~(7) Concrete and asphalt pads used for storing roll-off and dumpster~~
13 ~~containers which store livestock waste shall be inspected annually for~~
14 ~~cracks, crevices, holes and/or leaks to prevent soil contamination. The~~
15 ~~two-inch curb and/or rolled lip around the storage area shall be inspected~~
16 ~~annually. Inspections will be done by a BMP code compliance officer.~~

17 (ed) Composting Disposal of Livestock Waste

18 The disposal of livestock waste within Wellington must be accomplished
19 by composting the waste, implementing a nutrient management
20 program, or by hauling the waste off-site to an approved disposal site.

21 (1) Composting of livestock waste is permitted under the following
22 conditions within shall be prohibited within the village Wellington's
23 boundaries, except as provided herein:

24 a. Large Scale Composting: Where the composter has received a an
25 approved permit from the Florida Department of Environmental
26 Protection (DEP) pursuant to F.S. § 403.707, and in accordance with
27 Rule Chapter 62-709, Florida Administrative Code. The approved
28 DEP Form #62-701.900(10) shall be submitted to the village
29 Wellington environmental services coordinator. A copy of any and all
30 annual reports required to be filed with DEP shall be filed with
31 Wellington annually.

32 b. Small Scale Composting: Where the composter proposes to spread
33 compost within their property and is not required to obtain a permit
34 from the DEP pursuant to F.S. § 403.707, and in accordance with
35 Chapter 62-709, Florida Administrative Code, the composter shall
36 prepare and submit a permit application to Wellington's Engineer as
37 described in this section. This application entitled: Registration and
38 Annual Reporting for Composting shall be completed and reviewed
39 based on the following standards.
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i. Property Information:

- a) The number of horses kept within the owner's properties.
- b) The amount of livestock waste being generated monthly.
- c) The amount of compost being generated monthly.
- d) Provide an application with a site plan denoting area calculation of net available lands where compost will be spread along with the type of vegetation within the landscape areas, pastures, etc.
- e) Setbacks from wells, drainage inlets and water bodies as referenced in Section 30-153 (b) 1.
- f) Soil and compost test sample reports shall be submitted (UF-IFAS soil testing laboratories) detailing the nutrient value of the composted waste and the nutrient uptake of the soil and vegetation. This report shall specify the animal units (horses) per acre which the properties vegetation can sustenance.

ii. Site plan of property to include:

- a) A description of all structures located on property including proposed size, location, use and setbacks (Section 6.10.6 -Development standards, (A) - minimum setbacks).
- b) Composting pad location and construction materials.
- c) Livestock waste storage facility location and construction materials section 30-153 (a) 2a.

iii. Narrative to include: (see Composting Frequently Asked Questions)

- a) A brief description of how the compost will be used.
- b) A description of how odor and vectors will be controlled.
- c) A description of how stormwater intrusion will be controlled and the type of cover to be provided in the storage structure.
- d) The operating parameters to be followed for managing the process.

1 e) A description of how the facility will be closed.

2
3 iv. Application:

4 a) Completed Application for Registration and Annual
5 Composting.

6 b) \$25.00 non-refundable application fee made payable to
7 Wellington.

8 c) Completed Annual Report for a Solid Waste
9 Management Facility Producing Compost Made from
10 Solid Waste (Part C).

11
12 v. Stable-waste Compost Spreading Plan

13 a) The spreading of livestock waste shall be prohibited
14 within ~~the village~~ Wellington's boundaries, except as
15 provided herein:

16 (1) ~~A Village of Wellington~~ The property owner must
17 prepare a Best Management Practice Livestock
18 Waste Management Plan (BMPLWMP) shall be
19 prepared in accordance with village Wellington
20 requirements and submitted to the village Wellington's
21 Engineer or designee, who will coordinate with all
22 other departments environmental services coordinator
23 for review and approval. Spreading of composted
24 livestock waste is prohibited without an approved
25 plan. All existing spreading plans shall be required to
26 submit a new BMPLWMP by October 1, 2014 and all
27 BMPLWMP's shall be subject to an annual renewal at
28 which time the property owner shall submit to
29 Wellington an annual report on spreading activities.

30 (2) Livestock waste shall be composted before any
31 spreading occurs.

32 (3) ~~Best management practices program livestock waste~~
33 ~~management plans are available at the public works~~
34 ~~department.~~

35 (4) Best Management Practices program Livestock
36 Waste Management Plans applications, which that
37 have been approved by the village Wellington, shall
38 be inspected by the environmental services
39 coordinator reviewed annually to ensure practices are
40 being followed as originally submitted and in

1 accordance with the annual report.

2 (2) Nutrient Management Plan; A landowner may be considered exempt
3 from composting livestock waste if a Nutrient Management plan is
4 submitted to Wellington and approved. Annually the landowner shall
5 submit a Nutrient Management plan to the Village Engineer for review
6 and approval, based on the following standards:

7
8 a. Property Information:

- 9 i. The number of horses kept within the owner's properties.
10 ii. The amount of livestock waste being generated monthly.
11 iii. Provide an application with a site plan denoting area calculation
12 of net available lands where livestock waste will be spread
13 along with the type of vegetation within the landscape areas,
14 pastures, etc.
15 iv. Setbacks from wells, drainage inlets and water bodies as
16 referenced in Section 30-153 (b) 1.
17 v. Soil and manure test sample reports shall be submitted (UF-
18 IFAS soil testing laboratories) detailing the nutrient value of the
19 livestock waste and the nutrient uptake of the soil and
20 vegetation. This report shall specify the animal units (horses)
21 per acre which the properties vegetation can sustainance.
22 Permit shall remain valid so long as testing meets the applicable
23 state standard.

24 (3) Livestock Waste Hauling.

- 25 a. All commercial livestock waste haulers and/or livestock waste self-
26 haulers shall be permitted ~~or~~ and registered, as required, annually by
27 ~~the village by Wellington environmental engineering department.~~
28 b. Livestock waste may be moved from one livestock facility to another
29 ~~in the village Wellington~~ only for:
30 i. The purpose of composting in an approved composting area; or
31 ii. Storage in a common livestock waste storage area for removal
32 in bulk.
33 c. All livestock facilities within ~~the village Wellington~~ boundaries shall
34 remove livestock waste by either a commercial livestock waste hauler
35 or a livestock waste self-hauler that is registered by ~~the village~~
36 Wellington.
37 d. Disposal of livestock waste must be within an approved disposal site

1 which is registered to operate under Florida Administrative Code
2 Chapter 62-709.320, additionally the disposal facility must provide
3 copies of all current valid permits annually to Wellington and must
4 agree to periodic audits and provide copies of all load tickets to
5 Wellington which were obtained from the haulers.

6 e. Commercial livestock waste haulers will pay a permit fee to the
7 Village of Wellington as may be adjusted from time to time. Livestock
8 waste self-haulers will not pay a fee.

9 f. Commercial livestock waste haulers and livestock waste self-haulers
10 permits and registrations shall be subject to revocation for failure to
11 abide by the terms of this article, ~~and the provisions set forth in~~
12 ~~Florida Administrative Code Chapter 62-709.320~~

13 g. Hauling reports shall be provided by commercial livestock waste
14 haulers and livestock self-haulers to Wellington quarterly. Hauling
15 records shall identify the waste source, quantity in cubic yards, and
16 the waste disposal site with quantity deposited in cubic yards within
17 an approved site. Hauling records shall include signed load tickets or
18 affidavits certifying the loads from both the source and disposal site
19 owners. Failure to provide quarterly hauling records may result in the
20 loss of the haulers permit in Wellington. Wellington reserves the right
21 to audit the hauling record and load tickets from the generating
22 properties and disposal sites which have been approved as a
23 disposal site as defined herein.

24
25 **SECTION 5** Section 30-154 "Best Management Practices for the Application
26 and Storage of Fertilizer" of Article V, "Stormwater Quality Management", of Chapter 30,
27 "Environment" of Wellington's Code of Ordinances is hereby amended as follows:

28 **Sec. 30-154. - Best management practices for the application and storage**
29 **of fertilizer.**

30 (a) All fertilizers shall be stored in a dry storage area protected from rainfall and
31 ponding.

32 (b) No fertilizer containing in excess of two percent phosphate/phosphorus
33 (P^2O^5) per guaranteed analysis label (as defined by F.S. Ch. 576) shall be
34 applied to turf grass, pastures, paddocks, or used in nurseries unless
35 justified by a soil test.

36 (c) Fertilizer containing in excess of two percent phosphate/phosphorus (P^2O^5)
37 per guaranteed analysis label shall not be applied within ten (10) five feet of
38 the edge of water or within ten (10) five feet of a drainage facility.

39 (d) All fertilizer shall be applied such that spreading of fertilizer on all
40 impervious surfaces is minimized.

1 (e) Liquid fertilizers containing in excess of two (2) percent
2 phosphate/phosphorus (P²O⁵) per guaranteed analysis label shall not be
3 applied through an irrigation system within ten (10) feet of the edge of water
4 or within ten (10) feet of a drainage facility.

5 (f) Liquid fertilizers containing in excess of two percent phosphate/phosphorus
6 (P²O⁵) per guaranteed analysis label shall not be applied through high or
7 medium mist application or directed spray application within ten (10) feet of
8 the edge of water or within ten (10) feet of a drainage facility.

9 (g) ~~The village Wellington~~ shall establish a public education program that is
10 focused on the following: proper irrigation of landscaped areas; application
11 rates of fertilizer; appropriate types of fertilizer for different plants; and
12 proper use of organic fertilizers and soil amendments.

13 (h) Timing of fertilizer applications.

14 (1) No applicator shall apply fertilizers containing nitrogen and/or
15 phosphorus to turf and/or landscape during the prohibited application
16 period and within the fertilizer free zones as identified in Section 30-
17 154(i) (1) below or to saturated soils.

18 (2) Fertilizer containing nitrogen and/or phosphorus shall not be applied
19 before seeding or sodding a site, and shall not be applied for the first
20 thirty (30) days after seeding or sodding, except when hydro-seeding for
21 temporary or permanent erosion control in an emergency situation
22 (wildlife, etc.), or in accordance with the Stormwater Pollution Plan for
23 that site.

24 (i) Fertilizer free zones.

25 (1) Fertilizer shall not be applied within ten (10) feet of any pond, stream,
26 lake, canal, water body or wetland as defined by the Florida Department
27 of Environmental Protection (Chapter 62-340), Florida Administrative
28 Code or from the top of a headwall or lake bulkhead. Newly planted turf
29 or landscape plants may be fertilized in its zone only for a sixty (60) day
30 period beginning no sooner than thirty (30) days after planting if needed
31 to allow the plants to become well established. Caution shall be used to
32 prevent direct deposition of nutrients into the water.

33 (j) Fertilizer content and application rates.

34 (1) Fertilizers applied to turf within Wellington shall be formulated and
35 applied in accordance with requirements and directions provided by Rule
36 5E-1.003(2), Florida Administrative Code, Labeling Requirements for
37 Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative
38 Code, required application rate and frequency maximums, which vary by
39 plant and turf types, are found on the labeled fertilizer bag or container.

- 1 (2) Unless a soil or tissue deficiency has been verified by an approved test,
2 nitrogen or phosphorus fertilizer shall not be applied to turf or landscape
3 plants except as provided in section (1) above for turf, or in UF/IFAS
4 recommendations for landscape plants, vegetable gardens, and fruit
5 trees and shrubs.
- 6 (3) Fertilizer used for sports turf at golf courses shall be applied in
7 accordance with the recommendations in "Best Management Practice for
8 the Enhancement of Environmental Quality of Florida Golf Courses",
9 published by the Florida Department of Environmental Protection, dated
10 January 2007. Fertilizer used at parks or athletic fields shall be applied in
11 accordance with Rule 5E-1.003(2), Florida Administrative Code.

12 (k) Fertilizer Application Practices.

- 13 (1) Spreader deflector shields shall be used when fertilizing via rotary
14 (broadcast) spreaders. Deflectors must be positioned such that fertilizer
15 granules are deflected away from all impervious surfaces, fertilizer-free
16 zones and water bodies, including wetlands. Any fertilizer applied,
17 spilled, or deposited, either intentionally or accidentally, on any
18 impervious surface shall be immediately and completely removed to the
19 greatest extent practicable.
- 20 (2) Fertilizer released on an impervious surface must be immediately
21 contained and either legally applied to turf or any other legal site, or
22 returned to the original or other appropriate container
- 23 (3) In no case shall fertilizer be washed, swept, or blown off impervious
24 surfaces into stormwater drains, ditches, conveyances, or water bodies.
25 Property owners and managers are encouraged to use an Integrated
26 Pest Management (IPM) strategy as currently recommended by the
27 University of Florida Cooperative Extension Service publications.

28 (l) Management of grass clippings, vegetative matter.

- 29 (1) In no case shall grass clippings, vegetative material and/or vegetative
30 debris intentionally be washed, swept, or blown on to or into storm water
31 drains, ditches, conveyances, water bodies, wetlands, sidewalks or
32 roadways. Any material that is inadvertently deposited shall be
33 immediately removed to the maximum extent practicable.

34 (m) Training

- 35 (1) All Commercial and Institutional Applicators of Fertilizer within Wellington
36 shall abide by and successfully complete the six hour training program in
37 the "Florida-Friendly Best Management Practices for Protection of Water
38 Resources by the Green Industries" offered by the Florida Department of
39 Environmental Protection through the University of Florida/Palm Beach
40 County Cooperative Extension Service "Florida Friendly Landscapes"

1 program or approved equivalent program.

2 (2) Non-commercial and non-institutional applicators not otherwise required
3 to be certified, such as private citizens on their own residential property,
4 are encouraged to follow the recommendations of the University of
5 Florida/IFAS "Florida Friendly Landscape Program" and label
6 instructions when applying fertilizer.

7 (n) Licensing of commercial applicators.

8 (1) All businesses applying fertilizer to turf of landscape plants (including,
9 but not limited to, residential lawns, golf courses, commercial properties,
10 multi-family, equestrian and condominium properties) must ensure that
11 the business owner or his/her designee holds the appropriate "Florida-
12 Friendly Best Management Practices for Protection of Water Resources
13 by the Green Industries" training certificate prior to the business owner
14 obtaining a Local Business Tax Certificate or landscape registration.
15 Owners for any category of occupation which may apply any fertilizer to
16 Turf and/or Landscape Plants shall provide proof of completion of the
17 program to the Wellington. It is the responsibility of the business owner
18 to maintain the "Florida-Friendly Best Management Practices for
19 Protection of Water Resources by the Green Industries" certificate to
20 receive their Business Tax Receipt or landscape registration annually.

21 (2) After December 31, 2013, all commercial applicators of fertilizer within
22 Wellington, shall have and carry in their possession at all times when
23 applying fertilizer, evidence of certification by the Florida Department of
24 Agriculture and Consumer Services as a Commercial Fertilizer
25 Applicator per Rule 5E-14.117(18) Florida Administrative Code.

26 (3) All businesses applying fertilizer to turf and/or landscape plants
27 (including, but not limited to, residential lawns, golf courses, commercial
28 properties multi-family, equestrian and condominium properties) must
29 ensure that at least one (1) employee has an appropriate "Florida-
30 friendly Best Management Practices for Protection of Water Resources
31 by the Green Industries" training certificate prior to the business owner
32 obtaining a Business Tax Receipt or landscape registration. Standard
33 Business Tax Receipt (BTR) or landscape registration and transaction
34 fees shall apply.

35
36 **SECTION 6** Section 30-155 "Commercial Fertilizer Applicators" of Article V,
37 "Stormwater Quality Management", of Chapter 30, "Environment" of Wellington's Code
38 of Ordinances is hereby amended as follows:
39

40 **Sec. 30-155. - Commercial fertilizer applicators.**

41 ~~(a) Any person, firm, corporation, or other legal entity which provides~~

1 ~~fertilization services for a fee with a physical address within the village~~
2 ~~Wellington shall register with the village Wellington on the registration forms~~
3 ~~provided by the village.~~

4 ~~(a)(b)~~ Any person, firm, corporation, or other legal entity which provides fertilization
5 services for a fee within the village of Wellington shall pay such an annual
6 registration fee as may be adjusted from time to time. This registration fee
7 may, from time to time, be adjusted by resolution of the village Wellington
8 eCouncil.

9 ~~(b)(e)~~ Commercial fertilizer registrations shall be subject to revocation for failure to
10 abide by the terms and conditions established in this and other regulations
11 of the village Wellington.

12 **Sec. 30-156. - Enforcement.**

13 Any owner, owner's representative, tenant or person violating any provision of
14 this part may be subject to enforcement as provided in Chapter 2 Article IV,
15 Division 1 and 2 of the Wellington Codes of Ordinances.

16
17 **SECTION 7:** Should any section paragraph, sentence, clause, or phrase of this
18 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
19 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
20 other than the part to be declared invalid.

21
22 **SECTION 8:** Should any section, paragraph, sentence, clause, or phrase of
23 any prior Wellington ordinance, resolution, or municipal code provision, then in that
24 event the provisions of this Ordinance shall prevail to the extent of such conflict.

25
26 **SECTION 9:** This Ordinance shall take effect 90 days from date adopted by
27 Wellington's Council.

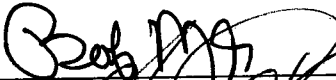
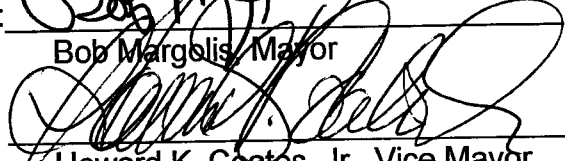
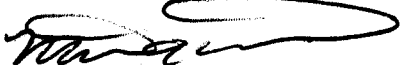
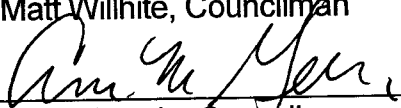
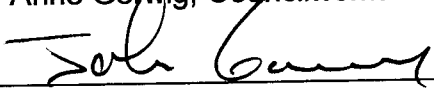
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1 PASSED this 12th day of June upon first reading.

2
3 PASSED AND ADOPTED this 26 day of March 2013, on
4 second and final reading.

5
6 WELLINGTON


7 FOR AGAINST

8	BY: 	FOR	AGAINST
9	Bob Margolis, Mayor	✓	_____
10		_____	_____
11	Howard K. Coates, Jr., Vice Mayor	✓	_____
12		_____	_____
13	Matt Willhite, Councilman	✓	_____
14		_____	_____
15	Anne Gerwig, Councilwoman	✓	_____
16		_____	_____
17	John Greene, Councilman	✓	_____

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24
25 ATTEST:

26
27 BY: 
28 Awilda Rodriguez, Clerk
29

30
31
32 APPROVED AS TO FORM AND
33 LEGAL SUFFICIENCY

34
35 BY: 
36 Attorney for Wellington
37
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