

Title: Ordinance to regulate fertilizers near lakes

Effective Date: 6/9/2003

Category: Lakes

STATE OF WISCONSIN

TOWN OF LAGRANGE

WALWORTH COUNTY

ORDINANCE NO.03-007

AN ORDINANCE TO REGULATE FERTILIZERS NEAR LAKES

WHEREAS, fertilizers applied to land surface near lakes can wash into the lakes causing excessive weed growth in the lakes resulting in problems for boaters, fishermen and other recreational users of the lakes;

THEREFORE, the Town Board of LaGrange enacts this Ordinance:

Section 1: Definitions. The following terms as used in this Ordinance are defined as follows:

A. "Commercial Applicator" is a person who applies fertilizer for hire.

B. "Fertilizer" means any substance, containing one or more plant nutrients, which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal or vegetable manures, marl and liming material.

C. "Non-commercial applicator" is a person who applies fertilizer, but not for hire.

Section 2. Application. This Ordinance shall apply within the boundaries of the Lauderdale Lakes Lake Management District and the Pleasant Lake Lake Management District, hereafter called "Lake Districts."

Section 3. Phosphorous Prohibition. No person, firm, corporation, franchise, commercial applicator, whether or not licensed by the Wisconsin Department of Agriculture, Trade and Consumer Affairs, non-commercial applicator, property owner or tenant, shall apply lawn fertilizer in any form containing any amount of phosphorous or any amount of any other compound containing phosphorous, such as phosphate within the Lake Districts, except as follows:

A. Naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost.

B. Lawn areas where soil tests confirm that the soil contains levels of phosphorous below the quantity in typical soils in Southeastern Wisconsin. If this exception applies the amount of phosphorous applied shall not exceed the appropriate application rate recommended in the soil test and shall be incorporated into the soil to minimize runoff.

C. Application to any farming or agricultural business, providing the use of fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to incorporate the fertilizer into the soil to minimize runoff. This exception shall not apply to lawn areas on a farm or agricultural business.

Section 4. Regulation of All Fertilizers. No person, firm, corporation, franchise, commercial applicator, whether or not licensed by the Wisconsin Department of Agriculture, Trade and Consumer Affairs, non-commercial applicator, property owner or tenant, shall apply any fertilizer applied to the following locations:

To impervious surfaces, drainage ditches, waterways, natural buffer zones, delineated wetlands, below the ordinary high water mark, or within 10 feet of any wetland or water resource, except as follows:

Application to any farming or agricultural business, providing the use of fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to incorporate the fertilizer into the soil to minimize runoff. This exception shall not apply to lawn areas on a farm or agricultural business.

Section 5. Enforcement. This Ordinance shall be enforced by the Town of LaGrange police, who are authorized to issue citations. Violators shall forfeit a minimum of \$50 up to a maximum of \$ 350 plus costs and assessments, and, upon failure to pay shall serve up to 30 days in the Walworth County jail. The bond amount shall be \$_____.

Adopted the day of September, 2003 by the Town of LaGrange Town Board. Town Board:

David Heilmeier, Chairman

Richard Callaway, Supervisor

Donald Sukala, Supervisor

Ann Lohrmann, Supervisor

Frank Taylor, Supervisor

Attest:

Crystal Hoffmann