

CHAPTER IX

CHEMICAL APPLICATION REQUIREMENTS

9-1 PURPOSE.

The purpose of this chapter is to regulate the application of chemicals which may adversely impact the waters surrounding the Borough of Surf City and the natural resources of Long Beach Island. Of particular concern are the waters of Barnegat Bay, Great Bay, Manahawkin Bay, Little Egg Harbor Bay and the Atlantic Ocean. The intent of this chapter is to regulate and control applications of chemicals, particularly fertilizers, which may be washed into or carried into the waters surrounding Surf City as a result of rain runoff and snow melt. This specific chapter addresses particularly fertilizers and especially those which contain high levels of phosphorous. (Ord. No. 2010-03)

9-2 FINDINGS.

- a. The Governing Body of the Borough of Surf City desiring to promote and regulate matters which benefit the health, safety and welfare of the citizens of the community are aware of numerous scientific reports which have demonstrated that the improper and excessive application of fertilizers and fertilizer products may have an adverse impact on surface waters and ground waters. The United States Environmental Protection Agency, the State of New Jersey Department of Environmental Protection and numerous environmental organizations have recognized that one of the major factors which are detrimentally impacting the bays, lagoons, estuaries, marshes, wetlands, fish nurseries and ground water on and surrounding the

Borough of Surf City is non-point source pollution. The same groups have determined that the sources of non-point pollution include among other things the runoff of chemicals and related substances originating from the improper application of fertilizers.

- b. The Governing Body of the Borough of Surf City is aware that the geological compositions of the soils in the Borough of Surf City consist primarily of sand and sandy soil which has little ability to remove nitrates, phosphates, nutrients and other common ingredients found in chemical fertilizers. The Governing Body is also aware that common fertilizers which are readily available in retail stores are regularly applied on residential and commercial properties throughout the Borough of Surf City by property owners and landscapers. The Governing Body is further aware that there are no Federal, State, County nor local laws regulating or restricting the application of such products.
- c. It is accepted by the scientific community that excess phosphorous, a common element in many chemical fertilizers, in the waterways surrounding the Borough of Surf City may cause accelerated growth of algae and other aquatic vegetation which may interfere with the naturally occurring aquatic life in such waterways, recreational use thereof, fisheries and aquaculture. The accelerated algae growth and aquatic vegetation has been shown to have a detrimental effect on the waterways through, inter alia, oxygen depletion and temperature increase and that these detrimental impacts threaten individual animal species and may cause a reduction in the diversity of life living in the waters.

- d. A continuation or exacerbation of the above noted adverse impacts which may be traced to improper fertilizer application have significant potential to cause detrimental impact on the economy of the Borough of Surf City and further cause potential risk to the health, safety and welfare of the citizens of the Borough of Surf City. As a result of the foregoing the Governing Body of the Borough of Surf City believes that it is desirable that the Borough enact an ordinance which will restrict the improper application of fertilizer products and also advise the public and landscaping operators who perform services in the Borough of the proper timing and methods for fertilizer application.
(Ord. No. 2010-03)

9-3 DEFINITIONS.

Applicator shall mean any person who applies fertilizer products to soils or turf.

Fertilizer shall mean a material containing one (1) or more recognized plant nutrients, which is used for its plant nutrient content, and that is designed for use or claimed to have value in promoting plant growth, and which is offered for sale, or intended for sale.

Impervious surface/Impervious lot coverage shall mean surface covering the natural earth which covering inhibits water percolation into the natural earth, thereby causing surface water to drain off the site of the surface covering rather than be absorbed into the soil constituting the lot upon which the surface covering is placed.

Landscape professional shall mean a person or business that, in exchange for pay, goods, services or other considerations, applies fertilizer to soils or turf.

Phosphorous fertilizer shall mean any fertilizer that contains phosphorous expressed as P_2O_5 , with a guaranteed analysis of greater than zero; except that it shall not be considered to include manipulated animal, vegetable manures, bio-solid fertilizers, agricultural liming materials or wood ashes that have not been modified to increase their nutrient content. The phosphorous percentage in a fertilizer product is included on the packaging, which contains three (3) numbers (e.g. "26-0-3"), with the phosphorous percentage as the middle number. A zero in the middle means no phosphorous, while a "2" or a "3" means low phosphorous.

Soil test shall mean a technical analysis of soil conducted by an accredited soil testing laboratory.

Waterbody shall mean the Atlantic Ocean, Barnegat Bay, Great Bay, Manahawkin Bay, and Little Egg Harbor Bay as well as the various lagoons, canals and estuaries entering any of the foregoing.
(Ord. No. 2010-03)

9-4 PROHIBITED CONDUCT.

The following conduct shall be prohibited within the Borough of Surf City.

- a. The application of fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be immediately swept into the target surface or returned to its original container or another appropriate container for reuse or disposal. Failure to

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provide and undertake immediate cleanup as is herein required shall be prohibited conduct.

- b. The application of fertilizer between December 15th and February 15th or if the ground is frozen.
- c. The deposit of grass clippings, leaves or other vegetative debris into water bodies, retention or detention areas, drainage ditches or storm water drains, or onto impervious surfaces.
- d. The application of fertilizer in excess of the manufacturer's recommended rate.
- e. The application of any phosphorous fertilizer except as demonstrated by a need for specific soils in accordance with a soil test and the associated annual fertilizer recommendation issued by the Rutgers Cooperative Research and Extension.
- f. Application of fertilizer within twenty-four (24) hours of any rainfall consisting of one-half (1/2) inch of rain or more within a single twenty-four (24) hour period.
(Ord. No. 2010-03)

9-5 PERMITTED APPLICATIONS.

The following uses and applications of phosphorous fertilizers shall be and are hereby permitted:

- a. Where vegetation is being established upon initial planting, such as where the virgin soil has been disturbed, provided that the application is made in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and any regulations lawfully adopted pursuant thereto.

- b. The re-establishment or repair of turf after substantial damage has occurred thereto.
- c. Applying phosphorous fertilizer that delivers liquid or granular fertilizer under the surface of the soil directly to the feeder roots of the vegetation being fertilized.
- d. Application of phosphorous fertilizer to residential container plantings, flowerbeds and vegetable gardens.
- e. Application of phosphorous fertilizers on the sand dunes along the oceanfront in the area between the building line and the easterly toe of the dune shall be permitted since experience has proven that high phosphorous fertilizer is necessary to encourage luxuriant growth of natural dune grass and such growth has been proven to be effective in stabilization of Long Beach Island's protective dunes.
(Ord. No. 2010-03)

9-6 GUIDELINES.

The following guidelines are recommended for use by applicators:

- a. Drop spreaders, rather than broadcast spreaders when applying fertilizers.
- b. Use of only nitrogen-based fertilizers in slow release formula.
- c. Application of fertilizers not more than four (4) times annually on the same parcel of land.
(Ord. No. 2010-03)

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9-7 VIOLATION AND PENALTIES.

A violation of this article shall be punishable as provided in Chapter I, General Provisions, Section 1-5, General Penalty.
(Ord. No. 2010-03)