

**Town of Greenville
Outagamie County**

Ordinance No.2007-45

Ordinance to Ban Fertilizer Containing Phosphorus In
The Town of Greenville, Outagamie County

- 1. Authority.** This ordinance is adopted under the authority of the Town Board.
- 2. Purpose and Intent.** The Town Board finds that the Town of Greenville waterways are a natural asset, which enhances the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Board further finds that regulating the amount of nutrients and contaminants, specifically phosphorus contained in fertilizer, entering the lakes will improve and maintain lake water quality.
- 3. Applicability.** This ordinance applies in all areas in the Town of Greenville.
- 4. Definitions.**
 - a) "Agricultural uses" means beekeeping, dairying, egg production, floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouse and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, berries, sod farming and vegetable raising.
 - b) Fertilizer means a fertilizer that contains the three chief plant nutrient, nitrogen, phosphoric acid, and potash.
 - c) Lawn fertilizer means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not included fertilizer products intended primarily for garden or indoor use, or product intended for snow or ice removal.
- 5. Regulation of the Use and Application of Lawn Fertilizer.**
 - a) Effective January 1, 2008, no person shall apply any lawn fertilizer within the Town of Greenville, that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in Section 6.
 - b) No person shall apply lawn fertilizer containing phosphorus to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to the turf or placed in an appropriate container.

6. Exemptions. The prohibition against the use of lawn fertilizers containing phosphorus under section 5 shall not apply to:

- a) Newly established turf or lawn areas during their first growing season.
- b) Turf or lawn areas that soil or tissue tests, performed within the past three years by the University of Wisconsin Extension Office or other qualified or recognized authority in the area of soil analysis, confirm are below phosphorus levels established by the UW Extension office. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- c) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.
- d) Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

7. Sale of Lawn Fertilizer Containing Phosphorus.

- a) **Effective January 1, 2008, fertilizer containing more than 0% phosphorus or phosphate needs to be displayed separately with proper signage indicating the conditions of its use. Such fertilizer may be sold to Greenville residents for use as provided in Section 6.**
- b) Effective January 1, 2008, a sign containing the regulations set forth in this ordinance and the effects of phosphorus on the Town of Greenville waters must be prominently displayed where lawn fertilizers are sold.

8. Enforcement. The Town of Greenville Sanitary District #2 will enforce violations of this ordinance.

9. Penalty. Any person who violates Section 5 in the application of fertilizer at his/her residence shall be subject to a twenty-five (\$25.00) dollars per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates Section 5, and any person violates Section 7 shall be subject to a forfeiture of fifty (\$50.00) dollars for the first (1st) violation within a twelve (12) month period, one hundred fifty (\$150.00) dollars for the second (2nd) violation within a twelve month period, and three hundred (\$300.00) dollars for the third and each subsequent violation within twelve (12) month period.

10. Sever ability Clause. If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective or invalid.

Ordinance to Ban Fertilizer Containing Phosphorus in the Town of Greenville.

Adopted this 10th day of September, 2007

Randy Leiker, Town Chairman

Andy Peters, Supervisor

Mark Strobel, Supervisor

Tom Becher, Supervisor

Mike Woods, Supervisor

Attest:

Deborah Wagner, Town Clerk