

# **Ordinance 1559-17**

Passed on the 24th day of  
August, 2017

***An Ordinance Creating Title 5, Chapter 4,  
Regarding Fertilizer Containing  
Phosphorus, of Island Lake Village Code***

# **ORDINANCE 1559-17**

## *An Ordinance Creating Title 5, Chapter 4, Regarding Fertilizer Containing Phosphorus, of Island Lake Village Code*

WHEREAS, the Village of Island Lake is an Illinois municipal corporation in Lake and McHenry Counties and pursuant to the Illinois Municipal Code, and desires to modify its official Village code for the protection of the health, safety, and welfare of the public by protecting the water quality and environment in its lakes and streams;

WHEREAS, surface water runoff from adjacent properties and storm sewers flows into the lakes and streams must be protected;

WHEREAS, if fertilizer containing phosphorus is used in the Village it will likely be carried by surface water and storm sewers, ultimately flowing into the Village's lakes and streams;

WHEREAS, as a result of this increased phosphorus flow into the lakes and streams there will be an increase in the rate and volume of undesirable biological growth; and

WHEREAS, the Village Board desires to regulate the use of fertilizer containing phosphorus in order to protect the water quality and environment in its lakes and streams.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Island Lake, Lake and McHenry Counties, Illinois, as follows:

SECTION 1: Title 8, Chapter 15 is hereby established in the Village Code of Ordinances as follows:

## **Chapter 4**

### **FERTILIZER CONTAINING PHOSPHORUS**

#### **5-4-1 DEFINITIONS**

For purposes of this chapter, the following words and phrases shall have the meaning ascribed to them:

A. Commercial Applicator

A person who is engaged in the business of applying fertilizer for hire.

B. Fertilizer

A substance containing nitrogen, phosphorus, potash, or any other recognized plant nutrient element or compound which is used primarily for its plant nutrient content. Fertilizer shall not include the following natural products: agricultural limestone, sea solids, and unprocessed manure, which have not been manipulated so as to alter or change them chemically, burnt or hydrated lime, and sewage sludge produced by any sanitary treatment facility and shall not be subject to the provisions of this Ordinance.

C. Non-Commercial Applicator

A person who applies fertilizer but who is not a Commercial Applicator.

#### **5-4-2 PROHIBITION**

No Commercial or Non-Commercial Applicator, including homeowners and renters, shall apply to any area within the Village any fertilizer, whether liquid, granular, or solid, that contains any amount of phosphorus or other compound containing phosphorus, such as phosphate, except:

- A. The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste or compost; or
- B. As otherwise provided in Section 8-15-4, below.

#### **5-4-3 IMPERVIOUS SURFACES, DRAINAGE WAYS, AND BUFFER ZONES**

No Commercial or Non-Commercial Applicator shall apply any fertilizer to:

- A. Impervious surfaces;
- B. Areas within drainage ditches;
- C. Waterways or within twenty (20) feet thereof; and
- D. Any delineated wetland and any area established as a natural buffer zone thereof.

#### **5-4-4 EXEMPTIONS**

The following are exemptions to the prohibitions described in this Chapter:

- A. The prohibition against the use of fertilizer containing phosphorus shall not apply to turf and lawn areas for which soil tests confirm the ambient phosphorus content is below median phosphorus levels for typical area soils. The scope of this exemption shall only be for such volume or concentration of phosphorus necessary to permit such turf or lawn area to contain phosphorus levels equal to the median phosphorus levels for typical area soils. Phosphorus applied as fertilizer pursuant to this exemption shall be integrated into the soil where it is immobilized and generally protected from loss by stormwater runoff.
- B. The prohibition against the use of fertilizer containing phosphorus shall not apply to flower beds and vegetable gardens and establishing newly seeded, sodded, sprigged or plugged turf/lawn areas.
- C. The prohibition contained in Section 8-15-2 shall not apply to any farming or agricultural business, provided the use of fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to integrate the fertilizer into the soil where it is immobilized and generally protected from loss by stormwater runoff. This exemption shall not apply to the standard lawn area of said farm or agricultural business.

#### **5-4-5 SIGNS**

Any person, firm, corporation, or partnership which sells any fertilizer at retail shall be required to post a sign or signs at the point of sale for fertilizer containing the following legend:

"THE VILLAGE OF ISLAND LAKE PROHIBITS THE APPLICATION OF FERTILIZER CONTAINING PHOSPHORUS TO ANY LAWN OR TURF AREA EXCEPT FOR THE USE IN THE ESTABLISHMENT OF NEWLY SEDED, SODDED, SPRIGGED OR PLUGGED LAWN OR TURF AREAS AND ANY IMPERVIOUS SURFACE, DRAINAGEWAY, WETLAND, OR BUFFER ZONE."

Such sign or signs shall be clearly readable and shall be conspicuously posted on each aisle containing fertilizer.

#### **5-4-6 PENALTY**

In addition to any other sanctions and remedies provided by statute, any person who shall be convicted of violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

**SECTION 2: Severability.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

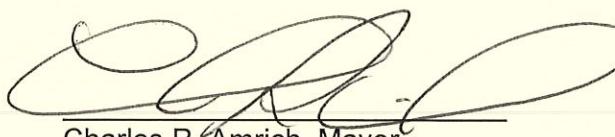
**SECTION 3: Repeal and Savings Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4: Effective Date.** This Ordinance shall be in full force and effect from after its passage and approval.

PASSED on the 24th day of August, 2017.

	AYES	NAYS	ABSTAIN	ABSENT
Mark Beeson	x			
John Burke	x			
Charles Cermak	x			
Sandy Doebler	x			
Harold England	x			
Jennifer Villarreal	x			

APPROVED on the 25th day of August, 2017



Charles R. Amrich, Mayor

ATTEST:

  
Georgine Cooper, Village Clerk

## **C E R T I F I C A T I O N**

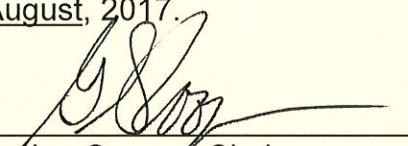
I, Georgine Cooper, do hereby certify that I am the duly qualified Clerk of the Village of Island Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and Board of Trustees of said Village of Island Lake.

I do hereby further certify that at a meeting of the Mayor and Board of Trustees of the Village of Island Lake, held on the 24th day of August, 2017, the foregoing Ordinance entitled ***An Ordinance Creating Title 8, Chapter 15, Regarding Fertilizer Containing Phosphorus, of Island Lake Village Code*** was duly passed and approved by the Mayor and Board of Trustees of the Village of Island Lake.

The pamphlet form of Ordinance No. 1559-17, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available from the Village Clerk commencing on the 25th day of August, 2017, and continuing for at least 10 days thereafter.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 25<sup>th</sup> day of August, 2017.



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Georgine Cooper, Clerk  
Village of Island Lake  
Lake and McHenry Counties, Illinois

