

AN ORDINANCE AMENDING CHAPTER 5 OF THE TOWN CODE TO REGULATE THE APPLICATION OF NUTRIENTS TO TWO ACRES OR MORE OF LAND AREA

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article II of Chapter 5 of the Carrboro Town Code is amended by adding thereto a new Section 5-20.1 as follows:

Section 5-20.1 Application of Nutrients to Two Acres or More of Land Area.

(a) No person may apply nutrients, including fertilizer, bio solids, or compost, to any land area that exceeds two acres in size, or cause, suffer, or permit the application of such nutrients to any land area that exceeds two acres in size under the control of such person, unless:

(1) The person who applies the nutrients has attended and completed nutrient management training as described in subsection (b) of this section or works under the direct supervision of someone who has attended and completed such training; or

(2) The nutrients are applied in accordance with a nutrient management plan prepared and approved as provided in subsection (c) of this section.

(b) In order to satisfy the requirements of this section by nutrient management training, a person must complete training provided by either the North Carolina Cooperative Extension Service or the North Carolina Division of Water Quality and obtain a certificate from the training entity to that effect. Training shall be sufficient to provide participants with an understanding of the value and importance of proper management of nitrogen and phosphorus, and the water quality impacts of poor nutrient management, and the ability to understand and properly carry out a nutrient management plan. Training certificates must be kept at the site of the nutrient application or be produced within 24 hours of a request by the town.

(c) A nutrient management plan developed to satisfy the requirements of this section shall be prepared in accordance with the guidelines set forth in the most current edition of one or more of the following publications as applicable:

- (1) *Organic Lawn Care: A Guide to Lawn Maintenance and Pest Management for North Carolina, Water Quality and Professional Lawn Care, Water Quality and Home Lawn Care, or Carolina Lawns: A Guide to Maintaining Quality Turf in the Landscape* published by the North Carolina Cooperative Extension Service (NCCES publication numbers AG-562, WQWM-155, WQWM-151, and AG-69 respectively).
- (2) *Water Quality for Golf Course Superintendents and Professional Turf Managers*, published by the North Carolina Cooperative Extension Service (NCCES publication numbers WQWM-156).
- (3) Other publications establishing appropriate guidelines for nutrient application promulgated by universities or governmental agencies.

(d) A nutrient management plan that is based on guidelines contained in the publications referenced in subsection (c) shall at a minimum document the following nutrient management plan components to insure appropriate management practices are employed to minimize the risk of over application and excessive loss of nutrients to surface waters.

1. Map of application area
2. Choice of grasses and fertilizer
3. Soil testing: timing, map of where samples are taken, sampling procedures
4. Coring and aerification
5. Application rates of nitrogen, phosphorus, potassium, and/or iron in pounds per square foot, including adjustments for steeper slopes and areas near drainageways (streams, ditches, swales, and runoff conveyances).
6. Timing of application
7. Recycling of grass clippings
8. Type of spreader (gravity or centrifugal)
9. Name and contact information of applier
10. Reference document(s) used to develop the plan

(e) Regardless of whether the approach described in (b) or (c) is utilized, records shall be kept and updated annually to document the actual implementation of the ten components listed in (d). Nutrient quantities applied shall be documented via sales receipts or similar records.

(f) Landowners and other individuals applying fertilizer to areas less than two acres in size are encouraged to apply fertilizer at rates recommended by the North Carolina Cooperative Extension Service.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective thirty days after the date of adoption.

PUBLIC HEARING ON A TOWN CODE AMENDMENT TO REGULATE THE APPLICATION OF FERTILIZER TO TWO ACRES OR MORE OF LAND AREA

The purpose of this agenda item was to receive public input on a draft Town Code amendment requiring that application of nutrients to turf area of 2 acres or greater within the municipal limits be completed by a State-certified person, or follow a nutrient management plan that follows State adopted guidelines.

Randy Dodd, the town's Environmental Planner, made the presentation.

Liz Rooks, a resident of 109 Winsome Lane, stated that she supports the responsible use of fertilizers. She asked that single-family residential properties be exempted from the ordinance requirements. She stated that she and her neighbor do their own fertilizing and liming and feel like they do a far better job than the professional that she had previously used. She stated that they have soil tests run and usually do not apply as much as the soil tests recommend. She urged the town to put its efforts into education rather than regulation of single-family residential properties of two acres and less. If the Board proceeds with the proposed ordinance, she suggested that more specific standards be put in the ordinance rather than referencing various documents. She stated that the ordinance needs specificity

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO REFER THIS MATTER BACK TO THE TOWN STAFF WITH THE REQUEST THAT MORE SPECIFIC REQUIREMENTS BE ADDED TO THE DRAFT ORDINANCE. VOTE: AFFIRMATIVE ALL
