

Chapter 18

LAWN FERTILIZER

[HISTORY: Adopted by the Town Board of the Town of Linn 8-11-2008. Amendments noted where applicable.]

§ 18-1. Regulations for lawn fertilizer application and sale.

- A. Authority. This chapter is recommended by the Geneva Lake Environmental Agency and is adopted by the Town of Linn under the authority of § 66.0103, Wis. Stats.
- B. Purpose and intent. The Town of Linn finds that Geneva Lake and its streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Town of Linn further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the surface waters will improve and maintain lake and stream water quality.
- C. Applicability. This chapter applies in all areas of the Town of Linn.
- D. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL USE — Beekeeping, dairying, egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain; mint and seed crops; raising of fruits, nuts and/or berries; sod farming and vegetable raising.

FERTILIZER — Has the meaning set forth in § 94.64(1)(e), Wis. Stats.

LAWN FERTILIZER — 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 include fertilizer products intended primarily for garden and indoor plant applications.

- E. Regulation of the use and application of lawn fertilizer.
 - (1) Effective January 1, 2009, no person shall apply any lawn fertilizer within the Town of Linn that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in Section 0.06.¹
 - (2) No lawn fertilizer shall be applied when the ground is frozen.
 - (3) No person shall apply fertilizer 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 turf or placed in an appropriate

1. Editor's Note: So in original.

container.

(4) The prohibition against the use of fertilizer under this section shall not apply to:

(a) Newly established turf or lawn areas during their first growing season.

(b) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. 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.

F. Regulation of the sale of fertilizer containing phosphorus.

(1) Effective January 1, 2008, no person shall sell or offer for sale any lawn fertilizer within the Town of Linn that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in Subsection E(4).

(2) Effective January 1, 2009, no person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by Subsection E(4).

(3) Effective January 1, 2008, a sign containing the regulations set forth in this chapter and the effects of phosphorus on Geneva Lake and its streams must be prominently displayed where lawn fertilizers are sold.

G. Enforcement. Violations of this chapter will be enforced by the Town of Linn's Building Inspector.

H. Penalty. Any person who violates this chapter in the application of fertilizer at his or her residences shall be subjected to a forfeiture of \$25 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates this chapter shall be subject to a forfeiture of \$50 for the first violation within a twelve-month period, \$150 for the second violation within a twelve-month period, and \$300 for the third and each subsequent violation within a twelve-month period.

I. Severability clause. If any section, provision or portion of this chapter is ruled invalid by a court, the remainder of the chapter shall not for that reason be rendered ineffective or invalid.