

47 phosphorus or other compound containing phosphorus, such as phosphate,
48 except as provided in section 80.06.

49 (2) No lawn fertilizer shall be applied when the ground is frozen.

50 (3) No person shall apply fertilizer to any impervious surface including parking
51 lots, roadways, and sidewalks. If such application occurs, the fertilizer must
52 be immediately contained and either legally applied to turf or placed in an
53 appropriate container.

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55 **80.06 EXEMPTIONS.** The prohibition against the use of fertilizer under
56 section 80.05 shall not apply to:

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

58 (2) Turf or lawn areas that soil tests, performed within the past three years by
59 a state-certified soil testing laboratory, confirm are below phosphorus levels
60 established by the University of Wisconsin Extension Service. The lawn
61 fertilizer application shall not contain an amount of phosphorus exceeding the
62 amount and rate of application recommended in the soil test evaluation.

63 (3) Agricultural uses, vegetable and flower gardens, or application to trees or
64 shrubs.

65 (4) Yard waste compost, biosolids or other similar materials that are
66 primarily organic in nature and are applied to improve the physical condition of
67 the soil.

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69 **80.07 SALE OF FERTILIZER CONTAINING PHOSPHORUS.**

70 (1) Effective January 1, 2005, no person shall sell or offer for sale any lawn
71 fertilizer within Dane County that is labeled as containing more than 0%
72 phosphorus, or other compound containing phosphorus, such as phosphate,
73 except such fertilizer may be sold for use as provided in section 80.06.

74 (2) Effective January 1, 2005, no person shall displays of lawn fertilizer
75 containing phosphorus, shall not exceed twenty-five percent (25%) of the
76 quantity of all lawn fertilizer on display at any given time. Signs may be
77 posted advising customers that lawn fertilizer containing phosphorus is
78 available upon request for uses permitted by s. 80.06.

79 (3) Effective May 1, 2004, displays of lawn fertilizer containing phosphorus
80 must be clearly marked and a sign containing the regulations set forth in this
81 ordinance and the effects of phosphorus on Dane County's waters must be
82 prominently displayed where lawn fertilizers are sold.

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84 **80.08 ENFORCEMENT.** Violations of this ordinance will be enforced by the
85 Environmental Health Section of the Public Health Division, Department of
86 Human Services. Director.

87
88 **80.09 PENALTY.** Any person who violates section 80.05 in the application of
89 fertilizer at his or her residence shall be subject to a forfeiture of \$25 per
90 violation. Any commercial fertilizer applicator, residential or commercial
91 developer, industrial or commercial owner, or other person who violates
92 section 80.05, and any person who violates section 80.07, shall be subject to

93 a forfeiture of \$50 for the first violation within a twelve month period, \$150 for
94 the second violation within a twelve month period, and \$300 for the third and
95 each subsequent violation within a twelve month period.

96
97 **80.10 SEVERABILITY CLAUSE. If any section, provision or portion of this**
98 **ordinance is ruled invalid by a court, the remainder of the ordinance shall not**
99 **for that reason be rendered ineffective or invalid.**

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101 ARTICLE 3. Sections 2.02(18) and 2.03(2)(k) are created to read as follows:
102 2.02(18) Chapter 80, Regulations for Lawn Fertilizer Application and Sale.
103 2.03(2)(k) Chapter 80, Regulations for Lawn Fertilizer Application and Sale:
104 Environmental Health Director.
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