

Chapter 55

Lawn Fertilizer Ordinance



Draft Signs for Retailers

Phosphorus free lawn fertilizer

Your first choice for maintaining an established lawn

- This fertilizer does not contain phosphorus. Phosphorus is harmful to lakes and rivers if allowed to runoff with stormwater.
- Twin Cities lawns usually contain high levels of phosphorus, making fertilizing with phosphorus unnecessary.
- City ordinance requires use of phosphorus free fertilizer on established lawns unless a soil test shows a phosphorus need.



Phosphorus lawn fertilizer

City ordinance restricts use of lawn fertilizers that contain phosphorus

- This fertilizer contains phosphorus. Phosphorus is harmful to lakes and rivers if allowed to runoff with stormwater.
- Twin Cities lawns usually contain high levels of phosphorus, making fertilizing with phosphorus unnecessary.
- City ordinance allows use of phosphorus lawn fertilizer only on newly seeded lawns, or where a soil test shows a phosphorus need.



Draft Brochure

Draft copy of brochure is not available electronically.

Draft Billboards and Bus Shelter Signs

(Used by the Minneapolis Park and Recreation Board and the City of Minneapolis)

**WHEN YOU'RE FERTILIZING THE LAWN,
REMEMBER YOU'RE NOT JUST
FERTILIZING THE LAWN.**



You fertilize the lawn. Then it rains. The rain washes the fertilizer along the curb, into the storm drain, and directly into our lakes, creeks and the Mississippi River. This causes algae to grow, which uses up oxygen that fish need to survive and creating large mats of algae. So if you fertilize, please follow directions, use phosphorus-free fertilizers and use sparingly.

This message was brought to you by the Minneapolis Park and Recreation Board and the City of Minneapolis. With thanks to the Washington Department of Ecology, King County and the Cities of Bellevue, Seattle and Tacoma.

**WHEN YOUR PET GOES ON THE LAWN,
REMEMBER IT DOESN'T JUST
GO ON THE LAWN.**



When our pets leave those little surprises, rain washes all that pet waste and bacteria into our storm drains. And then pollutes our waterways. So what to do? Simple. Dispose of it properly (preferably in the toilet). Then that little surprise gets treated like it should.

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**WHEN YOU'RE WASHING YOUR CAR IN
THE DRIVEWAY, REMEMBER YOU'RE
NOT JUST WASHING YOUR CAR
IN THE DRIVEWAY.**



All the soap, scum, and oily grit runs along the curb. Then into the storm drain and directly into our lakes, creeks and the Mississippi River. And that causes pollution which is unhealthy for fish. So how do you avoid this whole mess? Easy. Wash your car on grass or gravel instead of the street. Or better yet, take it to a car wash where the water gets treated and recycled.

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University of Minnesota
Soil Testing

Homeowners

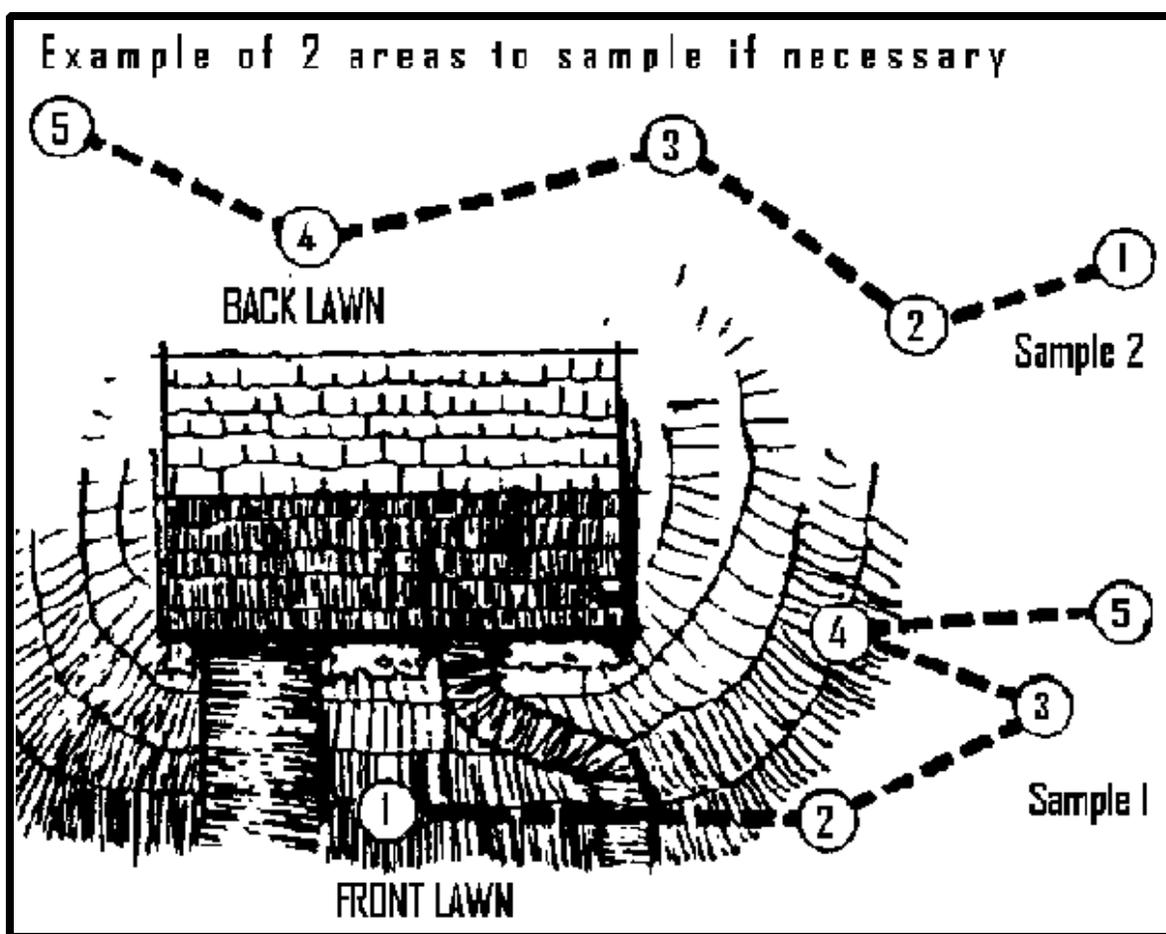
Soil tests can be no better than the sample. Therefore, proper collection of the soil sample is extremely important. To obtain a good soil sample, follow the directions below.

When

Soil samples may be taken at any time during the year when soil conditions permit. It usually takes the Laboratory three to five days to process your samples.

Where

If the area is fairly level and the soil appears to be uniform, collect a composite (mixed) sample. If your lawn or garden has large areas which differ in fertility, take one sample from each area. For example, you may want to sample the front lawn and the back lawn separately (see diagram below).



Do not include soil from the lawn area and a garden in the same composite sample. Sample separately or avoid trouble spots or small areas such as borders, low spots, near trees or buildings, etc.

How

Use a garden trowel, spade, sampling tube, or soil auger. Scrape away or discard any surface mat of grass or litter. Sample the lawn or garden area to the sampling depth indicated below.

1. existing grass - sample 0-3"
2. new grass - sample 0-6"
3. gardens - sample 0-6"
4. trees/shrubs - sample 0-12"
5. lead test - sample only surface 3/4"

Place the soil sample in a clean bucket or pan. Repeat sampling in five (5) scattered spots within the chosen area. Mix soil well to make a composite sample and send in about a pint of the sample to the Laboratory. Sample boxes are free on request, but any clean container may be used.

Label the sample container with your name, address, and YOUR sample identification (FOUR digits). Keep a record for yourself of the area represented by the sample.

See also:

- Soil Sample Information Sheet ([.pdf](#) or [.gif](#)). Includes prices and must be submitted with soil samples.
- [How to submit](#) a soil sample to the Soil Testing Laboratory
- [Types of tests](#) offered

Soil Testing Lab, Rm. 135 Crops Research Bldg., [1902 Dudley Ave](#), St Paul, MN 55108-6089
Email: soiltest@soils.umn.edu, Phone: 612 625-3101, FAX: 612 624-3420

The Soil Testing Laboratory is part of
the [Department of Soil, Water, and Climate](#)
in the [College of Agricultural, Food, and Environmental Sciences](#)
The University of Minnesota is an equal opportunity educator and employer.

Send one information sheet with each soil sample

SOIL SAMPLE INFORMATION SHEET

Includes landscape trees and shrubs

INDIVIDUAL / CONTACT INFORMATION

FIRM / AGENCY INFORMATION

Name _____
Address _____
City/St/Zip _____
Phone _____

Soil location: County _____
Check for \$ _____ enclosed
Credit Account Number _____
(Firm / Agency only)

Name _____
Address _____
City/St/Zip _____
Phone _____

Please give this sample a name, maximum of 4 letters or numbers. Indicate this name on the soil container and record it here.

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This name will be on your report to identify the sample area.

Fertilizer Recommendations Requested for: *(CHECK ONLY ONE)*

New Lawn / Turf

- (01) Before seeding or sodding
- (02) Home lawn
- (03) School / Industrial Grds
- (04) Athletic field
- (05) Park / Cemetery
- (06) Golf tee
- (07) Golf fairway
- (08) Golf green

Existing Grass

- (10) Vegetable garden
- (11) Flower garden
- (12) Tree fruits
- (13) Small fruits
- (14) Blueberries

Gardens

- (15) Broadleaf
- (16) Evergreen
- (17) Azalea & Rhododendron

Trees and Shrubs

- (1) Yes
- (2) No

For Grass only

Is grass watered regularly?

- (1) Yes
- (2) No

Are clippings removed?

- (1) Yes
- (2) No

Check tests requested:

- Regular test, \$10, includes phosphorus, potassium, pH - lime requirement, total organic matter, and estimated texture.
- Excessive salts (soluble salts) \$5
- Lead test (requires separate sample) \$15

The following tests are made available to professionals only since the interpretation of test results are provided only for limited situations.

- Sulfur \$4
- Nitrate \$5
- Boron \$6
- Calcium / Magnesium \$6
- Total organic matter \$4
- Iron, Zinc, Copper, and Manganese \$10

The tests provided by the University of Minnesota Soil Testing Laboratory are for the purpose of evaluating the soil fertility and soil pH level (routine test), and/or problems due to excessive salts or fertilizer materials (soluble salt test). Based on these test results and the type of plants to be grown, you will be sent the appropriate fertilizer recommendation that will provide adequate levels of phosphorus and potassium necessary for good plant growth without adverse effects on the environment.

Soils for home lawn, garden, trees and shrubs are not tested for nitrogen because this nutrient is very mobile in soils. Therefore, the nitrogen recommendation is based on plant type requirements and the relative organic matter level in the soil as determined by the laboratory. Trace element tests are not recommended for lawns and gardens because research has shown that adequate amounts are found in most soils of the state. Trace element tests may be useful in some professional operations for special problems.

Problems with plants may be caused by factors other than soil fertility, e.g., disease, insects, insufficient light, soil moisture or compaction, or climatic conditions. An evaluation of soil fertility and pH is an important first step in diagnosing problems. If soil fertility is not found to be a problem, then the other factors affecting plant growth should be evaluated to determine possible causes. Your County Extension Educator can help you if you need further information to diagnose your problem.

Chapter 55
Lawn Fertilizer Ordinance

CHAPTER 55. LAWN FERTILIZER

55.10. Purpose. The city and the park board have conducted studies and have reviewed existing data to determine the current and predicted water quality of various lakes within the city. Data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes and other surface water as a result of stormwater runoff or other causes. The purpose of this ordinance is to define regulations that will aid the city in managing and protecting its water resources. (2001-Or-113, § 1, 9-28-01)

55.20. Definitions. For the purpose of this chapter, certain terms and words are defined as follows:

Commercial applicator is a person who is engaged in the business of applying fertilizer for hire.

Fertilizer means a substance containing one (1) or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products specifically exempted by rule by the Minnesota Commissioner of Agriculture.

Noncommercial applicator is a person who applies fertilizer during the course of gainful employment, but who is not a commercial lawn fertilizer applicator. (2001-Or-113, § 1, 9-28-01)

55.30. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the environmental management section of the department of operations and regulatory services. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code. (2001-Or-113, § 1, 9-28-01)

55.40. Regulations for commercial lawn fertilizer applicators. (a) *License required.* No person shall engage in the business of commercial lawn fertilizer applicator within the city unless a license has first been obtained from the authority as provided herein.

(b) *License application procedure.* Applications for a commercial lawn fertilizer applicator license shall be submitted to the authority. The application shall consist of the following:

- (1) Application form. Application forms shall be provided by the authority on a form prepared by the authority from time to time. Applicants shall completely fill out such form.
- (2) Product material safety data sheet. A copy of the product material safety data sheet, including product chemical analysis for the intended lawn fertilizer, shall be submitted to the city along with the application form and, thereafter, at least seven (7) days before any fertilizer composition changes are implemented.

- (3) Minnesota state licenses. A copy of all licenses required of the applicant by the State of Minnesota regarding the application of fertilizers.
 - (4) The license fee as established in this code or by separate resolution of the city council. The license shall expire on December 31 each year. The license fee shall not be prorated.
- (c) *Conditions of license.* Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions that shall be specified on the license form:
- (1) Random sampling. Commercial lawn fertilizer applicators shall permit the city to sample any commercial lawn fertilizer applications to be applied within the city at any time after issuance of the initial license.
 - (2) The commercial lawn fertilizer license or a copy thereof shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
 - (3) Possession of product material safety data sheet. A copy of the product material safety data sheet for the lawn fertilizer being used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
 - (4) State regulations. Licensee shall comply with the provisions of the Minnesota fertilizer and soil conditioner laws contained in Minnesota Statutes, Chapter 18C and amendments to or revisions thereof and all other law. (2001-Or-113, § 1, 9-28-01)

55.50. General regulations on fertilizer application. (a) *When to apply fertilizer.* Commercial applicators and noncommercial applicators shall not apply lawn fertilizer when the ground is frozen or when conditions exist which can be reasonably anticipated to promote or create runoff.

(b) *Cost of sample analysis.* The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis shows that phosphorus content exceeds the levels authorized by this chapter.

(c) *Fertilizer content.* No person or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the City of Minneapolis which contains any amount of phosphorus or compound containing phosphorus, such as phosphate, except:

- (1) The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste compost; or
- (2) As otherwise provided in section 55.60.

(c) *Impervious surfaces and drainage ways.* No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

(e) *Buffer zone.* Fertilizers shall not be applied:

- (1) Below the ordinary high water level of a lake as established by the Minnesota Department of Natural Resources; or
- (2) Within ten (10) feet of any wetland as defined in section 52.30 of this Code, or within ten (10) feet of protected waters as defined in section 551.460 of this Code. (2001-Or-113, § 1, 9-28-01)

55.60. Exemption and notice requirement. The prohibition against use of fertilizer containing any quantity of phosphorus under section 55.50 shall not apply to:

- (1) Newly established or developed turf and lawn areas during the first growing season; or
- (2) Turf and lawn areas which soil tests confirm are below phosphorus levels established by the University of Minnesota Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount of phosphorus or the appropriate application rate recommended in the soil test evaluation.

Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemption shall be watered into the soil so that it is immobilized and generally protected from loss by runoff.

Any person or commercial or noncommercial applicator, including a homeowner or renter, shall notify the authority at least twenty-four (24) hours prior to applying lawn fertilizer containing phosphorus. Such notice shall be in writing and shall contain the reason for using the fertilizer containing phosphorus and the amount of phosphorus contained in the lawn fertilizer to be applied. (2001-Or-113, § 1, 9-28-01)

55.70. Sale of fertilizer containing phosphorus. Effective January 1, 2002, no person, firm, corporation, franchise, or commercial establishment shall sell any lawn fertilizer, liquid or granular, within the city of Minneapolis that contains any amount of phosphorus or other compound containing phosphorus, such as phosphates, except:

- (1) Effective January 1, 2002, small quantities of such fertilizer may be sold for use as provided in section 55.60. Displays of lawn fertilizers containing phosphorus shall be limited to ten (10) percent of the quantity of non-phosphorus lawn fertilizer on display at any given time.
- (2) Effective January 1, 2002, displays of such fertilizer must be clearly marked as containing phosphorus and must be separated from the display of other fertilizers by no less than eight (8) feet.
- (3) Effective January 1, 2002, for each sale of such fertilizer, the seller shall, at the time of the sale, provide the buyer with a copy of this chapter of the Minneapolis Code of Ordinances, or a summary prepared by Minneapolis regulatory services. (2001-Or-113, § 1, 9-28-01)

55.80. Conflict. In the event that the provisions of this chapter shall conflict with any Minnesota statute or any federal statute, the Minnesota statute or federal statute shall govern to the extent of any direct conflict. In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United

States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter. (2001-Or-113, § 1, 9-28-01)

55.90. Violations. Any person who violates any provision of this chapter shall be guilty of an ordinance violation and be subject to a fine of up to three hundred dollars (\$300.00) and punishment for failure to pay the fine as provided in section 1.40 of this Code. Any holder of a commercial applicator license, in addition to the fine, may have his or her applicator license revoked for repeat violations of this chapter. (2001-Or-113, § 1, 9-28-01)

First letter sent to Retailers

OPERATIONS & REGULATORY SERVICES

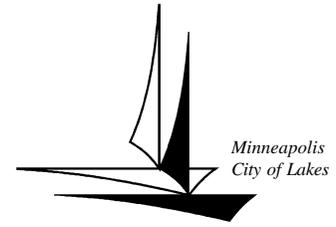
John A. Bergquist
Assistant City Coordinator

Environmental Management

250 South 4th Street - Room 401
Minneapolis, MN 55415

Office (612) 673-5897

Fax (612) 673-2522



December 17, 2001

«Name_»

«Street»

«City», «State» «Zip»

Dear Manager,

The City of Minneapolis and the Minneapolis Park and Recreation Board have conducted studies and have reviewed existing data to determine the current and predicted water quality of various lakes within the city. The data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes and other surface water as a result of stormwater runoff or other causes. The Minneapolis City Council recently passed a lawn fertilizer ordinance to aid the city in managing and protecting its water resources. The city is working on putting together a fact sheet for businesses affected by the new ordinance. In the mean time a copy of the lawn fertilizer ordinance is enclosed.

If you have any questions regarding the lawn fertilizer ordinance please call our office at 612/673-5897. Our office hours are Monday - Friday, 8:00 a.m. to 4:30 p.m. Central Standard Time.

Alison Fong
Environmental Inspector
Minneapolis Environmental Management
alison.fong@ci.minneapolis.mn.us

Draft of second letter to Retailers

OPERATIONS & REGULATORY SERVICES

John A. Bergquist
Assistant City Coordinator

Environmental Management
250 South 4th Street - Room 401
Minneapolis, MN 55415

Office (612) 673-5897
Fax (612) 673-2522



Month Day, 2002

«Name_»
«Street»
«City», «State» «Zip»

Dear Manager,

In December 2001, Minneapolis Environmental Management communicated with you on a new ordinance passed by the city council regarding the sale and use of lawn fertilizer. As noted in that letter, the ordinance was created after the City of Minneapolis and the Minneapolis Park and Recreation Board have conducted studies and have reviewed existing data to determine the current and predicted water quality of various lakes within the city. The data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes and other surface water as a result of stormwater runoff or other causes. The Minneapolis City Council recently passed a lawn fertilizer ordinance to aid the city in managing and protecting its water resources.

A copy of the ordinance was included with the last letter and is included again with this letter for you information. We are also including copies of a fact sheet written by the City of Minneapolis and additional educational materials. As required by the ordinance, you must make available to your customers a copy of this ordinance or the fact sheet. The ordinance and fact sheet are also available on the city's web site: www.ci.minneapolis.mn.us. During the months of March, May, and June, we will be visiting your establishments to answer any questions you have about the new lawn fertilizer ordinance.

If you have any questions regarding the lawn fertilizer ordinance please call our office at 612/673-5897. Our office hours are Monday - Friday, 8:00 a.m. to 4:30 p.m. Central Standard Time.

Alison Fong
Environmental Inspector
Minneapolis Environmental Management
alison.fong@ci.minneapolis.mn.us

State Legislation Update

Joint Lawn Fertilizer Legislation Being Drafted

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Senator Higgins and Representative Leppik are drafting joint (matching) legislation on phosphorus lawn fertilizer. Representative Leppik is writing the final language for the House that then will be adopted by Senator Higgins for introduction in the Senate.

As noted below, Senator Krentz has scheduled a hearing on the legislation on Thursday, February 7, 2002, 9 a.m. It is expected that current bill SF 1555 (introduced last session) will be deleted, and replaced with the bill being drafted.

Final bill language is not available, but it is expected to contain:

- * 0% phosphorus restriction in Metro Area.
- * 3% phosphorus restriction in Greater Minnesota.
- * Option for local units of government in Greater Minnesota to adopt a 0% phosphorus restriction.
- * Allowance up to 2% phosphorus on organic materials.
- * Exceptions to phosphorus restrictions for new seedings and need shown by soil test.
- * Enforcement placed on the MN Dept of Ag, with delegation of enforcement authority to Local Units of Government on request.
- * Provisions for education.
- * Provisions for research and study.

I will distribute final bill language when it come available.

Details on the Senate Committee hearing are:

Environment and Natural Resources Committee
Chair: Sen. Jane Krentz
February 7, 9 a.m. Room 107 Capitol
Agenda: S.F. 1555-Higgins: Restricting the use of phosphorus in lawn fertilizer.

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