

STATE OF WISCONSIN VILLAGE OF OCONOMOWOC LAKE WAUKESHA COUNTY
ORDINANCE NO. 223

AN ORDINANCE REGULATING THE USE OF LAWN FERTILIZER WITHIN THE
VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin,
DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: LAWN FERTILIZER APPLICATION CONTROL

1. **RESTRICTIONS ON FERTILIZER CONTENT**

- a. **“Applicator” defined.** For purposes of this ordinance, applicator shall be defined as any firm, corporation, franchise, commercial or non commercial applicator for hire engaged in the business of landscaping or lawn care and the application of *fertilizer* in conjunction therewith, or any individual property owner or renter or designee, or an invitee.
- b. **Fertilizer content.** No applicator shall apply any lawn fertilizer, liquid or granular, within the Village of Oconomowoc Lake which contains any amount of phosphorous or other compound containing phosphorous, except the naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compound.
- c. **Exemption to Phosphorous Requirement.** The limitation pertaining to phosphorous shall not apply to:
 - (1) newly established or developed turf and lawn areas during first growing season; or
 - (2) turf and lawn areas which soil tests confirm are below phosphorous levels established by the Village Administrator approval authority (the lawn fertilizer application shall not contain an amount of phosphorous and the appropriate application rate recommended in the soil test evaluation); or
 - (3) land, zoned agricultural in nature when used for crop development

Phosphorous applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil where it is immobilized and generally protected from loss by run-off.

Any person, firm corporation, franchise, or commercial or noncommercial applicator, including a homeowner or renter, or designee, or an invitee, shall notify the Village at least 24 hours prior to applying lawn fertilizer containing phosphorous of the reason for using fertilizer containing phosphorous and the amount of phosphorous contained in the lawn fertilizer to be applied.

2. **Regulation of Application**

- a. **Time of application.** No applicator may apply lawn fertilizer when the ground is frozen.
- b. **Sample analysis cost.** In the event of a dispute regarding content of fertilizers applied by applicators, the Village may sample the content. The cost of analyzing the fertilizer samples taken from commercial applicators shall be paid by the applicators if the sample contains phosphorous.
- c. **Impervious surfaces and drainage ways.** No applicator shall apply fertilizer to impervious surfaces, such as driveways, sidewalks and streets, or areas within drainage ditches or waterways. In cases where fertilizer unintentionally lands on a sidewalk, street or driveway, the applicator or person shall be required to sweep it off that surface.

3. **Buffer Zone**

No fertilizers containing phosphorous may be applied:

- a. To any established natural buffer zones as outlined in wetland ordinances;
- b. Below the ordinary high water lines of any stream or water body established by the Wisconsin Department of Natural Resources;
- c. Within 20 feet of any wetland, pond, lake or standing water surface

4. **Penalties**

Any person, firm or corporation who violates the provisions of this Ordinance shall, upon being found guilty thereof, forfeit to the Village of Oconomowoc Lake an amount not to exceed \$500.00, and not less than \$100.00, for each violation, plus all applicable court fees and costs, and the costs of prosecution. In the event that the forfeiture imposed by a court of competent jurisdiction is not paid within the time period fixed by the court, the court is authorized to order the violator to be incarcerated in the Waukesha County Jail for a term not to exceed 90 days.

SECTION 2: SEVERABILITY

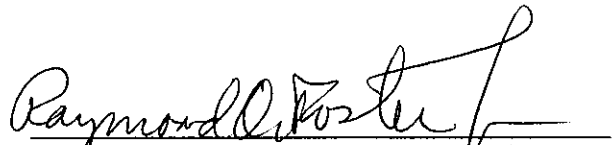
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court or competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the: validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 17th day of January, 2005

Village of Oconomowoc Lake



Raymond O. Foster, Jr., Village President

ATTEST:



Kathy Kreuser, Village Clerk

Published and/or posted this 18th day of January, 2005

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

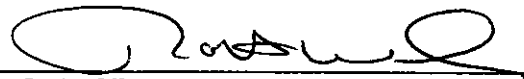
AFFIDAVIT OF POSTING

Ordinance #223

The undersigned, being first duly sworn, on oath deposes and states that on January 18, 2005, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

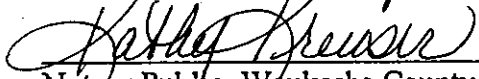
- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 18th day of January, 2005



Notary Public, Waukesha County, Wisconsin
My Commission expires: 3-23-08