

ORDINANCE NO. 2000-18

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2
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF
4 WELLINGTON, FLORIDA AMENDING CHAPTER 30, CODE OF
5 ORDINANCES; CREATING A NEW ARTICLE V ENTITLED "STORMWATER
6 QUALITY MANAGEMENT"; PROVIDING DEFINITIONS; PROVIDING A
7 PURPOSE; ESTABLISHING A BEST MANAGEMENT PRACTICES
8 PROGRAM FOR LIVESTOCK WASTE; ESTABLISHING A BEST
9 MANAGEMENT PRACTICES PROGRAM FOR APPLICATION AND
10 STORAGE OF FERTILIZER; PROVIDING FOR CODIFICATION; AND
11 PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, the Everglades ecological system is unique in the world and one of Florida's
14 great treasures; and
15

16 WHEREAS, the Everglades ecological system not only contributes to South Florida's
17 water supply, flood control, and recreation, but serves as the habitat for diverse species of
18 wildlife and plant life; and
19

20 WHEREAS, the Everglades ecological system is endangered as a result of adverse
21 changes in water quality and in the quantity, distribution, and timing of flows, and therefore,
22 must be restored and protected; and
23

24 WHEREAS, the Florida Legislature has responded to adverse changes in water quality
25 and in quantity, distribution, and timing of flows that endanger the Everglades ecological
26 system by enacting the Everglades Forever Act; and
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28 WHEREAS, the act authorized the Everglades Construction Project, which is by far the
29 largest environmental cleanup and restoration program of this type ever undertaken; and
30

31 WHEREAS, the implementation of the Everglades Forever Act is critical to the
32 conservation and protection of natural resources and improvement of water quality in the
33 Everglades Protection Area and the Everglades Agricultural Area; and
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35 WHEREAS, it has been determined that waters flowing into the Everglades Protection
36 Area (EPA) contain excessive levels of phosphorus and that a reduction in levels of
37 phosphorus will benefit in the restoration of the ecology of the Everglades Protection Area,
38 which includes the Art Marshall Loxahatchee National Wildlife Refuge; and
39

40 WHEREAS, the Everglades Forever Act mandates a reduction in phosphorus
41 concentration for discharges into the EPA of less than 50 ppb by 2006; and
42

43 WHEREAS, the Village of Wellington is a municipal corporation located adjacent to the
44 Art Marshall Loxahatchee National Wildlife Refuge; and
45

1 **WHEREAS**, the Village discharges stormwater from the Village into the EPA; and

2
3 **WHEREAS**, it is the intent of the Village to pursue comprehensive, aggressive, and
4 innovative solutions to water quality improvement which will benefit the Everglades ecosystem;
5 and

6
7 **WHEREAS**, Best Management Practices are among the best available technology for
8 achieving the interim water quality goals of the Everglades Restoration Program and a
9 reasonable method of achieving interim total phosphorus discharge reductions; and

10
11 **WHEREAS**, the Village and SFWMD have entered into a cooperative agreement to
12 perform a water quality monitoring program to identify water quality problem areas within the
13 Village; and

14
15 **WHEREAS**, the Village has entered into a Joint Cooperation Agreement with the South
16 Florida Water Management District wherein the Village has agreed to implement regulatory
17 measures no later than October 1, 2000; and

18
19 **WHEREAS**, these regulatory measures, which are necessary to implement a water
20 quality improvement plan for the Village, include the implementation of a Best Management
21 Practices Program; and

22
23 **WHEREAS**, it is the goal of the Village to establish a long-term cooperative strategy with
24 the community as a whole, to address water quality issues on a comprehensive basis with the
25 intent of avoiding implementation of water quality requirements through the regulatory authority
26 of SFWMD.

27
28 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
29 **VILLAGE OF WELLINGTON, FLORIDA** that:

30
31 **SECTION 1.** A new Article V of Chapter 30 of the Code of Ordinances is created to
32 read:

33
34 **Chapter 30. Article V STORMWATER QUALITY MANAGEMENT**

35
36 **Section 30-150. Definitions.**

- 37
38 A. Best Management Practices or "BMP": a practice, or combination of practices,
39 based on research, field-testing, and expert review to be the most effective and
40 practicable, including economic and technological considerations and means of
41 improving water quality in discharges to an acceptable level.
42
43 B. Best Management Practices Livestock Waste (Fertilization) Management Plan
44 (BPLW(F)MP): a comprehensive waste management plan covering all aspects
45 of managing livestock manure, urine, and bedding waste and/or all aspects of

1 managing fertilizer storage and application developed to prevent the uncontrolled
2 release of pollutants from these wastes.
3

4 C. Commercial Livestock Waste Hauler: person(s), firm(s), corporation(s), or other
5 legal entity(ies) permitted by the Village to provide livestock waste removal
6 services for a fee within the Village in accordance with terms and conditions
7 established by this Ordinance.
8

9 D. Common Livestock Waste Storage Area: a livestock waste storage area
10 established for the temporary storage of livestock waste from off-site livestock
11 boarding facilities.
12

13 E. Composting: the process by which biological decomposition of organic solid
14 waste is carried out under controlled aerobic conditions, and which stabilizes the
15 organic fraction into a material which can easily and safely be stored, handled,
16 and used in an environmentally acceptable manner for a period of 30 to 90 days.
17

18 F. District: the South Florida Water Management District.
19

20 G. Everglades Protection Area: Water Conservation Areas 2A, 2B, 3A, and 3B, the
21 Arthur R. Marshall Loxahatchee National Wildlife Refuge (Water Conservation
22 Area 1), and the Everglades National Park.
23

24 H. Livestock: all animals of the equine, bovine, or swine class.
25

26 I. Livestock facility: property under single ownership or control where livestock are
27 raised or boarded.
28

29 J. Livestock Waste: a solid waste composed of excreta of animals and residual
30 materials that have been used for bedding, sanitary, or feeding purposes for such
31 animals. For purposes of this Ordinance, livestock waste that has been properly
32 composted shall not be considered livestock waste.
33

34 K. Livestock Waste Self Hauler: property owner and/or authorized representative
35 registered with the Village to provide livestock waste removal services from their
36 own property in accordance with the terms and conditions established by this
37 Ordinance.
38

39 L. Livestock Waste Storage Area: an area constructed of impermeable material
40 such as concrete or asphalt; or an area containing an impermeable cover; or a
41 mechanical storage container that can be sealed, lifted, and transported.
42

43 M. Monitoring Wells: strategically located wells from which water samples are drawn
44 for water quality analysis or measurement of ground water levels.
45

- 1 N. Paddock: a fenced grassed area of 1/4 acre or less used primarily for exercise
2 and secondarily for feeding of livestock.
- 3
- 4 O. Pasture: a fenced, grassed area of approximately more than 1/4 acre used
5 primarily for exercise and secondarily for feeding of livestock.
- 6
- 7 P. Soil Test: an analysis of a site soil sample by a qualified laboratory to determine
8 fertilizer needs of the site, specifically phosphorus needs of the plants grown on
9 the site.
- 10
- 11 Q. Stormwater Treatment Areas or "STAs": those water quality treatment and water
12 storage areas described and depicted in the District's conceptual design
13 document of February 15, 1994, and any modifications thereto.
- 14

15 **Section 30-151. Purpose.**

16
17 The purpose of these Best Management Practices (BMPs) is to comply with
18 Policy 1.2.12 of the Conservation Element of the Village Comprehensive Plan and to
19 comply with the conditions of the Joint Cooperation Agreement between the Village and
20 the South Florida Water Management District which requires the Village to implement
21 a compliance-based pollution prevention program designed to reduce nutrient
22 discharges, specifically phosphorus, from its surface water system into the Everglades
23 Protection Area. The Village is therefore implementing a Best Management Practices
24 (BMPs) program designed to reduce, abate, and prevent, directly and indirectly,
25 phosphorus discharges to the surface water system within the Village of Wellington.

26
27 **Section 30-152. Applicability.**

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29 These standards shall apply to all property within the boundaries of the Village of
30 Wellington.

31
32 **Section 30-153. Best Management Practices for Livestock Waste.**

33
34 Livestock waste shall not be placed, accepted, stored, or allowed to accumulate on any
35 property in the Village, except as provided herein.

36
37 A. Management of Livestock Waste.

- 38
- 39
- 40 1. Livestock waste shall be placed, spread, or stored only in:
 - 41 a. a livestock waste storage area meeting the requirements of
 - 42 subsection B(3); or
 - 43
 - 44 b. a composting area meeting the requirements of subsection B(3);
 - 45 or

1 c. in accordance with a Village-approved Best Management Practices
2 Livestock Waste Management Plan.
3

4 2. Those facilities with improperly stored waste in existence as of September
5 26, 2000, shall have livestock waste removed from the facility as provided
6 in subsection C.
7

8 B. Livestock Waste Storage Areas.
9

10 1. Each livestock facility shall provide a storage area for livestock waste,
11 meeting requirements of subsection B(3).
12

13 2. Livestock waste may be moved from one livestock facility to another in the
14 Village only for:

15 a. the purpose of composting in a composting area meeting the
16 requirements of subsection B(3).
17

18 or
19

20 b. storage in a common livestock storage area meeting the
21 requirements of subsection B(3).
22

23 3. Criteria for Storage Structures: Livestock waste storage areas and
24 composting areas shall be constructed so that no rainfall is allowed to
25 enter or so that no liquid is released.
26

27 C. Livestock Waste Hauling.
28

29 1. All livestock waste shall be removed from livestock facilities by either a
30 commercial livestock waste hauler or a livestock waste self-hauler.
31

32 2. Commercial livestock waste haulers and livestock waste self-haulers shall
33 not deposit livestock waste within the boundaries of the Village or the
34 Acme Improvement District unless it is deposited at a common livestock
35 waste storage area or a composting area meeting the requirements of
36 subsection B(3). Commercial livestock waste haulers will pay a
37 reasonable permit fee to the Village. Livestock waste self-haulers will not
38 pay a fee.
39

40 3. Commercial Livestock Waste Hauler/Livestock Waste Self-hauler.
41

42 a. The Village shall establish a procedure for registering livestock
43 waste self-haulers and permitting commercial livestock waste
44 haulers. The procedure shall require the hauler to identify the
45 location of the site to be used for disposal of the livestock waste.

- 1 b. Commercial livestock waste hauler permits and livestock waste
2 self-hauler registrations shall be subject to revocation for failure to
3 abide by the terms and conditions established in this and other
4 Ordinances and Resolutions of the Village.
5

6 **Section 30-154. Best Management Practices for the Application and Storage of**
7 **Fertilizer.**
8

- 9 A. All fertilizers shall be stored in a dry storage area protected from rainfall
10 and ponding.
11
12 B. No fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per
13 guaranteed analysis label (as defined by Chapter 576, Florida Statutes)
14 shall be applied to turfgrass, pastures, paddocks, or used in nurseries
15 unless justified by a soil test.
16
17 C. Fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per
18 guaranteed analysis label shall not be applied within 5 feet of the edge of
19 water or within 5 feet of a drainage facility.
20
21 D. All fertilizer shall be applied such that spreading of fertilizer on all
22 impervious surfaces is minimized.
23
24 E. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5)
25 per guaranteed analysis label shall not be applied through an irrigation
26 system within 10 feet of the edge of water or within 10 feet of a drainage
27 facility.
28
29 F. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5)
30 per guaranteed analysis label shall not be applied through high or medium
31 mist application or directed spray application within 10 feet of the edge of
32 water or within 10 feet of a drainage facility.
33
34 G. The Village shall establish a procedure for registration of persons and
35 firms which apply fertilizer in the Village.
36
37 H. The Village shall establish a public education program that is focussed on
38 the following: proper irrigation of landscaped areas; application rates of
39 fertilizer; appropriate types of fertilizer for different plants; and proper use
40 of organic fertilizers and soil amendments.
41

42 **SECTION 2. Codification.**
43

44 Codification of this Ordinance is hereby authorized and directed.
45

1 **SECTION 3. Effective Date.**
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3 This Ordinance shall take effect immediately upon adoption. Compliance with the
4 provisions of Sections 30-153(A)(2) (existing improperly stored livestock waste) and 30-153(C)
5 (livestock haulers) is required no later than January 1, 2001. Compliance with the provisions
6 of Section 30-153(B) (livestock waste storage areas) is required no later than October 1, 2001,
7 for existing livestock waste storage areas. Compliance with the provisions of Section 30-
8 153(B) (livestock waste storage areas) is required effective immediately for livestock waste
9 facilities constructed after October 1, 2000. Compliance with all other provisions is required
10 effective October 1, 2000. The Village shall, by ordinance, adopt procedures to implement a
11 registration process for fertilizer applicators.
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PASSED this 30th day of August, 2000, on first reading.

PASSED AND ADOPTED this 26th day of September, 2000, on second
and final reading.

VILLAGE OF WELLINGTON, FLORIDA

FOR AGAINST

9	BY: <u>Thomas M. Wenham</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Thomas M. Wenham, Mayor		
11	<u>Al Paglia</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Albert P. Paglia, Vice Mayor		
13	<u>Dr. Carmine A. Priore</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Dr. Carmine A. Priore, Councilmember		
15	<u>Mark B. Miles</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	Mark B. Miles, Councilmember		
17	<u>Linda Bolton</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18	Linda Bolton, Councilmember		

ATTEST:

BY: Awilda Rodriguez
Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Christine P. Tatum
Village Attorney