



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1131**

An ordinance to regulate the use of manufactured fertilizers on turf areas.

1. **THE CITY OF YPSILANTI ORDAINS** That Section 110-70, Manufactured Fertilizer, be added to the Ypsilanti City Code, and that the current Article III be renumbered to be Article IV, as follows:

**ARTICLE III. MANUFACTURED FERTILIZER**

Sec. 110-70. Title.

The article shall be known and may be cited as the City of Ypsilanti (City) "Manufactured Fertilizer " Ordinance.

Sec. 110-71. Purpose.

(1) The City Council finds that certain compounds containing phosphorus, which are contained in manufactured fertilizer, when used in the city, enter into the city's and neighboring communities' water resources, including wetlands and watercourses, resulting in excessive and accelerated growth of algae and aquatic plants which is detrimental to these resources.

(2) The City Council finds that reduction of the use of manufactured fertilizers containing phosphorus will assist the City in reducing the amount of phosphorus that enters the city's and neighboring communities' water resources as required by the Michigan Department of Environmental Quality's Total Maximum Daily Load (TMDL) limitation for the Middle Huron River and associated tributaries and related National Pollutant Discharge Elimination System (NPDES) permit limits pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended and the United States Environmental Protection Agency's Water Quality Planning and Management Regulations (40 C.F.R. part 130), as amended.

(3) The City Council finds that most mature topsoil in the city has a sufficient level of phosphorus, which occurs naturally to promote adequate turf root growth.

(4) It is the purpose and intent of this article to regulate the use and application of manufactured fertilizers only on turf areas and not on or in areas such as gardens, farms, or landscape amenities.

Sec. 110-72. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings described in this section:

*Applicator* means any person who applies manufactured fertilizer in the city including, but not limited to, commercial applicators, homeowners, and occupants of rental property, property managers, independent contractors and agents for any of these entities.

*Fertilizer program administrator (FPA)* means the person designated to administer this chapter by the City Council.

*General turf* means nonagricultural land managed using turf grasses including, but not limited to, home lawns, cemeteries, park areas as well as commercial, school, university and government grounds. General turf does not include vegetable and flower gardens, forage production, sod farms, or other agricultural use.

*Manufactured fertilizer* means a commercially manufactured substance containing one or more recognized plant nutrients, which is used for its plant nutrient content and which is designed for use, or claimed to have, in promoting plant growth. Fertilizer does not include unmanipulated animal and vegetable manures, marl, lime, limestone, and wood ashes.

*Soil test* means a set of scientific measurements that determine the basic texture of soil, the pH level of the soil, and the various nutrient levels of phosphorus, potassium, calcium and magnesium in soil, for the purpose of providing a fertilizer recommendation regarding the amount of nutrients and rate of application or nutrients for general turf growth.

*Soil testing service* means a company, organization, or city service unit designated by the fertilizer program administrator to perform soil tests and recommend fertilizer application rates.

Sec. 110-73. Regulation of the use and application of manufactured fertilizer.

(1) Manufactured fertilizer shall not be applied to any commercial, industrial, residential or public development prior to April 1 or after November 15 in any year, due to the inability of frozen soil to absorb nutrients.

(2) For any commercial, industrial, residential and public developments in the city, manufactured fertilizer shall not be applied or stored uncontained on driveways, parking lots, streets, sidewalks, or other impervious surfaces, unless removed within one hour of application or storage.

(3) Manufactured fertilizer shall not be applied in any natural features open space, or within 25 feet of any wetland, watercourse, or stormwater retention or detention basin.

Sec. 110-74. Regulation of the use and application of manufactured fertilizer containing phosphorus.

(1) Manufactured fertilizer that contains any amount of phosphorus or a compound containing phosphorus, such as phosphate, shall not be applied to general

turf within the city for any commercial, industrial, residential and public developments, except under one or both of the following conditions:

(a) Application of manufactured fertilizer to an area where general turf is being established from seed or sod, during the first growing season of the seed or sod.

(b) Application of manufactured fertilizer that is exempt under section 110-75.

(2) Manufactured fertilizer containing any amount of phosphorus or a compound containing phosphorus shall be watered into the soil within 14 hours of application so that the fertilizer is immobilized and prevented from loss by runoff.

Sec. 110-75. Exemption for the use and application of manufactured fertilizer containing phosphorus.

(1) The prohibition against the application of manufactured fertilizer containing any amount of phosphorus or a compound containing phosphorus shall not apply to general turf areas where a soil test completed within the last three years has indicated that the level of phosphorus in the soil is insufficient to support turf growth.

(2) A level of phosphorus in a soil test that is less than or equal to ten parts per million indicates that the level of phosphorus in the soil is insufficient to support turf growth.

(3) The application of manufactured fertilizer allowed under this section shall not exceed the amount or rate of application of phosphorus or a compound containing phosphorus recommended by the soil test.

Sec. 110-76 . Soil testing.

(1) A soil sample or samples shall be taken from the general turf area on which an applicator is proposing to apply manufactured fertilizer containing phosphorus or a compound containing phosphorus, following the procedure required by the soil testing service. The FPA may require the applicator to provide such confirmation as is required to confirm the origin of the sample or samples.

(2) The applicator shall submit the soil sample to the soil testing service, following the procedure required by the soil testing service.

(3) The soil testing service shall determine the rate and application of manufactured fertilizer containing phosphorus based on the results of the soil test and the requirements of this article.

(4) The results of the soil test shall be maintained for a period of three years following receipt of the test by the applicator.

(5) The applicator shall provide a copy of the soil test results to the FPA within 48 hours of a written request for the test results by the FPA or other persons designated by the City Council to enforce this article.

Sec. 110-77. Registration.

All commercial fertilizer applicators shall be required to register by completing a form prepared by the city and by paying a fee in the amount determined by resolution of the City Council. The form shall include the fertilizer applicator's agreement to

provide, upon request, test reports showing the chemical content of fertilizer used in the city. Registrations shall be valid for a period of one year, from January 1 through December 31. The board may revoke a registration for up to one year if after a public hearing, following proper notice to the fertilizer applicator, it determines that applicator has violated this article. None of the entities covered by this article may conduct business in the city without a valid current registration.

Sec. 110-78 . Public information.

The city will make available a brochure explaining the terms and purposes of this article:

- (1) No person shall sell fertilizer without giving the buyer a copy of the brochure.
- (2) No fertilizer applicator shall apply fertilizer without giving the general turf owner a copy of the brochure.
- (3) The Fertilizer Program Administrator shall maintain a current list of all registered commercial and institutional applicators.

Sec. 110-79. Enforcement.

Violation of this article is a municipal civil infraction, for which the fine for each violation of this article by homeowners and occupants of rental property shall be as set forth in City Code Section 70-38. The fine for each violation of this article by a commercial applicator, property manager, independent contractor, or agent for any of these entities, shall be as set forth in City Code Section 70-38.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation,

or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, [www.cityofypsilanti.com](http://www.cityofypsilanti.com).

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 7th  
DAY OF September, 2010.

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Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1131 was published in The Ypsilanti Courier on the 16th day of September, 2010.

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Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 7th day of September, 2010.

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Frances McMullan, City Clerk

Notice Published: July 29, 2010

First Reading: August 17, 2010

Second Reading: September 7, 2010

Published: September 16, 2010

Effective Date: October 16, 2010