COUNCIL ITEM 8A
DATE 3/24/14

COUNCIL ITEM 10A
DATE 3/10/14

ORDINANCE 14-10

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE CITY COUNCIL SPECIFICALLY REPEALING ORDINANCE 10-12 IN ITS ENTIRETY, AND CREATING CHAPTER 44 OF THE CITY OF PORT ST. LUCIE CITY CODE OF ORDINANCES RELATING TO FLORIDA-FRIENDLY FERTILIZER USE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 403.9337, Florida Statutes, each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, Florida Statutes, shall, at a minimum, adopt the Florida Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; and

WHEREAS, the Florida Department of Environmental Protection has identified specific water bodies in the City of Port St. Lucie ("CITY") as "impaired" as a result of excess nutrients under the Florida Impaired Waters Rule, Chapter 62-303, Florida Administrative Code; and

WHEREAS, surface water runoff containing excess nutrients leaves residential neighborhoods, farms, commercial centers, industrial areas and other lands of the City with low permeability soils; and

WHEREAS, base-flow runoff containing excess nutrients flows from residential neighborhoods, farms, commercial centers, industrial areas, and other lands of the City with high permeability soils; and

WHEREAS, surface water and baseflow runoff containing excess nutrients enters into natural and artificial stormwater and drainage conveyances and natural water bodies in the City; and

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in a coastal community such as the City, due to the proximity of stormwater and drainage conveyances to coastal waters; and

WHEREAS, nutrient-laden runoff fosters plant and algae growth; and

WHEREAS, the quality of our rivers, estuaries, streams, lakes and the offshore waters of the Atlantic Ocean is critical to environmental, economic and recreational prosperity and to the health, safety and welfare of the citizens of the City; and

WHEREAS, recent algae blooms have heightened community concerns about water quality and eutrophication of surrounding waters; and

WHEREAS, leaching and runoff of nutrients from improper landscaping or excess fertilization practices upstream of as well as within the City can contribute to nitrogen and phosphorus pollution in the City's stormwater and drainage conveyances and natural water bodies; and

WHEREAS, nitrogen and phosphorus pollution in the City's stormwater and drainage conveyances and natural water bodies leads to the overgrowth of vegetation in these waterways; and

WHEREAS, the City's natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding; and

WHEREAS, the overgrowth of vegetation in stormwater and drainage conveyances hinders the goal of flood prevention; and

WHEREAS, it is generally recognized that many Florida soils are naturally high in phosphorus, much of which is in a form that must be modified for absorption by plant materials; and

WHEREAS, it has been recognized by soil science professionals that the use of slow release nitrogen sources minimizes harmful nitrate leaching; and

WHEREAS, the Florida Department of Environmental Protection has mandated total maximum daily loads for "impaired" water bodies in the City; and

WHEREAS, this ordinance is part of a multi-pronged effort by the City to meet these total maximum daily loads and reduce nutrient loading into runoff through such policies as, but not limited to, stormwater management, water conservation, management of septic systems, public education, and development standards as set forth in the City's Code of Ordinances; and

WHEREAS, the City Council previously adopted the Model Ordinance (Ordinance 10-12) on March 22, 2010; and

WHEREAS, the City Council has considered the scientific information (attached as Exhibit A) received from state agencies and by St. Lucie County, Florida, in its amendment of Chapter 1-7.6, "Environmental Protection," of the St. Lucie County Code and compiled laws establishing regulations for proper use of fertilizers in the unincorporated area of St. Lucie County and adopts this scientific information in

establishing these regulations for the proper use of fertilizers in the City. The scientific information includes:

- February 6, 2014, letter from Kate Brackett, Environmental Administrator, Nonpoint Source Management Section, State of Florida Department of Environmental Protection
- February 10, 2014, letter from Weldon Collier, Program Planning Coordinator, State of Florida Division of Agricultural Environmental Services
- January 31, 2014, email from Dr. Laurie Trenholm from the University of Florida
- November 19, 2013, email from David Botto, Chairman Fisheries Campaign, Marine Resources Council, which included the following information:
    - Cape Coral North Spreader Canal Ecosystem Management Agreement "Background Information in Support of Proposed Local Fertilizer Ordinance (Revised February 10, 2010).
    - Environmental Protection Commission of Hillsborough County "Technical Support Document for Proposed Local Fertilizer Rule – Chapter 1-15" (May 7, 2010); and
- Analytical Results of Nutrients and Chlorophyll Relative to the 2008 Fertilizer Ordinance in Lee County by Jim Ryan and Ernesto Lasso de la Vega – Lee County Hyacinth Control District (Revised 05-25-12).
- Florida Consumer Fertilizer Task Force "Final Report" to the 2008 Florida Legislature (January 15, 2008)
- Phosphorus Urban Runoff & Aquatic Weeds Responsible Industry for a Sound Environment
- Comparing Nitrogen Runoff and Leaching between Newly Established St. Augustine Grass Turf and an Alternative Residential Landscape (J.E. Erickson, et. al., December 15, 2000)
- Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries – State of Florida Department of Environmental Protection (Revised December 2008)
- Scientific literature review, discussion, public comments and consideration for the proposed Lee County Landscape and Fertilizer Best Management Practices Ordinance, Lee County, Division of Natural Resources (rev. October 31, 2007) with Corrections to Cited Literature (December 5, 2007)
- Indian River Lagoon Comprehensive Conservation and Management Plan Update 2008
- FAU Harbor Branch Indian River Lagoon LOBOs: A Primer M. Dennis Hanisak, FAU Harbor Branch (October 2013)
- Guest Column: Fertilizer and our waters written by Dr. Leesa Souto, Executive Director of the Marine Resources Council (November 22, 2013)
- Science to Support Fertilizer Controls written by Dr. Leesa Souto (December 2013)

WHEREAS, the Indian River Lagoon is a diverse, shallow-water estuary stretching across 40 percent of Florida's east coast; and

WHEREAS, the Lagoon is an important commercial and recreational fishery and economic resource to the state and region. The total estimated annual economic value of the lagoon is $3.7 billion, supporting 15,000 full and part-time jobs and providing recreational opportunities for 11 million people per year; and

WHEREAS, the St. Lucie River and Estuary is an ecological jewel on Florida's Treasure Coast that is integral to the environmental and economic well-being of Martin and St. Lucie Counties. The St. Lucie River is part of the larger Indian River Lagoon system, the most diverse estuarine environment in North America with more than 4,000 plant and animal species, including manatees, oysters, dolphins, sea turtles and seahorses; and

WHEREAS, runoff is causing a public health threat as microcystis aeruginosa, a single-celled blue green alga, or cyanobacterium, has proliferated in the Lagoon to form dense blooms, which produce multiple toxins, including liver toxins, as well as, neurotoxins; and

WHEREAS, 47,000 acres of sea grass have been killed to date in the Indian River Lagoon since 2010, which far exceeds any documented or remembered events in terms of geographic scale, bloom intensity and duration. It is alarming because sea grass is an indicator of the lagoon's health, a food source for manatees and a nursery, refuge and a place of forage for a variety of fish and other marine life; and

WHEREAS, 280 Manatees, 60 Bottlenose Dolphins and 250 Brown Pelicans have died in the Indian River since 2010; and

WHEREAS, based on the above findings, the City Council believes it is necessary to adopt additional regulations to protect and enhance the water quality of the St. Lucie River and the Indian River Lagoon. The City Council has determined that the additional regulations are science based and are economically and technically feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. There is hereby created a new chapter of the Port St. Lucie City Code to be known as CHAPTER 44. FLORIDA-FRIENDLY FERTILIZER USE, which said Chapter shall read as follows:

CHAPTER 44. FLORIDA-FRIENDLY FERTILIZER USE

Section 44.01. DEFINITIONS

For this Chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise:

"*Administrator*" means the City Manager or an administrative official of the City designated by the City Manager to administer and enforce the provisions of this Article.

"*Application*" or "*Apply*" means the actual physical deposit of fertilizer to turf or landscape plants.

"*Applicator*" means any Person who applies fertilizer on turf and/or landscape plants in the City.

"*Board or Governing Board*" means the City Council of the City of Port St. Lucie, Florida.

"*Best Management Practices*" (BMPs) means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

"*Code Compliance Specialist*" means any designated employee or agent of the City whose duty it is to enforce codes and ordinances enacted by the City.

"*Commercial Applicator Business*" means any person, sole proprietor, partnership, corporation, business trust, joint venture, or other legal entity that engages in the business of providing lawn fertilizer application in exchange for money, goods, services or other valuable consideration.

"*Commercial Fertilizer Applicator*," except as provided in Section 482.1592(9), Florida Statutes, means any Person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

"*Damaged Turf or Landscape Plants*" means turf or landscape plants that have been deleteriously affected by environmental or biotic stress. Environmental stresses are a result of prolonged exposure to shade, drought, nutrient deficiency, the effects of vehicle and foot traffic, salinity and occasional cold temperatures. Biotic stresses result from living organisms such as insects, diseases or nematodes.

"*Fertilize," "Fertilizing," or "Fertilization*" means the act of applying fertilizer to turf, specialized turf, or landscape plants.

"*Fertilizer*" means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

"*Guaranteed Analysis*" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

"*Heavy Rain*" means rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period.

"*Impervious surfaces*" means a constructed surface such as sidewalks, roads, parking lots or driveways covered by water impenetrable materials such as asphalt, concrete, brick, pavers, stone and/or highly compacted soils.

"*Institutional Applicator*" means any Person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

"*Landscape Plant*" means any native or exotic tree, shrub, or groundcover (excluding turf).

"*Lawn Care and Maintenance or Landscaping*" shall include, but not be limited to mowing, trimming, pruning, edging, liming, fertilizing, mulching, seeding and aerating of turf and/or landscaping plants.

"*Low Maintenance Zone*" means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

"*Non-Commercial Applicator*" means any person other than a Commercial or Institutional Applicator who performs lawn care and maintenance on Turf and/or Landscape Plants in the City, such as an individual owner or tenant of a single-family residential unit.

"*Person*" means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"*City Approved Best Management Practices Training Program*" means a training program approved per Section 403.9338, Florida Statutes, and any more stringent requirements as set forth in this Article that includes the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," as revised and approved by the City Manager.

"*Saturated soil*" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"*Slow Release*," "*Controlled Release*," "*Timed Release*," "*Slowly Available*," or "*Water Insoluble Nitrogen*" means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

"*Specialized Turf*" means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

"*Specialized Turf Manager*" means a person responsible for fertilizer or directing the fertilization of "specialized turf" as defined above.

"*Turf*," "*Sod*," or "*Lawn*" means a piece of grass-covered soil held together by the roots of the grass.

"*Urban Landscape*" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For purposes of this section, agriculture has the same meaning as in Section 570.02, Florida Statutes.

"*Water Body or Water Bodies*" means any visible, standing or open body of water. This shall include, but not be limited to: municipal or private storm sewer systems (including inlets, conveyances and structures), ditches, swales, canals, creeks, rivers, streams, tidal waters, lakes, ponds, ponded water, standing water, marshes, swamps or any other body of permanent or temporary standing or visible water whether or not the water body is natural or man-made or contained by impervious surfaces on the bottom or sides and all wetlands and other surface waters as defined by Chapter 62-348, F.A.C.

Section 44.02. APPLICABILITY

This Section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the City, unless such applicator is specifically exempted by the terms of this Section from the regulatory provisions of this Section. This regulation shall be prospective only and shall not impair contracts already in existence as of the effective date of this Section.

Section 44.03. TIMING OF FERTILIZER APPLICATION

A. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period or to saturated soils. Additionally, fertilizers containing nitrogen and/or phosphorus shall not be applied to turf and/or landscape plants during any of the following prohibited application periods:

(1) June 1 through September 30.

(2) The time period during which the National Weather Service has issued a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning for any portion of the City.

(3) Heavy rains are expected.

Section 44.04. FERTILIZER FREE ZONES

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of

Environmental Protection (Chapter 62-340, Florida Administrative Code). If more stringent City Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning thirty (30) days after planting if needed to allow the plants to become well-established. Caution shall be used to prevent direct deposition of nutrients into the water.

Section 44.05. LOW MAINTENANCE ZONES

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent City Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

Section 44.06. FERTILIZER CONTENT AND APPLICATION RATES

A. No fertilizer containing phosphorus shall be applied to turf or landscape plants in the City unless a soil or plant tissue deficiency is verified by a University of Florida, Institute of Food and Agriculture Sciences, approved testing methodology. In the case that a deficiency has been verified, the application of a fertilizer containing phosphorous shall be in accordance with the rates and directions for the Southern Region of Florida as provided by Rule 5E-1.003, Florida Administrative Code. Deficiency verification shall be no more than 2 years old. However, recent application of compost, manure, or top soil shall warrant more recent testing to verify current deficiencies. For purposes of clarification a "very low" designation for phosphorus set forth in the UF-IFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual shall mean phosphorus levels below ten (10) parts per million. A "low" designation for phosphorus shall mean phosphorus levels below twenty-five (25) parts per million.

B. Unless otherwise specified in this ordinance, Fertilizers applied to turf and/or landscape plants within the City shall be formulated and applied in accordance

with requirements and directions provided by Rule 5E-1.003, Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

C. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

D. Fertilizers containing nitrogen or phosphorus shall be applied to Turf and/or Landscape Plants at the lowest amount of rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label in accordance with Florida Department of Agriculture and Consumer Services Rules (5E-1.003, F.A.C.). All Commercial and Institutional Applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorous expressed as pounds per 1000 square feet of land applied to each site during the year.

E. While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than the Fertilization Guidelines for the Southern Region of Florida under the Florida Department of Agriculture and Consumer Services Rule (5E-1.003, F.A.C.) during any one (1) calendar year to a single area.

F. Fertilizers containing nitrogen applied to turf and/or landscaping plants within the City shall contain no less than 50 percent Slow Release Nitrogen per Guaranteed Analysis Label.

Section 44.07. APPLICATION PRACTICES

A. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

B. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surface.

C. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

D. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

E. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

Section 44.08. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent possible. Grass clippings should be blown back onto the lawn areas or removed.

Section 44.09. GENERAL EXEMPTIONS

The provisions set forth above in this Section shall not apply to:

A. Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes;

B. Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock.

C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Section 44.10. SPECIFIC EXEMPTIONS

A. The timing of applications, application rate provisions and other provisions set forth above in Sections 44.03 through 44.08 of this Chapter shall not apply to:

(1) Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil;

(2) Reclaimed or Irrigation Quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus);

B. All golf courses shall assure that landscaping is done within the provisions of the Florida Department of Environmental Protection document, "*Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses*".

These provisions shall be followed when applying fertilizer to golf course practice and play areas.

C. For all other Specialized Turf Areas, the Managers shall use their best professional judgment to apply the concepts and principles embodied in the Florida Green BMPS, while maintaining the health and function of their Specialized Turf Areas.

Section 44.11. RECORDKEEPING REQUIREMENTS

If applying Fertilizer in accordance with Section 44.06, commercial applicator businesses, commercial fertilizer applicators and institutional applicators shall also possess a record of the soil test indicating the amount of phosphorus present. Said records shall be kept in the commercial applicator business's, commercial fertilizer applicator's and institutional applicator's possession or vehicle(s) and available for inspection by City staff during all business hours or while the commercial applicator business, commercial fertilizer applicator and institutional applicator is working onsite.

Section 44.12. FERTILIZER SAMPLING

Commercial applicator businesses, commercial fertilizer applicators and institutional applicators shall permit the City to obtain a sample of any fertilizer applied or to be applied within the City. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by State standards, enforcement action may be taken in accordance with Section 44.17 of this Ordinance, and the cost of analyzing Fertilizer samples taken from commercial applicator businesses, commercial fertilizer applicators and institutional applicators shall be reimbursed by said business or applicator to the City within thirty (30) days after invoicing.

Section 44.13. SOIL TEST INFORMATION

The UF-IFAS Extension Soil Testing Laboratory in Gainesville, Florida offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden Producer Test" is recommended for both private and commercial clients fertilizing plants on the landscape, primarily home horticulture.

A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the UF-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the St. Lucie County Cooperative Extension Service Office, 8400 Picos

Road, Suite 101, Fort Pierce, FL 34945 (772-462-1660). To determine the availability and cost of Soil Fertility Tests contact the St. Lucie County Cooperative Extension Service Office. A PDF version of the Landscape and Vegetable Garden Test Submission Form can be obtained at http://soilslab.ifas.ufl.edu/. Soil test information is also available at http://soilslab.ifas.ufl.edu/ESTL%20Tests.asp.

Section 44.14. TRAINING

A. All commercial and institutional applicators of fertilizer within the City shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida IFAS Florida-Friendly Landscapes™ program.

B. Private, non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida-Friendly Landscapes™ program when applying fertilizers.

Section 44.15. LICENSING OF COMMERCIAL APPLICATORS

A. All commercial applicators of fertilizer within the City shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18), Florida Administrative Code.

B. All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the City of Port Lucie Business Tax Division prior to receiving a Business Tax Receipt.

Section 44.16. NOTICE TO CONSUMERS

Retailers shall post a notice provided by the City stating that the use of lawn and landscape fertilizers in the City of Port St. Lucie is restricted in accordance with this chapter.

Section 44.17. PENALTIES

A. Violations of Sections 44.03 through 44.08 shall be enforced per Chapter 37, Article III – Enforcement Procedures and Schedule of Penalties of the City of Port St. Lucie's Code of Ordinances.

B. All other sections may be enforced by the City as provided by law.

C. This provision shall not preclude enforcement of this ordinance in the Circuit Court or as otherwise authorized by law.

D. Funds generated by penalties imposed under this section shall be used by the City for the administration and enforcement of Section 403.9337, Florida Statutes, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

Section 2. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to the City, City ordinances and City resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

Section 3. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 4. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the City of Port St. Lucie.

Section 5. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

Section 6. CODIFICATION.

Provisions of this ordinance shall be incorporated in the City of Port St. Lucie Code of Ordinances and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2 through 8 shall not be codified.

Section 7. REPEAL.

That Ordinance 10-12 is specifically repealed.

Section 8. EFFECTIVE DATE. This Ordinance shall become effective on June 1, 2014.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 24th day of March, 2014.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE CORPORATE SEAL 1961 FLORIDA

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