



PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN

ORDINANCE NO. 272  
SECOND READING

AN ORDINANCE TO AMEND THE PITTSFIELD CHARTER TOWNSHIP CODE BY  
ADDING A NEW ARTICLE VII, LAWN FERTILIZER, TO CHAPTER 8,  
ENVIRONMENT, AND BY AMENDING SECTION 2.241 OF ARTICLE VI OF  
CHAPTER 2, ADMINISTRATION.

**Pittsfield Charter Township ordains:**

**Section One: The Township makes the following findings:**

Compounds containing phosphorus and nitrogen, common components of lawn fertilizer, may enter into the water resources of Pittsfield Charter Township and neighboring communities, including ponds, wetlands and watercourses. This results in excessive growth of algae and aquatic plants, which is detrimental to these water resources. Incorrect seasonal timing and careless methods of application increase the potential for such runoff and environmental contamination.

Reduction of the use of commercial fertilizers, and elimination of their improper use, will assist the Township in reducing the amount of phosphorus that enters the Township's and neighboring communities' water resources. This reduction will help to meet state and federal mandates enforced under the Michigan Department of Environmental Quality's Total Maximum Daily Load (TMDL) limitation for the Middle Huron River and Associated Tributaries and the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Discharge permit requirements 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.

Most mature topsoil in Washtenaw County has a natural level of phosphorus sufficient to promote adequate plant growth. The MSU Extension Service reviewed 913 soil tests on samples taken in Washtenaw County, and found that 84% of the samples did not need added phosphorus.

As a signatory to the Middle Huron Agreement for Voluntary Reduction of Phosphorus Loading to the Middle Huron Watershed, the Township agreed to implement best management practices for non-point pollution source control. Reduction of fertilizer use ranks high in effectiveness and sustainability. Findings from the Malletts Creek Restoration Study, extrapolated for the overall watershed, projected that 100% compliance would result in a 22 percent reduction in phosphorus loading to the Huron River.

Section Two: That Chapter 8 of the Pittsfield Charter Township Code is amended by adding a new Article VII, which shall read as follows:

## ARTICLE VII. LAWN FERTILIZER

### Sec. 8-330. Definitions.

*Fertilizer applicator* is a person principally engaged in the business of applying fertilizer to lawns.

*Fertilizer* means a product prepared for enhancing the growth of grass. It does not include raw manures, compost, marl, lime, limestone, wood ashes, herbicides or pesticides.

*Lawn* means any maintained grass area including that on playing fields and cemeteries. It does not include farmland, gardens, golf course tees, putting greens, baseball infields, grass tennis courts, airport landing areas, or sod farms.

### Sec. 8-331. Prohibitions.

No person shall:

- (a) Apply fertilizer to any lawn between November 15 and April 1.
- (b) Apply any fertilizer that contains more than 0.10% phosphorus to any lawn except as provided in section 8-332.
- (c) Apply fertilizer to any impervious area without promptly clearing the fertilizer from that area.
- (d) Apply fertilizer within 25 feet of any wetland, watercourse, pond, lake, or storm water retention or detention basin.

### Sec. 8-332. Lawns needing phosphorus.

- (a) Between April 1 and September 30, fertilizer containing more than 0.10% phosphorus may be applied to lawns for which the owner has a soil test report showing that within the previous 12 months the soil was tested and found to be deficient in phosphorus. A fertilizer applicator shall keep a copy of such test reports for lawns on which the applicator has applied fertilizer containing more than 0.10% phosphorus and shall provide a copy of all such test reports to the Ordinance Enforcement Officer.
- (b) Fertilizer containing more than 0.10% phosphorus may be applied to lawns established from seed or sod, during the first growing season of the seed or sod provided that bare soil is covered and stabilized with mulch to prevent runoff.
- (c) Unless specifically noted otherwise on the product label, fertilizer containing more than 0.10% 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. 8-333. Registration of fertilizer applicators and vendors.**

- (a) No person shall act as a fertilizer applicator unless currently registered with the Township.
- (b) No person shall make retail sales of fertilizer unless currently registered with the Township.
- (c) Registration shall be made by completing a form prepared by the Township and by paying a fee in the amount determined by resolution of the Township Board of Trustees. The form shall include the fertilizer applicator's agreement to provide, upon request, test reports showing the chemical content of fertilizers used in the Township.
- (d) A registration shall be effective for one year.
- (e) The Township Board of Trustees may revoke a registration for up to one year, if, after a public hearing, it determines that a fertilizer applicator has violated this Article.
- (f) No person shall sell fertilizer unless a notice is placed in the fertilizer display area to indicate which fertilizers can be used unless the exceptions of Section 8-332 apply.

**Sec. 8-334. Fertilizer storage.**

Fertilizer shall not be stored uncontained, and if stored outdoors, it must be stored in a watertight container.

**Sec. 8-335. Public information.**

If the Township makes available a brochure explaining the terms and purposes of this article:

- (a) No person shall sell fertilizer without giving the buyer a copy of the brochure.
- (b) No fertilizer applicator shall apply fertilizer to a lawn without giving the lawn owner a copy of the brochure.

**Sec. 8-336. Violations.**

Violations of this Article are civil infractions subject to the penalties specified in Section 2-241 of Article VI of Chapter 2

Section Three: That Section 2-241 of Article VI of Chapter 2 is amended to read as follows:

**Sec. 2-241. Schedule of civil fines established; general penalties and sanctions for violations of township ordinances; continuing violations; injunctive relief.**

A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established as follows.

<u>Name and Code Section</u>	<u>First Offense</u>	<u>First Repeat Offense</u>	<u>Second Repeat Offense</u>
Zoning Ordinance, 1-6(10)	\$100.00	\$250.00	\$500.00
Building Code, 6-31 et seq.	\$100.00	\$250.00	\$500.00
Electrical Code, 6-101 et seq.	\$100.00	\$250.00	\$500.00
Mechanical Code, 6-136 et seq.	\$100.00	\$250.00	\$500.00
Property Maintenance Code, 6-206.	\$100.00	\$250.00	\$500.00
Fire Prevention 10-31 et seq.	\$100.00	\$250.00	\$500.00
Open Burning 10-66 et seq.	\$ 25.00	\$100.00	\$250.00
Parks & Recreation 16-47	\$ 25.00	\$ 50.00	\$100.00
Property Identification 6-351 et seq.	\$ 25.00	\$ 50.00	\$100.00
Sidewalks, 28-31 et seq.	\$ 25.00	\$ 50.00	\$100.00
Weeds 38-31	\$ 25.00*	\$ 50.00*	\$100.00*
Wetlands 8-209	\$1000.00	\$2,500.00	\$5,000.00

Fertilizer (owner)	\$50.00	\$500.00	\$1,000.00
(vendor, applicator)	\$500.00	\$1,000.00	\$2,000.00

8-336

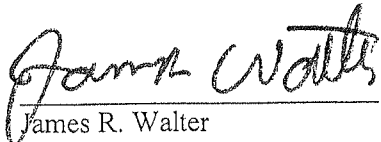
\*in addition to mowing charges if any

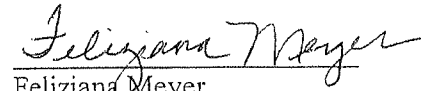
- (1) Unless a violation of an ordinance of the township is specifically designated by ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by ordinance.
- (3) The sanction for a violation that is a municipal civil infraction shall be a civil fine in the amount as provided by this article, plus any costs, damages, expenses and other sanctions, as authorized under chapter 87 of the act and other applicable laws.
  - a. Unless otherwise specifically provided for a particular municipal civil infraction violation by any ordinance, fine for a violation shall be \$50.00, plus costs and other sanctions, for each infraction.
  - b. Increased civil fines shall be imposed for repeated violations by a person of any requirement or provision of any ordinance. Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
    1. The fine for any offense that is a first repeat offense shall be \$100.00, plus costs.
    2. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be \$250.00, plus costs.
- (4) A violation includes any act prohibited or made or declared to be unlawful or an offense by ordinance; and any omission or failure to act where the act is required by ordinance.
- (5) Each day on which any violation of any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a repeat offense.
- (6) In addition to any remedies available at law, the township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any township ordinance.

**Section Four: That this ordinance shall take effect 30 days after publication.**

Ayes: Brostrom, Burhop, Conner, Lirones, Meyer, Urda-Thompson, Walter  
 Nays: None  
 Absent: None

Adopted by the Pittsfield Charter Township Board of Trustees at a Regular meeting on the 27th day of March, 2007.

  
James R. Walter  
Pittsfield Township Supervisor

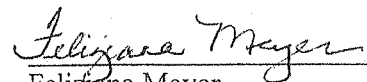
  
Feliziana Meyer  
Pittsfield Township Clerk

First Reading: March 13, 2007  
Ordinance Posted: March 21, 2007  
First Publication: March 22, 2007  
Second Reading: March 27, 2007  
Ordinance Posted: April 4, 2007  
Second Publication: April 5, 2007  
Effective Date: May 5, 2007

State of Michigan )  
                          ) ss  
County of Washtenaw)

I, the undersigned, the duly qualified Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the proceedings taken by the Township Board at a Regular meeting held on the 27th day of March, 2007.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 29th day of March, 2007.

  
Feliziana Meyer  
Pittsfield Township Clerk