

**AGENDA # \_\_\_\_\_**

**CITY OF MADISON, WISCONSIN**

A SUBSTITUTE ORDINANCE \_\_\_\_\_

**amending Sections 7.48(6) and (7)** of the Madison General Ordinances to recognize the corresponding County ordinance pertaining to fertilizer containing phosphorus, to incorporate County provisions for consistency, and to clarify that there are no conflicts between the ordinance and federally approved label instructions.

PRESENTED January 4, 2005  
REFERRED CC Mtg. 2-1-05

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REREFERRED \_\_\_\_\_

REPORTED BACK \_\_\_\_\_

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSPENDED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

\* \* \* \* \*

Drafted by: James M. Voss  
Assistant City Attorney

MAYOR SIGNED \_\_\_\_\_  
PUBLISHED \_\_\_\_\_

Date: January 13, 2005

Fiscal Note: No expenditure necessary.

SPONSORS: Aids. Markle, Webber, and MacCubbin

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APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By  
  
\_\_\_\_\_  
Comptroller's Office

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ORDINANCE NUMBER \_\_\_\_\_  
ID NUMBER 37414

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (6) of Section 7.48 entitled "Regulations on the Sale and Use of Fertilizers" of the Madison General Ordinances is amended to read as follows:

"(6) It shall be unlawful for any person to display or distribute for retail sale lawn and turf fertilizer containing more than a trace of phosphorus. This prohibition shall apply to the fertilizer content of a product that combines fertilizer with a pesticide. Signs may be posted advising customers that lawn and turf fertilizer containing phosphorus is available upon request for uses permitted by sub. (7)(a). A sign containing the regulations set forth in this section and the effects of phosphorus on Dane County's waters must be prominently displayed where lawn and turf fertilizers are sold. ~~This prohibition shall only apply when the retail sale is to a resident of the City of Madison.~~ "

2. Subsection (7) entitled "Exceptions" of Section 7.48 entitled "Regulations on the Sale and Use of Fertilizers" of the Madison General Ordinances is amended to read as follows:

"(7) Exceptions.  
(a) Subsection (3) shall not apply when:  
1. a tissue, soil or other test by UW-Extension Laboratory or another ~~approved~~ state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to

**Approved as to form:**

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**Michael P. May, City Attorney**

- support healthy turf growth, as determined by the University of Wisconsin Extension Service, provided that the proposed lawn and turf fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation;
2. the property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season.
- (b) Any person who applies a lawn and turf fertilizer containing phosphorus pursuant to the aforementioned exceptions shall, consistent with the product label instructions, water such lawn and turf fertilizer into the soil where it is immobilized and generally protected from loss by runoff."
- (c) Subsection (6) regarding the prohibition of the distribution of lawn and turf fertilizer containing phosphorus shall not apply when the customer states:
1. a tissue, soil or other test by UW-Extension Laboratory or another ~~approved~~ state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service;
  2. the property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season."

EDITOR'S NOTE: This ordinance makes three minor housekeeping amendments. The first is to recognize the corresponding County ordinance and to eliminate two inconsistencies between City and County requirements regarding sale and display of affected products. The second clarifies what standards for soil testing are required to determine whether available soil phosphorus is insufficient, consistent with the County ordinance, and limits application of fertilizer containing phosphorus under this exception to the recommendation derived from the soil test evaluation. The third is to clarify that there are no conflicts between the ordinance watering requirement and federally approved label instructions, and that the two can and should be compatible with each other.