

**Before the Board of County Commissioners
Martin County, Florida**

Ordinance No. 963

AN ORDINANCE OF MARTIN COUNTY, FLORIDA,
AMENDING CHAPTER 67, ARTICLE 14. FERTILIZER USE,
GENERAL ORDINANCES, MARTIN COUNTY CODE,
PERTAINING TO BEST MANAGEMENT PRACTICES FOR
HOMEOWNERS/TENANTS, COMMERCIAL BUSINESSES
AND INSTITUTIONAL APPLICATORS; PROVIDING FOR
APPLICABILITY, CONFLICTING PROVISIONS, AND
SEVERABILITY; PROVIDING FOR FILING WITH THE
DEPARTMENT OF STATE, CODIFICATION AND AN
EFFECTIVE DATE.

WHEREAS, nutrient pollution is one of America's most widespread costly and challenging environmental problems and is caused by excess nitrogen and phosphorus in the air and water. Excess nutrients in the water cause algae to grow faster than ecosystems can handle, depleting oxygen in the water and leading to fish kills. Some algae blooms are harmful to humans because they produce toxins and bacterial growth that can make people sick if they come into contact with polluted water, consume tainted fish or shellfish, or drink contaminated water; and

WHEREAS, on July 26, 2011, the County Board of County Commissioners created Article 14, Fertilizer Use, Chapter 67, General Ordinances, Martin County Code, establishing a set of fertilizer rules that included a summer-time application ban, allowed only low phosphorus fertilizers to be applied during the allowed application period, recommended the use of 50% slow-release nitrogen fertilizers and required a 10-foot fertilizer free zone from the edge of any water body, seawall or wetland; and

WHEREAS, since the adoption of the ordinance, Martin County has been subjected to federal and state unfunded mandates to meet certain water quality targets within the St. Lucie River and Estuary; and

WHEREAS, the St. Lucie Basin Management Action Plan (BMAP) was

adopted in June of 2013 and is an enforceable document that will require Martin County to meet water quality targets for nitrogen and phosphorus by 2028; and

WHEREAS, the Florida Department of Environmental Protection adopted Numeric Nutrient Criteria to address other waters not addressed by a BMAP or Total Maximum Daily Loads; and

WHEREAS, from early spring through late fall 2011, two massive blooms of phytoplankton caused a loss of seagrass throughout much of the Indian River Lagoon system, with the problems extending from the Titusville area of the lagoon to just north of Fort Pierce Inlet; and

WHEREAS, some scientists believe an internal shift or flux in nutrients might be the primary mechanism that fueled the bloom resulting in over 47,000 acres of seagrass being lost; and

WHEREAS, in an effort to protect the Indian River Lagoon and improve water quality throughout the region there has been a grass roots effort to adopt the strongest fertilizer ordinances possible within the entire watershed; and

WHEREAS, these “strong” fertilizer rules include 1) a summer-time application ban, 2) no phosphorus application unless a soil test indicates one is necessary, 3) require 50% slow-release nitrogen fertilizers and 4) at least a 10-foot free fertilizer zone from the edge of any water body or wetland; and

WHEREAS, the Board of County Commissioners has determined that the amendment of Article 14, Fertilizer Use, to establish stronger fertilizer rules is necessary and in the best interest of the public and the Indian River Lagoon.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR MARTIN COUNTY, FLORIDA, that:

PART 1: AMENDMENT OF ARTICLE 14. FERTILIZER USE OF CHAPTER 67. ENVIRONMENTAL CONTROL, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Article 14 is hereby revised to read as follows (new language is underlined, deleted language struck through)

SECTION 67.430. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to provide for the regulation of landscape management practices and the application of fertilizers containing nitrogen and/or phosphorus and to provide specific guidelines for landscaping and fertilization in order to meet Federal and State mandated water quality standards and to minimize the negative environmental effects said fertilizers have in and on Martin County's lakes, canals, estuaries, interior freshwater wetlands, the St. Lucie Estuary, Indian River Lagoon, Loxahatchee River and near shore waters of the Atlantic Ocean. Collectively these waterbodies are a natural asset, which are critical to the environmental, recreational, cultural and economic wellbeing of Martin County and the surrounding areas and contribute to the general health and welfare of the public. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, entering the waterbodies in and around Martin County is a crucial step towards improving and maintaining water and habitat quality.

SECTION 67.431. DEFINITIONS

The following words, terms, and phrases when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the Martin County Administrator, or an administrative official of the County designated by the County Administrator 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 County.

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 Enforcement Officer, Official, or Inspector means any designated employee or agent of the County whose duty it is to enforce codes and ordinances enacted by the County.

Commercial Applicator except as provided in Section 482.1562(9) F.S., 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.

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.

County means Martin County.

County Approved Best Management Practices Training Program means a training program approved per Section 403.9338 F.S., or any more stringent requirements set forth in this Article that includes the Florida Department of Environmental Protection's "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries".

~~**Damage or Damaged** 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 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.

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 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 and managers, caretakers 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.

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 Martin County, 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.

Saturated Soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this Article, 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 a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a referenced “rapidly available nutrient fertilizer” such as ammonium nitrate or urea, ammonium phosphate or potassium chloride.

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 the 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 67.432. APPLICATION

This Article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within unincorporated Martin County, unless such applicator is specifically exempted by the terms of this Article from the regulatory provisions of this Article. This Article shall be prospective only, and shall not impair any existing contracts.

SECTION 67.433. TRAINING AND LICENSING OF COMMERCIAL APPLICATORS

- A. ~~By January 1, 2013, a~~ All Commercial, and Institutional Applicators within the unincorporated area of Martin County, shall abide by and successfully complete training and continuing education requirements 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 Institute of Food and Agricultural Sciences (UF/IFAS) "Florida-friendly Landscapes" program, ~~or an approved equivalent program~~ prior to obtaining a Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants.
- B. ~~After December 31, 2012, a~~ All Commercial Applicators within the unincorporated area of Martin County, 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) F.A.C.
- C. 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 Certificate.
- D. The County in cooperation with University of Florida, Martin County Extension Service Urban Horticulture and Natural Resource Educators or other Martin

County Extension Service approved organizations will schedule and conduct all training.

- E. It is the certificate holder's responsibility to seek any state required renewals. The County is not obligated to furnish the certificate holder with a reminder notice that renewal is necessary.

SECTION 67.434. BEST MANAGEMENT PRACTICES FOR HOME OWNERS/TENANTS, COMMERCIAL BUSINESSES AND INSTITUTIONAL LANDSCAPERS

A. FERTILIZER CONTENT AND APPLICATION RATES

1) Phosphorus and Nitrogen Content

- a) ~~No F~~ fertilizers containing phosphorus shall be applied to turf or landscape plants in unincorporated Martin County shall be "Low Phosphate" or "Low Phosphorus" as established by the Florida Department of Agriculture and Consumer Services Rules unless otherwise exempted under this Ordinance, unless a soil or plant tissue deficiency of "low" or "very low" is verified by a UF/IFAS approved testing methodology. When a deficiency has been verified, the application of fertilizer containing phosphorus 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, when compost, manure, or top soil has been applied within 90 days more recent testing to verify current deficiencies shall be required. 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) Fertilizers containing nitrogen applied to turf and/or landscaping plants within unincorporated Martin County shall either contain no less than 50 percent Slow Release Nitrogen per Guaranteed Analysis Label ~~or be limited so as to apply no more than 0.5 lb /1,000 square feet of water soluble nitrogen in accordance with the best management practices.~~

2) ~~Slow Release Fertilizer~~

~~Non-Commercial Applicators, Commercial Applicator Businesses and Institutional Applicators are encouraged to use Slow Release Fertilizer in order to lessen nitrate leaching and runoff.~~

3 2) Application Rate

- a) Fertilizers containing nitrogen or phosphorus should be applied to Turf and/or Landscape Plants at the lowest amount or rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label. Fertilizer shall not be applied at a rate greater than requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers. All Commercial and Institutional Applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorus expressed as pounds per 1,000 square feet of land applied to each site during the year.
- b) Unless otherwise specified in this Ordinance, fertilizers applied to turf within Martin County shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), 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) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.~~
- de) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during Prohibited Application Periods, or to saturated soils.

3-4) Prohibited Application Period

No ~~turf~~ fertilizer containing nitrogen or phosphorus shall be applied between June 1 and September 30. Additionally, no ~~turf~~ fertilizer shall be applied during a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning, as issued by the national Weather Service, or if heavy rains (in excess of 2 inches in 24 hours) are expected.

B. TOTAL YEARLY APPLICATIONS

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.

C. IMPERVIOUS SURFACES

Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed. 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.

D. BUFFER ZONES FERTILIZER FREE ZONE

No fertilizer shall be applied in or within ~~ten (10)~~ twenty-five (25) feet from the edge of any water body or sea wall or in any designated wetland or within ~~ten (10)~~ twenty-five (25) feet of any wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340 F.A.C.). 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 input of nutrients into the water.

E. MODE OF APPLICATION

Spreader deflector shields are required when fertilizing by use of any broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zone, buffer zone, and waterbodies, including wetlands.

F. NO-MOW ZONE

A voluntary ten (10) foot no-mow zone is strongly recommended, but not mandated from the water's edge of any pond, stream, water body, lake, canal, wetland or from the top of a seawall. This zone may receive periodic maintenance to remove or control invasive or exotic species. No vegetative material shall be deposited or left remaining in this zone or deposited in adjacent waters. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

G. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATERIAL

In no case shall grass clippings and/or vegetative material, either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, roadways, or other impervious surfaces. Grass clippings should be blown back onto the lawn areas or removed.

SECTION 67.435. EXEMPTIONS TO LANDSCAPING BEST MANAGEMENT PRACTICES

A. The timing of applications, application rate provisions and other provisions set forth above in Section 67.434 of this Article shall not apply to:

- ~~1) For Damaged Turf and/or Landscape Plants for a period of sixty (60) days and only on the damaged area, nitrogen or phosphorus fertilizer may be provided based on UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, subsequent to soil or tissue deficiency being verified by an approved test. For damaged turf the restrictive provisions of Section 67.434 still apply to this exemption;~~
- ~~2) Areas where soil tests confirm, and such tests are confirmed and approved by the County, that phosphorus levels are below ten (10) parts per million. This is equivalent to a "very low" designation for phosphorus set forth in the University of Florida - Institute of Food and Agricultural Sciences (UF-IFAS) Extension Soil Testing Laboratory Analytical Procedures Training Manual;~~
- 1) Vegetable gardens, provided they are not within ten (10) feet of any waterbody and/or wetland;
- 2) 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;
or
- 3) Reclaimed, or Irrigation Quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus);
- ~~4) If applying Fertilizer in accordance with Section 67.433, Commercial Applicators and Institutional Applicators shall maintain documentation to support said exemption(s). If applying Fertilizer in accordance with Section 67.433, Professional Applicator Businesses 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 Professional Applicator Businesses and Institutional Applicator's possession or vehicle(s) and available for inspection by County staff during all business hours or while a Commercial Applicator is working onsite; or~~
- ~~5) Commercial Applicator Businesses and Institutional Applicators shall permit the County to obtain a sample of any fertilizer applied or to be applied~~

~~within the County. 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 67.438 of this Ordinance, and the cost of analyzing Fertilizer samples taken from Professional Landscaping Businesses or Institutional Landscapers shall be reimbursed by said Business or Landscaper to the County within thirty (30) days after invoicing.~~

- 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 67.436. COMMERCIAL AND INSTITUTIONAL APPLICATOR REQUIREMENTS

- A. If applying fertilizer in accordance with Section 67.434, Commercial Applicators, Commercial Applicator Businesses and Institutional Applicators shall maintain documentation to support said exemption(s). If applying fertilizer in accordance with Section 67.434, Commercial Applicators, Commercial Applicator Businesses 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 Applicators, Commercial Applicator Businesses and Institutional Applicator's possession or vehicle(s) and available for inspection by County staff during all business hours or while applicator is working onsite.
- B. Commercial Applicators, Commercial Applicator Businesses and Institutional Applicators shall allow the County to obtain a sample of any fertilizer applied or to be applied within the County upon request. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by Section 67.434, enforcement action may be taken in accordance with Section 67.440, and the cost of analyzing fertilizer samples shall be remitted to the County within thirty (30) days after invoicing.

SECTION 67.436437. 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 US-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the Martin County Cooperative Extension Service Office, 2614 SE Dixie Hwy, Stuart, Florida 34996 (772-288-5654). To determine the availability and cost of Soil Fertility Tests contact the Martin 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/>.

SECTION 67.437438. FARM AND AGRICULTURAL USES: AGRICULTURE AND SCIENTIFIC RESEARCH

Nothing in this Article shall be construed to regulate or limit fertilizing for:

- 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; or
- 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 67.439 NOTICE TO CONSUMERS

- A. Any business that sells fertilizer shall post a notice provided by the County stating that the use of lawn and landscape fertilizers in unincorporated Martin County is restricted in accordance with this Chapter.

SECTION 67.438440. ENFORCEMENT AND PENALTY

- A. Violations of this Article may be prosecuted and punished as misdemeanors pursuant to Section 125.69, Fla. Stat.
- B. This Article may be enforced in accordance with Chapter 162, Fla. Stat. and Chapter 1, Article 4, of the Martin County Code of Ordinances.

- C. Notwithstanding any other provision of this Article, the County may also enforce this Article by actions at law or in equity for damages and injunctive relief. In the event the County prevails in any such action, the County shall be entitled to an award of costs and attorney's fees.

PART 2: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Florida Department of State.

PART 3: CONFLICTING PROVISIONS

Special acts of the Florida legislature applicable only to unincorporated areas of Martin County, County Ordinances and county resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this Ordinance to the extent of such conflict.

PART 4: 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 circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART 5: APPLICABILITY

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART 6: FILING WITH THE DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART 7: CODIFICATION

Provisions of this Ordinance shall be incorporated in the Martin County Code and the word "Ordinance" may be changed to "Section," "Article" or other word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention: provided, however, that parts 2 to 7 shall not be codified.

DULY PASSED AND ADOPTED THIS 7th day of October, 2014.

ATTEST:


**CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER**

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**


ED FIELDING, VICE CHAIR

**APPROVED AS TO FORM AND
CORRECTNESS:**


**KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY**



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 10, 2014

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 963, which was filed in this office on October 10, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

Advertiser: Martin County Commissioners

Agency: N/A

Ad Number: 3028489

Insertion Number: N/A

Size: 3 Col x 6 in

Color Type: 0

Section-Page-Size(s): A-2-All

Description: notice of public hearing



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Martin County

How do you offend used-car salesmen? Compare them to politicians



EVE SAMPLES
COLUMNIST

What do you call a party-swapping former governor who wants to run the state again?
If you're the Republican Party of Florida, you call him a used-car salesman. You do it over and over again in attack ads airing across the state.

If you're in the used-car selling business, you are not amused.

An industry group representing 800 independent car dealers in Florida asked the party Friday to kill the television spot that opens with the line, "Some politicians are like used-car salesmen — they think they can sell you anything."

The ad, which was in heavy rotation during morning talk shows, goes on to slam Democrat Charlie Crist for his support of the Affordable Care Act. "Unfortunately, it's disparaging an entire industry with a negative stereotype that applies to only a few of us," said Lisa Compagno, general manager of Palm Tree Auto Sales in Martin County.

Used-car salespeople don't want their reputations sullied by comparisons to politicians. There are a lot of jokes waiting to happen here — but indulging in them would fly in the face of Compagno's point.

Compagno, who is on the board of directors of the Florida Independent Automobile Dealers Association, is a former state prosecutor who runs a dealership and repair facility founded by her parents. Her two brothers work alongside her at the business south of Cove Road on U.S. 1.

They aim to combat their industry's image as a bunch of hustlers.

"We certainly don't fit that mold," Compagno said, "and I don't think any of our customers would say we fit that mold."

Compagno told me she leans independent and would have objected regardless of what party aired the ad.

"It's not a matter of politics," she said. "It really is just a matter of running a decent campaign and not throwing an entire industry under the bus."

In a letter sent Friday, the Florida Independent Automobile Dealers Association asked Republican Party of Florida Chairwoman Leslie Doughter to stop airing the commercial.

"We respectfully request that this malicious ad be removed immediately from any and all circulation," wrote Lisette Mariner, executive director of the Florida Independent Automobile Dealers Association.

Mariner told me she got a call from the party Friday with a promise to halt the ad. But it continued to air over the weekend.

When I contacted the party Monday, spokeswoman Susan Hepworth emailed a one-line reply: "The ad is no longer running."

She did not explain why the ad had stopped.

The Florida Independent Automobile Dealers Association doesn't tend to get much statewide attention. It has not endorsed a candidate in the governor's race. Yet this episode is emerging as its moment in the spotlight this campaign season.

The association is using it to highlight the good things about the industry.

Automobile sales in Florida generate \$822.3 million a year in taxes, Mariner said.

"Used cars were definitely what helped us get through the recession," she continued.

The association's members subscribe to a code of ethics and volunteer in their communities.

For Compagno, selling

used cars represents a livelihood for her entire family. "We are the butt of jokes, and we get that," she said. By objecting to the Crist comparison, she's doing her part to change it.

Eve Samples is a columnist for Scripps Treasure Coast Newspapers. This column reflects her opinion. Contact her at 772-221-4217 or eve.samples@scripps.com.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Martin County Board of County Commissioners will conduct a public hearing on October 7, 2014, to consider the revision of an ordinance related to fertilizer use and application. The hearing will be conducted beginning at 9:00 AM, or as soon thereafter as the following item may be heard.

The title of the proposed ordinance is:

AN ORDINANCE OF MARTIN COUNTY, FLORIDA AMENDING CHAPTER 67, ARTICLE 14. FERTILIZER USE, GENERAL ORDINANCES, MARTIN COUNTY CODE, PERTAINING TO BEST MANAGEMENT PRACTICES FOR HOMEOWNERS/TENANTS, COMMERCIAL BUSINESSES AND INSTITUTIONAL APPLICATORS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be sent to: Dianne Hughes, Senior Ecosystem Specialist, 2401 SE Monterey Road, Stuart, Florida, 34996, or dhughes@martin.fl.us. Copies of the items will be available from the Engineering Department, Ecosystem Restoration & Management Division. For more information, contact Ellen MacArthur at (772) 320-3037.

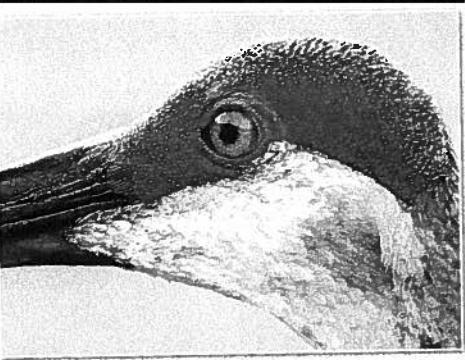
Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TDD device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

Felony Arrests

- Linda Walker, 34, 4700 block of Buchanan Drive, Fort Pierce; solicitation to sell a controlled substance.
- Tiffany Catlin, 24, 2300 block of Washington Street, Stuart; possession of a controlled substance, grand theft of a controlled substance.
- Kerry Morrissey, 46, 3200 block of Gran Via Way, Stuart; burglary.
- Joshua Relsch, 23, Lino Lakes, Minnesota; felony criminal mischief, petty theft.
- Vernon Burns, 40, West Palm Beach; sale of crack cocaine, possession of cocaine, possession of marijuana.
- Justin Nabesek, 18, 10700 block of U.S. 1, Hobe Sound; burglary.
- Eduardo Casillas, 18, 14400 block of Federal Highway, Hobe Sound; aggravated battery.
- Joshua Guerrero, 25, 15100 block of Tigertrail, Indiantown; robbery; grand theft.
- Matthew Munoz, 23, 15100 block of Yulha Street, Indiantown; robbery, grand theft, possession of drug equipment.
- Douglas Parks, 70, 11000 block of Federal Highway, Hobe Sound; armed burglary.
- David Matthews, 24, 2000 block of Van Klee Avenue, Port St. Lucie; possession of a controlled substance, petty theft.
- Ryan Powell, 37, 8900 block of Bobo Court, Hobe Sound; felony driving on a suspended license.
- Bradley Ervin, 27, 3800 block of Indian River Drive, Jensen Beach; aggravated battery, tampering with a witness, violation of a domestic injunction.
- Robert Gaudreau, 40, Palm Beach Gardens; felony petty theft.
- Summer Torrett, 20, 8600 block of Fairwinds Way, Hobe Sound; grand theft auto.
- Carol Langton, 41, 11000 block of Federal Highway, Hobe Sound; felony criminal mischief, battery, trespassing.

Reader Snapshot



Joan Eubank photographed this sandhill crane at Tropical Farms.

Submit your local calendar event or Reader Snapshot at TcPalm.com/submit. Reader Snapshots can also be seen at TcPalm.com/submit.

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