

**ORDINANCE OF THE CITY OF WEATHERBY LAKE
BANNING PHOSPHOROUS FERTILIZER WITH EXCEPTIONS**

I. RECITALS AND FINDINGS

WHEREAS the City of Weatherby Lake is authorized to regulate or prevent the manufacturing of articles obnoxious to the health of the inhabitants and to pass ordinances to secure the general health of the inhabitants of the city in accordance with §79.370 R.S. Mo, and

WHEREAS a group of Weatherby Lake citizens has presented overwhelming evidence of the rapid growth of filamentous algae in city waters, and

WHEREAS an unchecked growth of filamentous algae will eventually limit the exchange of oxygen between the water and the atmosphere and prevent photosynthesis from producing oxygen in the water, triggering fish kills and noxious odors, and

WHEREAS algae blooms could trigger bacteria colonies that are noxious to humans and wildlife, and

WHEREAS a significant contributing to the growth of filamentous algae in city waters is the oversaturation of phosphorous in lawns from the unnecessary application of fertilizer containing phosphorous, and

WHEREAS Chapter 235 should be added to the city code.:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WEATHERBY LAKE, MISSOURI AS FOLLOWS:

Effective January 1, 2025 Chapter 235 of the Municipal Ordinances of the City of Weatherby Lake Missouri is enacted which shall read as follows:

Chapter 235 Regulation of the Use and Application of Lawn Fertilizer

Section 235.010 Definitions

Lawn Fertilizer means any fertilizer, whether applied by property owner, renter, or commercial entity, intended for nonagricultural use, such as for lawns, parks, or cemeteries. **Lawn fertilizer** does not include fertilizer products intended primarily for gardens or indoor use.

Phosphorous is an organic chemical used in many commercially available lawn fertilizers and is also sometimes referred to as phosphate. For the purposes of this ordinance, any reference to phosphorous is also inclusive and applicable to lawn fertilizers containing phosphate.

Section 235.020 Regulation of the Use and Application of Lawn Fertilizer

- A. No person shall apply any lawn fertilizer within the city limits of Weatherby Lake that contains more than 0% phosphorous, except as provided in Chapter 235.040.
- B. No lawn fertilizer shall be applied when the ground is frozen.
- C. No person shall apply lawn fertilizer to any impervious surface including parking lots and roadways. If such an application occurs, the fertilizer must be immediately removed from those surfaces and either legally applied to turf or placed in an appropriate container.

Section 235.030 Registration of Commercial Entities to Apply Lawn Fertilizer Within City Limits

- A. No commercial entity is authorized to apply lawn fertilizer within city limits without first registering for and receiving a license from the city office.
- B. The registration fee for a commercial entity applying for a license is \$15.
- C. To receive a license, the commercial entity must acknowledge it understands and agrees to the requirements outlined in Chapter 235 and that any violation of those requirements is subject to a civil fine.

Section 235.040 Applying for an Exemption

- A. Any person may apply for a temporary exemption from 235.020 (A) as provided below.
- B. The application fee for an exemption is \$10.
- C. The city will grant an exemption upon payment of the application fee and a documented showing that:
 - a. It will be applied to newly established lawn areas during their first growing season, or
 - b. The lawn's underlying soil is rated low in phosphorous on a soil test report.
 - D. The exemption granted by the city will be valid for the remainder of the calendar year or a minimum of six months.

Section 235.050 Responsibility of Owner, Renter or Person in Control of Property.

- A. In addition to any other provisions of Chapter 235, it shall be unlawful for the owner, renter, or person in control of any property to agree to compensate or compensate in any way any person(s) or company who violate the provisions of Chapter 235 on property owned or rented by the owner, renter, or person in control of the property.

Section 235.060 Penalties

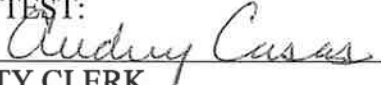
- A. Each violation of any provision of Chapter 235 is subject to the Penalties set forth in §100.230 of the Ordinances of the City of Weatherby lake Missouri.

PASSED THIS 10th DAY OF JULY 2024.



STEVE CLARK, MAYOR

ATTEST:



CITY CLERK

APPROVED THIS 10th DAY OF JULY 2024.



STEVE CLARK, MAYOR