

Glen Arbor Township  
PO Box 276  
Glen Arbor, MI 49636

**Glen Arbor Township**

**Ordinance No. 1-2010**

**Title: ORDINANCE TO BAN LAWN FERTILIZER CONTAINING PHOSPHORUS IN  
GLEN ARBOR TOWNSHIP**

**Adopted Date:** September 21, 2010

**Published Date:** October 7, 2010

**Effective Date:** November 1, 2010

**This Ordinance is adopted under the authority of MCLA 46.10b. and Township Ordinance Act 246**

**1. Purpose and Intent**

The lakes, rivers, and streams are environmental, economic, recreational, and cultural assets of the Glen Lake-Crystal River Watershed and contribute to the general health and welfare of the residents and visitors of Glen Arbor Township. The Glen Arbor Township Board finds that regulating the amount of nutrients and contaminants, and in particular the phosphorus contained in lawn fertilizer, from entering the lakes, rivers, and streams of Glen Arbor Township will improve and maintain the water quality of our lakes, rivers, and stream by reducing algae blooms and the excess growth and spread of other aquatic plants. With the introduction of zebra and quagga mussels into our lakes it is imperative to keep Phosphorus levels as low as possible. Phosphorus is the main nutrient that drives the eutrophication in most lakes. Healthy lawns can be maintained using phosphorus free fertilizers.

**2. Applicability**

This Ordinance applies to areas of Glen Arbor Township between the shoreline and 500 feet.

**3. Definitions**

**a. Fertilizer means a substance containing one or more recognized plant nutrients designed for use, or claim to have value in promoting plant growth.** Fertilizer does not include unmanipulated animal and vegetable compost, marl, lime, limestone, wood ashes and other materials exempted by MCL 324.850(1). It also means any fertilizer, whether

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applied by the property owner, renter or commercial entity, intended for nonagricultural use.

**b.** Lawn means any area of land covered primarily with grass and includes, but is not limited to, yards, playing fields, meadows, parks, golf course, and cemeteries.

**c.** Agriculture uses mean beekeeping, dairying, egg production, floriculture, fish or fur farming; forest/game management; grazing; livestock raising; orchards; plant greenhouse/nurseries; grain, grass, seed crop raising; raising fruits, nuts, berries, sod, and vegetables.

#### **4. Regulation of the Use and Application of Lawn Fertilizer** November 1, 2010

**a.** Effective November 21, 2010, no person shall apply any lawn fertilizer within Glen Arbor Township that is labeled as containing more than 0% phosphorus, except as provided in Section 5 of this Ordinance.

**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, roads, and sidewalks. If such application occurs, the fertilizer must be immediately removed from those surfaces.

#### **5. Exemptions**

The restrictions upon the use of lawn fertilizer under Section 4 of this Ordinance shall not apply to:

(a) Newly established turf or lawn areas during their first growing season.

(b) Turf or lawn areas that soil tests, performed within the past three years by Michigan State University Extension Service, confirm are below phosphorus levels established by the Michigan State University Extensions Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

(c) Agricultural uses.

#### **6. Enforcement**

This Ordinance will be enforced by a person(s) appointed by the township.

Any person who violates Section 4 in the application of lawn fertilizer at his/her residence shall be subject to a civil infraction penalty of \$150.00/violation.

Any commercial fertilizer applicator, residential/commercial/industrial developer, or other person who violates Section 4 shall be subject to a civil infraction penalty of \$150 for the first violation, \$300 for the second violation, and \$500 for the third and each subsequent violation and all costs, damages, expenses and actual attorneys fee incurred by Glen Arbor Township

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and/or the Leelanau Drain Commissioner's Office by enforcing this Ordinance and/or remedying the violation of this Ordinance. Each day that a violation occurs shall constitute a separate offense.

#### **7. Communication**

The Glen Arbor Township will take responsibility for notifying the public of the ordinance.

#### **8. Effective Date**

This Ordinance was approved and adopted by Glen Arbor Township Board on September 21, 2010 and shall be effective on November 1, 2010.

Bonnie Quick

September 21, 2010

Glen Arbor Township Clerk