

ORDINANCE NO. 2009-07

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA REGULATING THE USE OF FERTILIZER CONTAINING NITROGEN AND/OR PHOSPHORUS WITHIN THE CITY OF VENICE BY ADOPTING THE SARASOTA COUNTY FERTILIZER AND LANDSCAPE MANAGEMENT CODE AS CONTAINED IN SARASOTA COUNTY ORDINANCE NO. 2007-062 AND ALL AMENDMENTS THERETO; PROVIDING FOR ENFORCEMENT BY CITY CODE ENFORCEMENT OR CIVIL ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sarasota County has established the Sarasota County Fertilizer and Landscape Management Code by the adoption of Sarasota County Ordinance No. 2007-062; and

WHEREAS, Sarasota County Ordinance No. 2007-062 provides that a municipality may elect to make the Sarasota County Fertilizer and Landscape Management Code applicable within the municipality; and

WHEREAS, the Venice City Council believes that application of the Sarasota County Fertilizer and Landscape Management Code within the City will help improve and maintain water and habitat quality and otherwise promote the health, safety and welfare of the citizens of the City of Venice and Sarasota County; and

WHEREAS, Sarasota County currently does not have the budget resources to enforce the ordinance within the City; and

WHEREAS, the City will enforce the ordinance within the City limits until such time as the City and the County enter into an interlocal agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE VENICE CITY COUNCIL as follows:

SECTION 1. The Sarasota County Fertilizer and Landscape Management Code as contained in Sarasota County Ordinance No. 2007-062, and all amendments thereto, is hereby adopted and incorporated herein by reference and made applicable within the City.

SECTION 2. A violation of County Ordinance No. 2007-062 and any amendments thereto shall also be a violation of the City Code and a Civil Infraction. The City may enforce County Ordinance No. 2007-062 by use of the City Code Enforcement Procedures under Chapter 162, Florida Statutes, and City Code Sections 2-321 through 2-333. The following civil penalties are hereby imposed for Civil Infractions concerning the County Ordinance No. 2007-062 and amendments thereto:

Civil Infractions

	<u>Uncontested</u>	<u>Contested</u>
Warning	No Penalty	No Penalty
First Offense	\$100.00	\$200.00
Second Offense	\$300.00	\$425.00
Additional Offenses	\$500.00	\$650.00

SECTION 3. This Ordinance shall take effect immediately upon its adoption, provided, however, there shall be no enforcement or civil penalties during a one hundred eighty (180) day implementation period.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 23RD DAY OF JUNE, 2009.

First Reading: June 9, 2009
Final Reading: June 23, 2009

ADOPTION: June 23, 2009

ED MARTIN, Mayor

Attest:

City Clerk

I, LORI STELZER, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 23rd day of June, 2009, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of June, 2009.

LORI STELZER, City Clerk

Approved as to form:

City Attorney