



King County

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

March 17, 2009

Ordinance 16392

Proposed No. 2009-0153.1

Sponsors Patterson, Phillips, Constantine,
Hague and Ferguson

1 AN ORDINANCE related to fertilizers containing
2 phosphorus; and adding a new chapter to K.C.C. Title 9.

3

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Findings:

6 A. Research on lake water quality cites the contribution of excessive phosphorus
7 loading to the degradation of lake waters through the stimulation of algae and weed
8 growth, leading to oxygen depletion resulting from the decomposition of plant bodies;
9 and that such processes can play a role in potential eutrophication of water bodies.

10 B. Lawn fertilizers can contribute to phosphorus loading. Limits on turf fertilizer
11 containing phosphorus have been shown to reduce the discharge of phosphorus into the
12 state's ground and surface waters.

13 C. Turf fertilizers containing no or very low amounts of phosphorus are
14 available.

15 D. There is a body of experience in other jurisdictions regarding restrictions on
16 the use of lawn fertilizers containing phosphorus, which demonstrates that use limitations
17 can be successfully managed without substantially impacting user needs.

18 E. While there has been significant progress in addressing contributions of
19 phosphorus from laundry detergent and dishwashing detergent, further progress in
20 reducing phosphorus can be achieved by limiting contributions from turf fertilizer.

21 SECTION 2. It is the intent of the council that this ordinance significantly limit
22 the use of fertilizers on lawns containing the plant nutrient phosphorus.

23 SECTION 3. Sections 4 through 7 of this ordinance should constitute a new
24 chapter in K.C.C. Title 9.

25 NEW SECTION. SECTION 4. The definitions in this section apply throughout
26 this chapter unless the context clearly requires otherwise.

27 A. "Department" means the county department of natural resources and parks.

28 B. "Fertilizer" means any substance containing one or more recognized plant
29 nutrients, and that is either used for its plant nutrient content or is designated for use or
30 claimed to have value in promoting plant growth, or both. "Fertilizer" includes gypsum
31 and manipulated animal and vegetable manures. "Fertilizer" does not include:

32 1. Unmanipulated animal and vegetable manures and other products exempted
33 by the department by rule;

34 2. Calcium carbonate (lime) and anhydrous ammonia; and

35 3. Materials including, but not limited to, compost biosolids, municipal sewage
36 sludge or slow release fertilizer used in compliance with best practices developed by the
37 department of natural resources and parks, or products derived therefrom, that are
38 regulated under chapter 70.95 or 70.95J RCW, or rules adopted thereunder.

39 B. "Impervious surface" means a highway, street, sidewalk, parking lot, driveway
40 or other artificial surface that prevents infiltration of water into the soil.

41 C. "Turf" means noncrop land planted in closely mowed, managed grasses on
42 residential property. "Turf" does not include managed pasture, hayland, hay, turf grown
43 on turf farms, home or commercial vegetable production, horticultural beds, flower beds,
44 general landscaping or any other form of agricultural production.

45 NEW SECTION. SECTION 5.

46 A. Except as provided in subsection B. of this section, a person may not apply to
47 turf a fertilizer containing the plant nutrient phosphorus.

48 B. Subsection A. of this section does not apply when:

49 1. Soil test results or other certification by a turf specialist performed within
50 the three years previous to the application indicates that the level of available phosphorus
51 in the soil is insufficient to support healthy turf growth, and the test results or
52 certification, and the application rate, are consistent with best practice standards approved
53 by the county department of natural resources and parks. In developing the best practice
54 standards, the department shall seek input from the Washington State University turfgrass
55 specialists;

56 3. The property owner or an agent of the property owner is first establishing turf
57 via seed or sod procedures and only during the first calendar year;

58 4. The fertilizer containing the plant nutrient phosphorus is applied to a golf
59 course consistent with golf course management practices intended to minimize potential
60 for fertilizer runoff; or

61 5. Applying turf fertilizer for agricultural or horticultural uses.

62 C. The department of natural resources and parks shall adopt appropriate
63 standards and procedures for the purposes of subsection B.2. of this section.

64 NEW SECTION. SECTION 6. A person may not apply a fertilizer to an
65 impervious surface. Fertilizer released on an impervious surface must be immediately
66 contained and either legally applied to turf or another legal site or returned to the original
67 container or another appropriate container.

68 NEW SECTION. SECTION 7. The Department of Natural Resources and Parks
69 shall seek to identify opportunities for grant funding and partnerships to support a
70 consumer education and outreach effort, making use of existing outreach materials
71 produced by other entities to the extent possible. If the state Department of Agriculture
72 produces consumer information on application restrictions of fertilizer containing the
73 plant nutrient phosphorus or on the impacts of phosphorus on the waters of the region,
74 and on recommended best practices for turf fertilizer and other residential landscaping
75 uses, the department of natural resources and parks shall cooperate in the distribution of
76 the information, including making recommendations for appropriate locations or parties
77 to receive such information, as well as accommodating electronic links on its agency
78 website for any electronic information produced.

79 SECTION 8. The county council's KCTV television channel shall produce and
80 cablecast a program addressing the reason for the legislation, including the impacts of
81 phosphorus on lakes and streams, the provisions of the legislation, the availability of
82 nonphosphorus fertilizers and resources for further information. The program shall be
83 cablecast at least weekly in 2010. The department of natural resources and parks shall
84 undertake an outreach effort to cities within the county, informing them of this ordinance
85 and encouraging them to consider similar measures. The outreach shall include briefings

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86 to organizations representing cities, and to city legislative bodies and administrative
87 organizations.

88 SECTION 9. Sections 4 through 7 of this ordinance take effect January 1, 2011.

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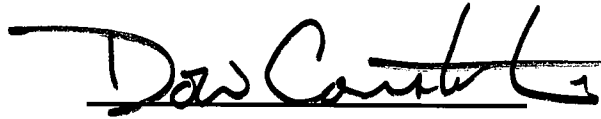
Ordinance 16392 was introduced on 3/2/2009 and passed by the Metropolitan King
County Council on 3/16/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von
Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 0

Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



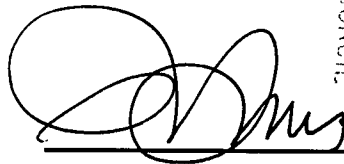
Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 31 day of MARCH, 2009.



Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments None