

"Person" means any individual, firm, corporation, franchise partnership, limited

liability company or any other entity.

"Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"Phosphorus" means a chemical element used as a plant nutrient.

"Plant nutrient" has the meaning specified under sec. 94.64(1)(p), Wis. Stats.

"Trace" means less than 0.5% by weight.

"Turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

- (3) It shall be unlawful for any person to apply within the City any lawn and turf fertilizer, liquid or granular, that contains more than a trace of phosphorus or other compound containing phosphorus, such as phosphate, firm or corporation to sell, give away or distribute in any manner, any fertilizer, soil or plant nutrient or herbicidal compound for lawn, shrub, tree or garden use without providing to the consumer at the time of sale an approved City of Madison informational sheet.
- (2) The information sheet shall contain the following information:
- (a) A statement that fertilizers, plant nutrients or herbicidal compounds lost through careless, improper or excessive application to lawns, shrubs, trees or gardens can contribute to lake and stream problems by promoting excessive growths of aquatic vegetation or otherwise be harmful to aquatic life.
 - (b) A listing of precautions that should be taken when applying fertilizers to lawns and gardens.
 - (c) A statement that soil tests are a practical way of telling whether fertilizers are needed and of determining what quantities should be applied in order to obtain maximum benefits and minimum fertilizer losses.
 - (d) Information relative to sources of instructions on methods of sampling lawns and gardens for soil testing.
 - (e) Information relative to the availability of public soil testing services.
 - (f) Information relative to where assistance might be obtained in interpreting soil test results.
 - (g) Other pertinent information that might result in limiting or decreasing the quantities of fertilizers and associated materials escaping to the lakes and streams through the storm water system.
 - (h) Subsection (1), Subsection (4) and Subsection (5) of the ordinance.
- (3) The informational sheet shall be prepared by the Madison Department of Public Health and reviewed and revised annually by the department and the Rivers and Lakes Commission and made available to concerned parties by January 1 of each year. The informational sheet shall be given to the consumer at the time of sale of any fertilizers, plant nutrients or herbicidal compounds.
- (4) It shall be unlawful for any person, firm or corporation to apply or use, deposit any fertilizer on an impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or any other lawful site, or returned to the original or other appropriate container, plant nutrient or herbicidal compound in such a manner as to cause deposition of such products on sidewalks, driveways or roadways where such products can be washed into the storm sewerage system without promptly cleaning such materials from said areas. The cleaning shall be done in such a manner so that the products are not washed into the storm sewer system.
- (5) The Public Health Department shall make available copies of Subsection (1) and Subsection (4) available for posting at the retail outlet. Time of Application. It shall be unlawful for a person to apply lawn and turf fertilizer when the ground is frozen or when conditions exist which promote or create runoff.