

## Sec. 8-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicator* means any person who applies, in any manner, fertilizer to turf or landscape plants within the city as defined in this article.

*Certification* means the process of completing the state-approved course and test as required in F.S. § 482.1562.

*Commercial fertilizer applicator*, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer and includes the employer of the applicator.

*Landscape architect* means an individual licensed by the state responsible for the preparation of landscaping plans and design.

*Lawn and landscape professional* means any person who engages in solicitation for the delivery of lawn, landscaping or lawn or landscaping maintenance services.

*Noncommercial applicator* means any person other than a commercial fertilizer applicator or institutional applicator who applies fertilizer on turf or landscape plants in the city, such as an individual owner of a single-family residential unit.

*Registration* is the process of applying to the city for recognition of appropriate certification to apply fertilizer within the city and receipt of a decal identifying the vehicles of the approved applicators.

(Ord. No. 16-02, § 3, 3-7-2016)

## Sec. 8-72. - Exemptions.

The registration requirement of this article shall not apply to the following:

- (1) Any individual noncommercial property owner engaging in lawn, landscaping or lawn or landscaping maintenance on one's own property;
- (2) Any landscape architects licensed by the state engaging in lawn or landscaping maintenance services;
- (3) Any individual or business entity, which possesses a license from the state to apply herbicides, pesticides, chemicals; or
- (4) Any individual or business entity possessing a valid specialty contractor's license from Collier County for the delivery of services such as landscaping, tree removal and trimming, and irrigation.

(Ord. No. 16-02, § 3, 3-7-2016)

## Sec. 8-73. - Regulated activities.

- (a) It shall be a violation of this Code to provide any lawn and landscaping maintenance and services in the city without first being certified and registered with the city as a lawn and landscape professional as provided herein.

- (b) Any lawn and landscaping maintenance and services, including fertilizer application, provided to the city by a lawn and landscape professional shall have at least one supervisor at each work site registered with the city as a lawn and landscape professional. In addition, all business entities under contract with the city shall have ten percent of their staff certified and registered with the city as a lawn and landscape professional within six months of entering into a contract with the city; and 50 percent of their staff certified by the city as a lawn and landscape professional within one year of entering into a contract with the city.
- (c) Any lawn and landscaping maintenance or services, including fertilizer application, provided by lawn and landscape professionals within the city shall have at least one supervisor certified and registered with the city as a lawn and landscape professional. These businesses shall provide at least one supervisor and/or crew leader per vehicle registered by the city as a lawn and landscape professional within one year of adoption. Any landscaping professional applying fertilizer is required to be state certified and city registered.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-74. - Certification application; contents.

- (a) *Training and licensing.*
  - (1) F.S. § 482.1562 contains language regarding the limited certification of urban landscape commercial fertilizer application. Fertilizer applicators, as certified under that section of state statute, shall have and carry in their possession at all times when applying fertilizer, evidence of that certification.
  - (2) The city also hereby requires lawn and landscape professionals, except as exempted above, to abide by and successfully complete the six-hour training program in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries offered by the Florida Department of Environmental Protection through the University of Florida Extension program (or approved equivalent), as well as local ordinance requirements, as amended.
- (b) *Lawn and landscape professional registration.* It shall be a violation of this article for lawn and landscape professionals, except as exempted above, to fertilize lawns or landscape plants without first being certified with the state and business registered with the city as provided herein.
  - (1) Any lawn, landscaping and landscape maintenance business that applies fertilizer shall register supervisors/crew leaders with the city.
  - (2) Lawn and landscape professionals registering with the city as such shall:
    - a. Attend and successfully complete the six-hour training program as described above.
    - b. Attend and successfully complete the three-hour annual refresher course (or approved equivalent) for renewal of registration.
    - c. Certification and registration shall be based on demonstrated ability, experience, and education in the following areas of competency:
      - 1. Effects of the environment from sediment, nutrients, and pesticides moving off-site through surface or ground water.

2. Site design and plant selection to enhance the natural environment.
  3. Rates and methods of applying fertilizer and irrigation that minimize negative environmental consequences.
  4. Utilization of integrated pest management to both minimize pests and decrease chemical applications.
- d. Illustrate an ability to apply his or her knowledge of the concepts identified herein by providing a written, detailed management plan that outlines maintenance activities to be carried out for specific locations.
  - e. Provide an initial application fee of \$50.00, which shall be used to defray the costs of the program. A fee of \$15.00 shall be charged to renew certification. The application fee may be amended by resolution of the city council as may be necessary.
- (3) The city shall provide any person who has satisfied the requirement set forth herein and paid the application fee, registration and a decal indicating the city considers that person to be a certified lawn and landscape maintenance professional.
  - (4) The registration program shall be managed and administered by the growth management department. However, the city manager or designee shall retain the authority to approve registration of any applicant for lawn and landscape registration.
  - (5) It shall be the responsibility of the landscape professional to complete required training and to register with the city.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-75. - Duration, renewal.

A registration issued under this article shall be valid for one year. Renewals for an additional one-year period may be granted, unless previously issued registrations are revoked as provided in this article. A maximum of two one-year renewals will be granted without submission of a new registration application and without payment of the applicable registration fee. However, prior to receiving a renewed registration, the applicant must update and make any necessary changes needed to the previously submitted application. Certification with the state must occur in compliance with state regulations.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-76. - Duty to carry, exhibit certification and receive appropriate permit.

- (a) *Identification.* Every registered lawn and landscaping professional shall carry his or her registration and photo identification at all times while engaged in lawn or landscaping maintenance work in the city.

The city-issued lawn and landscape professionals decal shall be displayed on every state-licensed motor vehicle used by a commercial fertilizer applicator or institutional applicator, and by lawn and landscape maintenance professionals when performing services within the city limits. One decal will be issued with each registration; each

additional decal will cost \$5.00. The decal shall be displayed prominently and in such a manner as not to be obstructed.

- (b) *Permitting.* All registered landscape professionals are required to obtain appropriate permits from the city.
- (1) A minimum of one business day prior to fertilizer application within the city, the registered professional must apply for an e-mail permit, free of charge, indicating the location, type of fertilizer and acknowledgement that a spreader deflector will be utilized.
  - (2) Codes enforcement may visit any site where fertilization is occurring and stop work if a permit was not received or if improper products or methods are being employed.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-77. - Revocation authorized; grounds.

Registration issued under this article may be revoked by the city manager or designee after notice and hearing for any of the following offenses:

- (1) Fraud, misrepresentation or a false statement in the application.
- (2) Fraud, misrepresentation or a false statement in the performance of lawn or landscaping maintenance services.
- (3) Violation of any condition, provision or qualification provided in the application.
- (4) Conviction, nolo contendere plea or forfeiture resulting from violation of any city, state or federal law involving theft, fraud, violence or moral turpitude.
- (5) Conducting business in an unlawful manner or in such manner as to threaten breach of the peace or menace to public health, safety or welfare.
- (6) Failure to comply with any provision of this article and applicable sections of chapter 18, environment, of this Code.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-78. - Notice of revocation.

- (a) Written notice of revocation of a registration issued under this article and the grounds therefor shall be mailed or delivered to a certified lawn and landscaping professional at the address specified in its application.
- (b) The public will be notified of revocation of any landscaping professional's registration through the monthly report to city council, on the city's website and a notification will be posted at City Hall.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-79. - Appeal.

Any person aggrieved by the denial of a registration or revocation of a registration shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city manager or designee, within 14 days after notice of the action complained of has been mailed or delivered to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city manager or designee shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant at least five days before the date of said hearing. The decision and order of the city council on such appeal shall be final.

(Ord. No. 16-02, § 3, 3-7-2016)

Sec. 8-80. - Penalties.

Any person or persons, firm or corporation, or any agent thereof, who violates any of the provisions of any section of this article shall be punished by revocation of any registration issued under this article, and other penalties as may be imposed by the code enforcement magistrate pursuant to state law or this Code.

(Ord. No. 16-02, § 3, 3-7-2016)

Secs. 8-81—8-99. - Reserved.