

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING MIAMI-DADE COUNTY TO ADOPT A COUNTYWIDE ORDINANCE FOR FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES FOR THE PROTECTION OF LOCAL SURFACE AND GROUNDWATER QUALITY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the water quality of Biscayne Bay, the Atlantic Ocean, and area water channels is critical to the health of the environment, the strength of the economy, and the health, safety, and welfare of the citizens of Town of Cutler Bay (the “Town”) and Miami-Dade County (the “County”); and

WHEREAS, currently, municipal and County stormwater systems discharge nutrients into Biscayne Bay from on-land activities such as the use of fertilizers; and

WHEREAS, Florida Statute § 403.9337 provides that each municipality and county located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Florida Statute § 403.067 shall adopt the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (the “Model Fertilizer Ordinance”), or similar legislation, as a mechanism for protecting local surface and groundwater quality; and

WHEREAS, the Florida Department of Environmental Protection has identified areas of Biscayne Bay as “impaired” as a result of excess nutrients under the Florida Impaired Waters Rule set forth in Chapter 62-303 of the Florida Administrative Code; and

WHEREAS, the Town has comprehensively studied and is in the process of revising the standards in Chapter 14, “Environmental Protection,” of the Town Code of Ordinances by creating, among other things, Article III, “Fertilizer Use,” to address environmental concerns and ensure sustainability and resiliency for the Town’s residents and future generations; and

WHEREAS, Countywide restrictions on fertilizer use would yield a positive regional impact in reducing the volume of nutrients discharged and improving water quality throughout the entire Biscayne Bay watershed; and

WHEREAS, the Town Council urges the County to implement minimum standards applicable to the incorporated and unincorporated areas of the County for the proper use and application of fertilizers by adopting a Florida-Friendly Fertilizer Ordinance, which would allow municipalities to implement more stringent, restrictive measures, if permitted by state law, in an effort to reduce pollution of our water bodies and protect local surface and groundwater quality; and

WHEREAS, the Town finds that this Resolution will promote the health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Urging. The Town Council urges the County to implement minimum standards applicable to the incorporated and unincorporated areas of the County for the proper use and application of fertilizers by adopting a Florida-Friendly Fertilizer Ordinance, which would allow municipalities to implement more stringent, restrictive measures, if permitted by state law, in an effort to reduce pollution of our water bodies and protect local surface and groundwater quality.

Section 3. Transmittal. The Town Clerk is hereby directed to transmit a copy of this Resolution to the County Mayor and Board of County Commissioners.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of May, 2020.

Attest:

TIM MEERBOTT
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____