



Memo

City Manager's Office

*Caring People
Quality Programs
Exceptional Service*

TO: Mayor and City Council

FROM: Steven L. Schainker, City Manager

DATE: December 16, 2008

SUBJECT: Prohibiting Fertilizer on Hard Surfaces (Sidewalks and Driveways)

Cory Mellies from our Public Works Department has researched a suggestion made by a constituent. This citizen suggested to you that we create an ordinance prohibiting the placement of fertilizer on sidewalks and driveways.

Corey has informed me that he could not identify any city in Iowa that had adopted an ordinance banning the use of phosphorous in any location. In talking to Pat Sauer, our storm water protection expert, she explained that Iowa law prohibits banning phosphorous and, therefore, there is no such ordinance in Iowa. Pat's recommended approach is to meet with lawn care companies to discuss pollution prevention, implement our new "P-Free" ad campaign, and continue our Smart Watershed Program.

In discussing this issue with our Legal Department, it was suggested that we could attempt to accomplish the stated objective of the citizen by relying on the proposed "illicit discharge" ordinance. However, in order to do this we must prove that the application of fertilizer caused or contributed to a violation of the water quality standards. As pointed out by the Legal staff, this will not be easy. The challenge is in gathering clear evidence to show the cause is a specific source, and who placed that pollutant.