

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA;  
ADDING A NEW SECTION 58-368 GOVERNING FERTILIZER USE  
WITHIN THE CITY; ADOPTING THE ORANGE COUNTY  
REGULATIONS PERTAINING TO FERTILIZER USE AND  
AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF  
WITHIN THE CITY; PROVIDING FOR CODIFICATION,  
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Winter Park City Code currently contains no comprehensive regulations pertaining to fertilizer use within the City; and

**WHEREAS**, the City finds that it is in the best interests of the health, safety, and welfare of the residents of Winter Park and the general public that the City adopt and authorize enforcement of the fertilizer regulations contained within the Orange County Code, Chapter 15, Article XVII, within the boundaries of the City; and

**WHEREAS**, a copy of the Orange County Code, Chapter 15, Article XVII is attached hereto as Exhibit "A."

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:**

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amendment.** Chapter 58, Article V, Division 11 of the City Code is hereby amended to add a new Section 58-368 thereof, as follows:

Sec. 58-368. – Fertilizer Regulations. Chapter 15, Article XVII of the Orange County Code governing fertilizer use shall apply within the boundaries of the City. Orange County and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the City. The City and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the City using any enforcement mechanism available under the City Code, County Code, or by law.

**SECTION 3. Codification.** This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 6. Effective date.** This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**FIRST READING:** \_\_\_\_\_, 2019

**SECOND READING:** \_\_\_\_\_, 2019

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION  
CITY OF WINTER PARK

\_\_\_\_\_  
Steve Leary, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Cynthia Bonham, City Clerk