

TOWN OF [TOWN] BOARD OF HEALTH REGULATIONS
Board of Health Regulation, Section [##]

THE CONTENT AND APPLICATION OF FERTILIZER FOR TURF
ON MARTHA’S VINEYARD, TOWN OF [TOWN]

SECTION 1. FINDINGS

1.1 This Section details the public health and ecological foundations for the regulation of the use of fertilizer on turf in [Town].

1.2 In appropriate concentrations, nitrogen in the form of oxides plays a critical role in the nitrogen cycle and is essential to life. In excess, these forms of nitrogen represent an environmental pollutant that has the potential to harm our water resources, and ultimately damage human health. Excessive amounts of nitrogen, as well as phosphorus, contribute to undesirable algal and aquatic plant growth, and degrade the water used for drinking and shellfishing as well as swimming and boating.

1.3 Algal blooms cause our ponds and harbors to become increasingly anaerobic, with seabeds robbed of oxygen and devoid of aquatic life, and cloudy water columns filled with dense algal and aquatic plant growth. The algal bloom brings with it human health risks. Depending on the type, quantity and route of exposure, symptoms from algae blooms vary from skin and eye irritations to gastrointestinal and asthma-like symptoms, with children and pets being particularly susceptible.

1.4 [Town]’s groundwater is also at risk from nitrogen infiltration. Rising nitrogen levels in our Island ponds are caused in major part by rising nitrogen content in our groundwater. The groundwater/aquifer underlying [Town] is the source of its existing and future drinking water supply and should be preserved and protected from excess nitrate infiltration. Ingested nitrates are converted by the body into nitrites, which are capable of converting hemoglobin into an oxidized form that does not bind tightly to blood oxygen. Infants, young children, pregnant women and some people with compromised immune systems who drink water in excess of established Safe Drinking Water Standards are particularly vulnerable and may become seriously ill if untreated. The Island’s municipal and well water supply is an outstanding asset, one that is safe now and should be protected going forward.

1.5 The Island of Martha’s Vineyard in its entirety has significant amounts of glacially deposited coarse, sandy soils that are subject to rapid water infiltration, percolation, and leaching of nutrients into its groundwater that flow ultimately into the Island’s harbors, embayments, salt ponds and coastal resources, including the water and wetland resources of [Town]. Additionally, soils associated with terminal moraine and glacial till contribute to rapid runoff into streams feeding coastal water bodies. These unique geologic, topographic and hydrographic characteristics require innovative soil management practices. The adoption of specific turf and soil fertilization requirements across the

46 Island, including [Town], is necessary to protect the water and wetland resources of the
47 Island, including [Town]'s.

48

49 1.6 The six towns comprising Martha's Vineyard have engaged the Massachusetts
50 Estuaries Project ('Estuaries Project') to undertake analyses of many of the harbors,
51 embayments, salt ponds and coastal resources in the Island towns and to prepare reports
52 detailing the nutrient loading from multiple sources, including fertilizers. The Estuaries
53 Project considers fertilizers a locally controllable source of water degradation. This is
54 very significant as it is anticipated that the State will require all Massachusetts towns to
55 bring the nutrient levels of their coastal ponds, harbors and other water resources to
56 within recognized acceptable water quality standards established in the federal Clean
57 Water Act.

58

59 1.7 As of the date of the enactment of this Regulation, Estuaries Project reports have been
60 completed for Edgartown Great Pond, Farm Pond, Lagoon Pond, Sengekontacket Pond
61 and Tisbury Great Pond. In addition, the Massachusetts Department of Environmental
62 Protection has established the maximum amount of a pollutant that four of these ponds
63 can receive and still safely meet water quality standards (known as "Total Maximum
64 Daily Loads" or "TMDLs"). (TMDLs for Tisbury Great Pond are under consideration as
65 of the date of the enactment of this Regulation.) Similar studies are currently underway
66 for Cape Pogue, Chilmark Pond, Katama Bay, Menemsha Pond, Oak Bluffs Harbor,
67 Oyster Pond, Pocha Pond, Squibnocket Pond and Tashmoo Pond. In due course, TMDLs
68 will be established for all of these participating water bodies.

69

70 1.8 Of the fourteen coastal ponds and harbors participating in the Estuaries Project, eight
71 have watersheds that encompass portions of more than one town, suggesting that an
72 Island-wide, coordinated approach is necessary for effective management of water
73 quality in these ponds.

74

75 1.9 The responsible application of fertilizers rests not only with property owners, but also
76 with professional landscapers whose work takes them across the Island without regard to
77 town or watershed boundaries. Coordinated regulation of fertilizers across the Island will
78 facilitate the educational process for landscapers and will avoid confusion that might
79 arise if fertilizer regulations were materially different from town to town.

80

81 1.10 The [Town] Board of Health, recognizing that excessive use of fertilizers is part of
82 the overall problem of nutrient pollution, promulgates this Regulation regarding the use
83 of fertilizer on turf. As a parallel effort, the BMPs Working Group has assisted the Island
84 town Boards of Health in drafting the *Best Management Practices for Landscape
85 Fertilizer Use on Martha's Vineyard*, which is based on the *UMass Amherst Extensions'
86 Best Management Practices for Soil and Nutrient Management in Turf Systems*, both of
87 which from time to time may undergo changes in response to scientific research.

88

89 1.11 The practices and standards set out herein are deemed necessary to protect the public
90 health, including the maintenance of drinking water quality and the preservation of our
91 water and wetland resources. They also represent an early step in achieving compliance
92 with applicable water quality standards. This Regulation is intended to allow our Island's

93 waters to be both sustainable and sustaining, while affording reasonable use of fertilizers
94 for the enhancement of lawn quality.

95
96 1.12 It is anticipated that compliance with this Regulation will be achieved primarily as a
97 community responsibility and as consequence of the adoption of a common standard of
98 turf care in respect of both the sale and application of Fertilizer. This regulation provides
99 for educational initiatives to enable this process to occur. To supplement these
100 community-based activities, this Regulation also provides for an enforcement process
101 applicable to those who apply Fertilizer in violation of the standards set out in this
102 Regulation.

103
104 **SECTION 2. PURPOSE**

105
106 This Regulation provides for a reduction of nitrogen and phosphorus going into [Town]’s
107 Water Resources by means of an organized system of education, licensure, regulation of
108 practice, and enforcement. The Regulation is intended to contribute to [Town]’s ability
109 to protect, maintain, and ultimately improve the water quality in all its Water Resources
110 and assist in achieving compliance with any applicable water quality standards relating to
111 controllable nitrogen and phosphorus.

112
113 **SECTION 3. AUTHORITY**

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115 This Regulation is adopted by the [Town] Board of Health as authorized by
116 Massachusetts General Laws, Chapter 111, Section 31 and is further authorized pursuant
117 to the Fertilizer Management District of Critical Planning Concern designation, [detail
118 authority], and by section 9 of Chapter 262 of the Acts of 2012, as amended.

119
120 **SECTION 4. DEFINITIONS**

121
122 For the purposes of this Regulation, the following words shall have the following
123 meanings unless the context clearly indicates a different meaning:

124
125 "Agriculture" means farming in all of its branches and the cultivation and tillage of the
126 Soil, the production, cultivation, growing, and harvesting of any agricultural, floricultural
127 or horticultural commodities. For the purposes of this Regulation, agriculture means
128 production for commercial sale.

129
130 "Application Fee" means a fee in the amount of \$100.

131
132 "Best Management Practices for Landscape Fertilizer Use on Martha’s Vineyard" or
133 "Martha’s Vineyard BMPs", means a sequence of activities designed to minimize
134 Fertilizer use while also promoting healthy vegetative growth, as prepared by a working
135 group of Island landscape professionals, golf course superintendents, Health Agents,
136 landscape retailers, and conservationists.

137

138 "Board of Health" means the [Town] Board of Health whose members are elected by the
139 voters of [Town] to oversee public and environmental practices through the actions of its
140 Health Department.

141
142 "Buffer Zone" means the area abutting a Resource Area within which no alteration (as
143 that term is defined in Commonwealth's Wetland Protection Act or the [Town] Wetland
144 Protect Bylaws and Regulations) is permitted without an Order of Conditions or a
145 Negative Determination from the [Town] Conservation Commission.

146
147 "Compost Tea" means a liquid infusion of Organic Compost but, for the purposes of this
148 Regulation, is not considered a Slow Release Fertilizer.

149
150 "Fertilizer" means a substance that enriches the Turf or Soil with elements essential for
151 plant growth, such as nitrogen, phosphorus, or other substances. Fertilizer also includes
152 'combination products', sometimes referred to as 'weed and feed', which contain
153 Fertilizer in combination with pre- or post-emergence herbicides, insecticides, other
154 pesticides or plant growth regulators. Fertilizer does not include those substances that are
155 normally excluded from Fertilizer such as dolomite, limestone, or lime.

156
157 "Golf Course" means the managed (i.e. mowed and fertilized) Turf at each of
158 Chappaquiddick Golf Club, Farm Neck Golf Club, Edgartown Golf Club, Mink
159 Meadows Golf Club, and Vineyard Golf Club.

160
161 "Health Agent" means the individual who has direct oversight of the daily activities of
162 the Board of Health.

163
164 "Horticulture" is a general term meaning plant science and plant products. For the
165 purposes of this Regulation, horticulture means the raising of flowers, fruits, vegetables,
166 berries, herbs, nuts, and other similar products for commercial sale.

167
168 "Impervious Surface" means a surface that has been compacted or covered with a layer of
169 material so that it is highly resistant to infiltration by water, but does not include
170 compacted areas on athletic fields, such as baseball infields, and intensely trafficked Turf.

171
172 "Landscape Professional" means a person, either as a sole proprietor or as an employee of
173 a company or a municipality, who in exchange for money, goods, services, or other
174 consideration applies Fertilizer to Turf. A Landscape Professional includes Turf
175 management staff at a Golf Course.

176
177 "License" means that documentation issued by [Town] authorizing the individual or
178 commercial entity holder to apply Fertilizer in [Town].

179
180 "Licensee" means a Landscape Professional who has a valid License.

181
182 "Liquid Fertilizer" means a form of Fertilizer which typically is sprayed directly onto a
183 plant.

184

185 “Martha’s Vineyard Lawn Fertilizer Working Group” means the group of individuals
186 from the six Island towns, including landscape professionals, golf course superintendents,
187 Conservation Commissioners, Selectmen, Board of Health Commissioners and Health
188 Agents, and Martha’s Vineyard Commission members, who met and consulted with
189 members of the public representing these and other constituencies to draft this
190 Regulation.

191
192 "Organic Compost" is a Slow Release form of Fertilizer comprised of the biologically
193 stable, non-pelletized, humus-like material derived from composting or the aerobic,
194 thermophilic decomposition of organic matter.

195
196 “Participating Town” means an Island town that has voted to adopt regulations governing
197 the use of Fertilizer that are substantially similar to this Regulation.

198
199 “Property Owner” means the owner of record of the Turf or Soil to which Fertilizer is
200 applied (and, for the avoidance of doubt, includes [Town]).

201
202 “Relevant Employee” means a person engaged (as an employee, agent, contractor or
203 otherwise) by a Landscape Professional who applies Fertilizer to Turf or Soil.

204
205 “Resource Area” means an area subject to protection under the Commonwealth’s
206 Wetland Protection Act or the [Town] Wetland Protection By-Laws or Regulations.

207
208 "Slow Release" in relation to nitrogen, means nitrogen in a form that delays its
209 availability for uptake and use after application, and is not rapidly available to Turf.
210 Slow Release is also sometimes referred to as ‘controlled-release’, ‘timed-release’ or
211 ‘slowly soluble/available’. This definition expressly excludes nitrate salts and urea.

212
213 "Soil" means the upper-most layer of the earth's surface, comprised of mineral and
214 organic matter, which can host biological communities.

215
216 "Soil Test" means a technical analysis of Soil conducted by a Soil testing laboratory that
217 measures extractable nutrient values using a Modified Morgan soil testing procedure and
218 making recommendations based on values as determined by the University of
219 Massachusetts Extension Soil and Plant Tissue Testing Lab.

220
221 "[Town]" encompasses the land and water of the Town of [Town] on the island of
222 Martha’s Vineyard, County of Dukes County.

223
224 “Turf” means grass-covered Soil held together by the root system, and includes turf used
225 for sports and recreational activities as well as for lawns and utility areas.

226
227 "Water Resource" includes, without limitation, groundwater, streams, including
228 intermittent streams, creeks, rivers, freshwater and tidal wetlands, ponds, lakes, marine
229 waters, canals, lagoons, embayments, estuaries and all waters defined in Massachusetts
230 General Laws, Chapter 131, Section 40 and the [Town] Wetland By-Laws or
231 Regulations.

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SECTION 5. TURF PERFORMANCE STANDARDS

5.1 General Turf Performance Standards

5.1.1 No person shall apply Fertilizer between November 15th and the following April 15th.

5.1.2 No person shall apply Fertilizer to Turf or Soil immediately before or during heavy rainfall when the Lawn or Soil is likely to be saturated with water, when the Turf or Soil has the characteristics of an Impervious Surface or when they are showing signs of stress due to drought, or any other time when the Fertilizer is unlikely to be taken up by the Turf root structure.

5.1.3 No person shall apply or deposit Fertilizer on any Impervious Surface or on any place or in such a manner as would allow the Fertilizer to enter into storm drains or other storm flowage receptacles and/or channels. If a person inadvertently applies or deposits Fertilizer to an Impervious Surface by spill or otherwise, or applies or deposits Fertilizer as prohibited in this section, that person must immediately remove the Fertilizer.

5.1.4 No person shall apply Fertilizer containing more than 0.5 pounds of nitrogen per 1000 square feet of Turf *per application*, provided, however, that a single application of Fertilizer between April 15 and June 1 and a single application of Fertilizer in September may contain up to .75 pounds of nitrogen per 1000 square feet of Turf. Cumulative applications of Fertilizer must not exceed 3.0 pounds of nitrogen per 1000 square feet of Turf per year. Fertilizer shall not be applied within 4 weeks of a prior application. For the purposes of this Regulation, Fertilizer applied by all persons to the same Turf will be aggregated.

5.1.5 No person shall apply Fertilizer unless it contains at least 50% of its nitrogen in the Slow Release form. Compost Tea and Liquid Fertilizer are exempt from this standard, provided that no single application exceeds 0.1 pounds of nitrogen per 1000 square feet over a 4-week period.

5.1.6 No person shall apply Fertilizer that contains phosphorus, unless a Soil Test taken within the prior 3 years indicates a phosphorus deficiency of less than 14 ppm, in which case the phosphorus application shall be limited to the quantity specified in the test results. A Soil Test is not required for the application of:

- (a) Organic Compost;
- (b) specially labeled ‘starter’ Fertilizer products intended for use in establishing Turf or in repairing damaged Turf when applied in conjunction with Turf seed;
- (c) Compost Tea; and

279 (d) pelletized organic Fertilizer whose phosphate content by weight is no greater
280 than 25% of its nitrogen content by weight.
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5.2 Fertilizer in the Buffer Zone

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284 5.2.1 The Turf performance standards set out in Sections 5 (not including Section
285 5.1.4) apply to the Buffer Zone, except as modified in this Section 5.2.
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288 5.2.2 No Fertilizer may be applied in the 10-foot wide strip running parallel and
289 immediately adjacent to a Resource Area. In the remainder of the Buffer Zone, no
290 person shall apply Fertilizer containing more than 0.25 pounds of nitrogen per 1000
291 square feet of Turf *per application*, with cumulative applications not to exceed an
292 annual maximum of 0.5 pounds of nitrogen per 1000 square feet of Turf, except that
293 where there is a continuous 25-foot wide strip of Fertilizer-free, non-Turf vegetation
294 running parallel to the Resource Area, Fertilizer may be applied to the area beyond
295 the 25 foot strip to an annual maximum of 1.0 pound of nitrogen per 1000 square
296 feet of Turf.

297

298 5.2.3 No person shall apply Fertilizer that contains phosphorus in the Buffer Zone,
299 unless a Soil Test taken within the prior 3 years indicates a phosphorus deficiency of
300 less than 14 ppm, in which case the phosphorus shall be limited to the quantity
301 specified in the test results.

302

5.3 Fertilizer on Golf Courses

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304 5.3.1 The performance standards set out in Section 5 (not including Section 5.1.6)
305 apply to Fertilizer applied on Golf Courses except as modified in this Section 5.3.
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308 5.3.2 Applications of Fertilizer to Golf Courses shall not be made between
309 December 15 and the following April 15th.

310

311 5.3.3 Liquid Fertilizer may not be applied more often than biweekly, provided that
312 it is applied at a rate not to exceed 0.1 pound of nitrogen per 1000 sq. ft. per
313 application.

314

315 5.3.4 The performance standards set out in Section 5.2.2 do not apply to putting
316 greens and tee boxes in the Buffer Zone in existence at the effective date of this
317 Regulation.

318

5.4 Exemptions: The following activities are exempt from Section 5:

319

320 5.4.1 Application of Fertilizer to home vegetable and flower gardens, landscape
321 ornamentals, shrubs, trees, bushes, and container plants.
322

323

324 5.4.2 Application of Fertilizer for Agricultural or Horticultural use.

325 5.5 **Precedence:** To the extent that the Commonwealth of Massachusetts or [Town] has
326 enacted, enacts, or issues any law, regulation, bylaw, order or permit concerning the
327 application of Fertilizer containing phosphorus or nitrogen on Turf or Soil which is more
328 stringent than the performance standards set in this Section 5, those more stringent
329 standards take precedence.
330

331 **SECTION 6. EDUCATION, LICENSURE AND ADMINISTRATION**

332
333 **6.1 Education and Assessment**

334
335 6.1.1 The Board of Health shall:

336
337 (a) maintain and offer for a fee a general program of Fertilizer education for
338 Property Owners and Landscape Professionals that is based on this Regulation
339 and the Martha’s Vineyard BMPs; and

340
341 (b) administer an assessment to determine a Professional Landscaper’s or a
342 Property Owner’s proficiency with respect to this Regulation and the Martha’s
343 Vineyard BMPs following completion of the general education program.
344

345 6.1.2 The Board of Health shall make available to the public, including Property
346 Owners, Landscape Professionals and Fertilizer retailers a summary of the Section 5
347 performance standards, as well as a copy of this Regulation, as amended from time
348 to time.
349

350 **6.2 Licensure**

351
352 6.2.1 No Landscape Professional shall apply Fertilizer in [Town] without a License
353 issued by the Board of Health in accordance with this Regulation.
354

355 6.2.2 Subject to Section 6.2.3, an application for a License shall be accompanied by
356 the Application Fee and documentation that the applicant has both completed the
357 general program of Fertilizer education referred to in Section 6.1.1(a) and achieved
358 proficiency as set forth in Section 6.1.1(b).
359

360 6.2.3 Upon issuance of a License to an applicant, [Town] shall forward a “Notice of
361 Issuance of Fertilizer License” to each other Participating Town nominated by the
362 Applicant.
363

364 6.2.4 When [Town] receives a “Notice of Issuance of Fertilizer License” from any
365 Participating Town, the Board of Health shall issue and mail (or email or otherwise
366 forward) a License to the applicant. The payment of a fee and the production of
367 additional documentation shall not be required.
368

369 6.2.5 A License shall indicate the License number and expiration date and shall be
370 signed by the Licensee.
371

372 6.2.6 Licenses shall be effective on issue and shall continue in effect for three
373 calendar years, expiring on the third December 31 after being issued.

374
375 6.2.7 Licenses may be renewed on application. Applicants for renewal must provide
376 documentation of either re-completion of the general program of Fertilizer education
377 or proficiency, as set out in Section 6.1.1, and pay the Application Fee.

378
379 6.2.8 A Landscape Professional licensed under this Regulation shall keep his/her
380 License in their possession and shall display the License when requested to do so by
381 any [Town] enforcement officer.

382
383 6.2.9 A Relevant Employee does not need to obtain a License, provided his/her
384 employer maintains a ratio of not less than 1 Licensee to 8 non-Licensed Relevant
385 Employees (the License held by the employer/owner being included for this
386 purpose) and:

387
388 (a) the employer has provided the Relevant Employee with training sufficient
389 to ensure that the employee fully understands this Regulation and the
390 Martha’s Vineyard BMPs;

391
392 (b) the Relevant Employee has demonstrated proficiency with respect to this
393 Regulation and the Martha’s Vineyard BMPs in accordance with an
394 assessment tool provided by the Board of Health and administered by the
395 employer;

396
397 (c) the employer provides supervision appropriate to ensure that the Relevant
398 Employee complies with this Regulation; and

399
400 (d) the employer retains documentation sufficient to establish compliance
401 with subsections (a), (b) and (c).

402
403 These requirements set out in (a) and (b) above must be complied with not less often
404 than every three years and within 6 months after any material amendments to this
405 Regulation for each Relevant Employee.

406
407 **6.3 Services to be Performed by a Third Party:** The Board of Health may appoint
408 from time to time a third party to perform on its behalf the responsibilities and services
409 set out above in Sections 6.1 and 6.2.

410
411 **6.4 Liability**

412
413 6.4.1 A Property Owner is liable for violations of this Regulation by a Landscape
414 Professional or its Relevant Employees, including applying Fertilizer without a
415 License, provided that the Property Owner knew or should reasonably have known
416 that a violation would occur.

417

418 6.4.2 A Landscape Professional is liable for violations of this Regulation by its
419 Relevant Employees.

420
421 6.4.3 Notwithstanding Sections 6.4.1 and 6.4.2, any person who applies Fertilizer in
422 violation of this Regulation may be held liable.
423

424 **6.5 Enforcement**

425
426 6.5.1 The Health Agent and the Board of Health may enforce this Regulation or
427 enjoin violations thereof through any lawful process, and the election of one remedy
428 by the Board of Health shall not preclude enforcement through any other lawful
429 means.
430

431 6.5.2 Subject to Section 6.5.3, a person who violates any provision of this Regulation
432 is subject to:

433 (a) in the case of a first violation within a consecutive 36-month period, a
434 written warning;
435

436 (b) in the case of a second violation within a consecutive 36-month period, a
437 fine in the amount of \$50.00;
438

439 (c) in the case of three or more violations within a consecutive 36-month
440 period, a fine in an amount of \$300.00 per violation, unless the Town
441 proceeds by criminal complaint or indictment under Section 6.5.6, in which
442 case the maximum fine for the third and subsequent violations is provided
443 therein; and
444

445 (d) in the case of a Licensee (or a Relevant Employee), and subject to the
446 notice and hearing provisions of Section 6.5.4, suspension of the License (or
447 that of his/her employer, as the case may be) for 180 consecutive days or
448 revocation of that License.
449

450
451 6.5.3 A Licensed Professional who applies Fertilizer without having a valid License
452 is subject to:

453 (a) in the case of a first violation within a consecutive 36-month period, a
454 written warning;
455

456 (b) in the case of two or more violations within a consecutive 36-month
457 period, a fine in the amount of \$300.00 unless the Town proceeds by criminal
458 complaint or indictment under Section 6.5.6, in which case the maximum fine
459 for the second and subsequent violations is provided therein.
460

461
462 6.5.4 The Board of Health may suspend or revoke a License issued pursuant to this
463 Regulation or any other applicable law. Such revocation or suspension may only

464 take place after a hearing held by the Board of Health of which the Licensee shall be
 465 given seven (7) days written notice. Such notice shall be deemed given upon
 466 certified return receipt mailing same to the address listed on the License application.
 467

468 6.5.5 The Board of Health is authorized to penalize any person who violates these
 469 regulations by issuing a ticket under the noncriminal disposition process provided
 470 for in Massachusetts General Laws Chapter 40, Section 21D, and the Town's
 471 noncriminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5 and 1-6 of the Code of
 472 the Town of [Town]. If noncriminal disposition is elected, then any person who
 473 violates any provision of this Regulation shall be subject to the penalties provided in
 474 Sections 6.5.2 and 6.5.3, as applicable, per violation or, in the case of a continuing
 475 violation, per day for each day of violation. Each day or portion thereof shall
 476 constitute a separate offense. If there is more than one violation, each shall constitute
 477 a separate offense.
 478

479 6.5.6 A person who violates any provision of this Regulation may be penalized by
 480 indictment or on complaint brought in the district court. Except as may be otherwise
 481 provided by law, the maximum penalty for each violation or offense shall be one
 482 thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate
 483 offense. If there is more than one violation, each shall constitute a separate offense.
 484

485 **SECTION 7. SEVERABILITY CLAUSE**

486
 487 If any section, part or provision of this Regulation is deemed invalid or unconstitutional
 488 by a court of competent jurisdiction, that decision shall not affect the validity of the
 489 remaining terms of this Regulation as a whole or any part thereof, other than the section,
 490 part or provision held invalid or unconstitutional.
 491

492 **SECTION 8. AMENDMENTS**

493
 494 8.1 This Regulation was developed by a broad group of stakeholders representing diverse
 495 interests and has been reviewed by soil and turf scientists and educators. Therefore,
 496 notwithstanding the requirements of G.L. c. 111, §31, no amendment to this Regulation
 497 shall be adopted until such time as the Board of Health shall hold a public hearing
 498 thereon, notice of the time, place and subject matter of which, sufficient for
 499 identification, shall be given by publishing in a newspaper of general circulation in the
 500 Town and County once in each of two successive weeks, the first publication to be not
 501 less than fourteen days prior to the date set for such hearing. No such amendment shall be
 502 effective unless the proposed amendment has been reviewed and commented upon by soil
 503 and turf scientists and educators and it is passed by the Board of Health.
 504

505 8.2 Further, since these Regulations are also under Chapter 831 of the Acts of 1977, as
 506 amended, any amendments to the Regulations shall first be approved by the Martha's
 507 Vineyard Commission, as conforming to the guidelines for the Fertilizer Management
 508 District of Critical Planning Concern.
 509

510 **SECTION 9. EFFECTIVE DATE**

511

512 This Regulation shall take effect on January 1st 2015 and upon publication pursuant to
513 G.L. c. 111, §31.

514

515 **SECTION 10. INTERIM PROVISIONS**

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517 Landscape Professionals may apply Fertilizer without a license during the interim period
518 between the effective date of this Regulation and the development of a licensing program
519 by the Board of Health, provided that they comply with Section 5 of this Regulation.