



## Board of Aldermen Request for Action

**MEETING DATE:** 12/3/2024

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Bill No. 3046-24, Amending Section 705.140 of the Code of Ordinances – 2nd Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3046-24, amending Section 705.140 of the Code of Ordinances of the City of Smithville concerning lead in water systems. Second reading, by title only.

**SUMMARY:**

The proposed ordinance would correct an error made in 2017 that erroneously eliminated our lead ban ordinance approved in 2016. The facts that surround this error are as follows: The Board of Aldermen adopted Ordinance 2932-15 on September 1, 2015 that consolidated Chapters 705 and 710 of the Code of Ordinances into one new Chapter 705, Combined Waterworks and Sewerage System.

The following year, after a DNR inspection concerning our water treatment plant permit, the City was required to update our lead ban in drinking water ordinance. The Board approved Ordinance 2951-16 on July 19, 2016 adopting the updated version of the lead ban requirements. Unfortunately, when that occurred, the ordinance did not take into account that Ordinance 2932-15 had merged Chapters 705 and 710 and adopted a NEW lead ban ordinance into a new section 710.045, making it the only provision in Chapter 710.

The final error was made upon the adoption of Ordinance 2980-17 on September 19, 2017 to amend the city's leak adjustment policy. The method used was to take the language from the 2015 merger ordinance and again, merge 705 and 710 and delete all of 710. Unfortunately, the language used for this ordinance included only the original lead ban ordinance in the re-adoption. This effectively removed the lead ban language from our ordinances.

Recently, DNR returned to complete a new permit inspection for the water treatment plant and identified that our ordinance still needed to be updated to the new language. During the research for this action, the above scenario was identified. This new ordinance only deletes the old (existing) lead ban language and replaces it with the proper lead ban language. This ordinance will again make the City of Smithville compliant with DNR requirements on the lead ban language.

**PREVIOUS ACTION:**

Ordinance 2951-16 adopted the updated lead ban language required by DNR, but Ordinance 2980-17 erroneously replaced the updated language with the previous language.

**POLICY OBJECTIVE:**

Bring our Ordinances into compliance with State Law requirements for the Water Treatment Plant's Permit.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution           | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report         | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:               |                                   |

**AN ORDINANCE AMENDING SECTION 705.140 OF THE CODE OF ORDINANCES OF THE CITY OF SMITHVILLE CONCERNING LEAD IN WATER SYSTEMS**

**WHEREAS**, the City of Smithville merged Chapters 705 and 710 into a new Chapter 705 by Ordinance 2932-15 on September 1, 2015; and,

**WHEREAS**, Ordinance 2951-16 was adopted on July 19, 2016 that intended to amend the Lead Ban language in the City's Ordinances, but erroneously used the Chapter 710 version (710.045) which had previously been merged into the new Chapter 705; and,

**WHEREAS**, Ordinance 2980-17 was adopted on September 19, 2017 that intended to add a new water and wastewater leak adjustment policy, but used the language in the 2015 ordinance that deleted the entire text of both Chapters 705 and 710 and enacted a new Chapter 705; and

**WHEREAS**, the ordinance used for the format of the 2017 ordinance did NOT include the amendment from 2016 updating the Lead Ban ordinance and, when enacted, unintentionally reverted the Lead Ban ordinance to the pre-2016 amendment language; and,

**WHEREAS**, during the most recent DNR permit inspection of the water system it was identified that the updated lead ban language was removed from the code and must be restored.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

Section I. That section 705.140 banning lead from the drinking water system is deleted in its entirety and a new Section 705.140 is adopted to read as follows:

**SECTION 705 140: LEAD BAN IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING**

- A. Intent. The intent of this ordinance is to incorporate the standards and definitions used by Missouri Department of Natural Resources concerning Lead in drinking water systems.
1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.

- B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Smithville, Missouri.
- C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyor's intent to ban the use of lead-based materials in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgement of the water purveyor or his authorized representative, lead based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead materials removed from the plumbing system and replaced with lead free materials. If the lead-based materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

## Section II. Definitions

- A. The following definitions shall apply in the interpretation and enforcement of this ordinance.
  - 1) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
  - 2) "Lead base materials" means any material containing lead in excess of the quantities specified in Section II.A.3.
  - 3) "Lead free" means:
    - a. In General
      - 1. When used with respect to solder and flux, refers solders and flux containing not more than 0.2 percent (0.2%) lead; and
      - 2. When used with respect to pipes and pipe fittings, it refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.
- B. Calculation

The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the

weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

- 4) "Public drinking water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
- 5) "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.
- 6) "Exemptions"
  - (A) Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption, or
  - (B) Toilets, bidets, urinals, fill valves, flush-o-meters valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

### Section III Lead Banned from Drinking Water Plumbing

- A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new connection or modifications of the drinking water plumbing after January 1, 1989.
- B. If a premise is found to be in violation of Section III.A. water service shall be discontinued until such time that the drinking water plumbing is lead free.

**BE IT REMEMBERED** that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 3<sup>rd</sup> day of December, 2024.

---

Damien Boley, Mayor

ATTEST

---

Linda Drummond, City Clerk

First Reading: 11/19/2024

Second Reading 12/03/2024