

COUNCIL BILL NO. 2006-457

ORDINANCE NO. 2006-160

AN ORDINANCE amending Article III., Contractors, of Chapter 26, Buildings and Building Regulations, of the Joplin City Code by enacting a new section, Section 26-68, Soil testing for lead prior to building permit issuance in designated areas.

WHEREAS, The Environmental Protection Agency (EPA) has been conducting cleanup activities relating to former lead and zinc mining in the Joplin area since around 1990; and,

WHEREAS, there have been major cleanup activities to date including the cleanup of daycare yards, cleanup of residential yards, expansion of public water systems into areas where contaminated wells are located (still underway), and a planned cleanup of remaining chat waste piles and associated contaminated soils; and,

WHEREAS, it is now appropriate to amend Chapter 26 by enacting a new section, Section 26-68, so that the City Code provides for soil lead testing on potentially contaminated properties in the City prior to building permit issuance. This will only be necessary for properties in designated areas where soil lead contamination is known to exist and for projects where children are likely to be present.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Article III., Contractors, of Chapter 26, Buildings and Building Regulations, of the Joplin City Code be amended by enacting a new Section 26-68, Soil testing for lead prior to building permit issuance in designated areas., to read as follows:

"Sec. 26-68. Soil testing for lead prior to building permit issuance in designated areas.

In areas of the city designated as potentially contaminated with soil lead, no building permit shall be issued pursuant to this chapter on any property to be used for a residential dwelling or dwelling unit, child occupied facility including but not limited to day care centers, preschools or kindergartens, or recreational areas such as parks or ball fields where children are likely to congregate, until after testing of soil has been conducted and results indicate less than 400 parts per million (ppm) lead.

In the event testing indicates 400 ppm lead or more, no building permit shall be issued on such property until such time as a remediation plan approved by the Jasper County Health Department has been completed and a Certificate of Approval has been issued for the property.

Failure to comply with any provisions of this section or the provisions of the Jasper County Health Department shall be punishable as provided in Section 1-5 of the Code of Ordinances of the City of Joplin. Further, no Occupancy Permit for affected property may be issued if a violation of this section is in place."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 9th day of October, 2006.

Jon Tupper, Mayor

ATTEST:
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:
Brian W. Head, City Attorney