

AN ORDINANCE amending Article III., Building Code, of Chapter 26, Buildings and Building Regulations, of the Joplin City Code by enacting a new section, Section 26-76, Soil testing for lead prior to building permit issuance in designated areas.

WHEREAS, on October 9, 2006, the Council adopted Ordinance No. 2006-160 enacting certain provisions related to soil testing for lead; and,

WHEREAS, it was recently discovered that this provision was inadvertently left out and deleted when Chapter 26 was overhauled in 2008; and,

WHEREAS, the Council is desirous of re-enacting these health and safety provisions.

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

Section 1. That Article III., Building Code, of Chapter 26, Buildings and Building Regulations, of the Joplin City Code be amended by enacting a new Section 26-76, Soil testing for lead prior to building permit issuance in designated areas., to read as follows:

"Sec. 26-76. 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 2nd day of October, 2009.

Gary L. Shaw, Mayor

ATTEST: Barbara L. Hogelin, City Clerk

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