



Board of Aldermen Request for Action

MEETING DATE: 12/20/2022

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 2966-22, Amending Section 520.110, Dumping Or Depositing Dirt, Rock, Or Other Materials – 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2966-22, second reading by title only.

SUMMARY:

To be in compliance with the City's Municipal Separate Storm Sewer System (MS4) Permit, staff reviewed Section 520.110 of the City Code. Currently, the code reads "Dumping Or Depositing Dirt, Rock, Or Other Materials." The way the ordinance currently reads, the stormwater system is not specifically mentioned. In the Illicit Discharge Detection and Elimination (IDDE) section of the Stormwater Management Plan, the City must establish an ordinance that prohibits non-stormwater discharges in the storm sewer system.

Staff reviewed other municipal codes to determine the language of the ordinance. Staff recommends repealing and replacing Section 520.110 to read, "Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges." This revision would include specific language about pollution in waterways, illicit discharges in the stormsewer system, and water accumulation that is not a natural stream or waterway.

This revision to our City Code will allow for us to educate the public about illicit discharges and stormwater pollution, and the authority to issue a violation if necessary. The goal of the program is to educate the individual or property owner before issuing any type of citation.

PREVIOUS ACTION:

N/A

POLICY OBJECTIVE:

Amend the Dumping Or Depositing Dirt, Rock, Or Other Materials Ordinance

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

- ☒ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

ORDINANCE REPEALING AND REPLACING SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OR OTHER MATERIALS AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OTHER MATERIALS, OR ILLICIT DISCHARGES

WHEREAS Section 520.110 Dumping Or Depositing Dirt, Rock Or Other Materials currently reads as follows:

Section 520.110. Dumping Or Depositing Dirt, Rock Or Other Materials.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way or public place, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.
- B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk or public place of the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk or public place. Any work on private property adjacent to public ways shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property.

WHEREAS the City of Smithville wishes to amend this section to include waterways.

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

Effective immediately Smithville City Ordinance Section 520.110. Dumping Or Depositing Dirt, Rock Or Other Materials, and a new Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges. is adopted which shall read as follow:

Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way, public place, or waterway, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way, or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.

B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk, public place or waterway in the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk, public place or waterway. Any work on private property adjacent to any such street, alley, sidewalk, public place or waterway shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property and obtaining any required permits City for the work involved.

C. No person shall discharge or cause to be discharged into a natural or manmade stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.

D. No person shall allow any water to accumulate and/or remain, or stagnate upon, in or about any lot, tract or piece of ground, with the exception of natural streams and waterways; or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN
OF THE CITY OF SMITHVILLE THIS 20th DAY OF DECEMBER 2022.**

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 12/06/2022

2nd reading 12/20/2022