



Board of Aldermen Request for Action

MEETING DATE: 10/3/2023

DEPARTMENT: Public Works

AGENDA ITEM: Approve Bill No. 3005-23, Amendment to Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges – 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3005-23, approving Amendment to Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges Second reading by title only.

SUMMARY:

The City of Smithville holds a Municipal Separate Storm Sewer System (MS4) permit issued by the Missouri Department of Natural Resources (DNR). Among the obligations set forth in this permit is the implementation of an Illicit Discharge Detection and Elimination (IDDE) plan. An IDDE plan serves as a strategic framework for identifying, reporting, investigating, and eliminating illicit discharges within the City's stormwater system.

As a proactive measure within the IDDE plan, it is suggested to amend the current City ordinance to incorporate a provision requiring facility owners or responsible individuals to promptly report any instances of known or suspected illicit discharges originating from their properties to the City.

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:

The Board of Aldermen approved Resolution 2966-22 amending Section 520.110 including Illicit Discharge

The Board of Aldermen approved Resolution 1006 adopting the Stormwater Management Plan for the 2021 -2026 MS4 Permit

POLICY ISSUE:

Amend Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges.

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

ORDINANCE AMENDING 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, Other Materials, Or Illicit Discharges currently reads as follows:

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 and required permits City for the work involved.
- C. No person shall discharge or cause to be discharged into a natural or man-made 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.

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 an required permits City for the work involved.
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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.

- E. Regardless of any legal requirements, once an individual responsible for overseeing a facility or operation, or managing emergency responses for such, becomes aware of a known or suspected release of materials leading to illegal discharges or the discharge of pollutants into stormwater, storm drain systems, or U.S. water bodies, that person must promptly undertake all necessary actions to ensure the identification, containment, and cleanup of the said release. In instances involving hazardous materials, the responsible individual must immediately inform emergency response agencies of the occurrence through emergency dispatch services. Similarly, for releases of non-hazardous materials, the responsible party is obliged to notify the authorized enforcement agency in person, via telephone, or by facsimile no later than the following business day. Notifications conveyed through personal visits or telephone must be confirmed with written notices, duly addressed and mailed to the Public Works Department within three (3) business days from the initial phone notification. If the release of prohibited materials originates from a commercial or industrial establishment, the owner or operator of the said establishment must also maintain an on-site written record of the discharge incident and the measures undertaken to prevent its recurrence. These records must be maintained for a minimum of three (3) years.

PASSED by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 3rd day of October, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading: 09/19/2023

2nd reading: 10/03/2023