

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 07-21-20

Sponsored by: Council

First Reading: _____

Second Reading: _____

COUNCIL BILL 2020-176

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code Chapter 74, 'Nuisance and Housing Code,'
2 Article I, 'In General,' Section 74-1, to redefine 'Lead-bearing
3 substance' and 'Lead hazard' to cross-reference definitions in state law,
4 and Article IV, 'Lead Poisoning,' Section 74-171, to replace "elevated
5 blood lead toxicity" with "lead poisoning," and Section 74-178, to delete
6 "lead toxicity" as redundant to "lead poisoning."
7

8
9 WHEREAS, federal law addresses lead poisoning in the "Residential Lead-
10 Based Paint Hazard Reduction Act," as amended, 42 United States Code 4851 et seq.
11 and in the "Toxic Substances Control Act," as amended, 15 United States Code 2605,
12 2607, and 2681 to 2692; and
13

14 WHEREAS, state law addresses lead poisoning in Revised Missouri Statutes,
15 Sections 701.300 through 701.349; and
16

17 WHEREAS, state law on lead poisoning is derivative of, and consistent with,
18 federal law on lead poisoning; and
19

20 WHEREAS, Springfield City Code Chapter 74 addresses lead poisoning and
21 uses terms that do not appear in state or federal law; and
22

23 WHEREAS, City Council wishes to make the City Code terminology consistent
24 with state and federal law.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, that:
28

29 Section 1 – The Springfield City Code Chapter 74, 'Nuisance and Housing Code,'
30 Article IV, 'Lead Poisoning,' is hereby amended as follows:
31

32 NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.
33

34 ARTICLE IV. – NUISANCE AND HOUSING CODE

35

36 Sec. 74-1. - Definitions.

37

38 Lead-bearing substance means ~~any paint, varnish, lacquer, putty, plaster,~~
39 ~~structural material or similar substance which contains more than the percentage or~~
40 ~~concentration of lead established by federal regulations for lead-bearing substances~~ the
41 same as that term is defined under state law in Rev. Mo. Stat. Chapter 701.

42

43 Lead hazard means ~~any lead-bearing substance which produces biologically~~
44 ~~available lead in concentrations exceeding federal standards for dust, soil, deteriorated~~
45 ~~paint and/or water on any public or private property available and accessible to children~~
46 ~~and/or pregnant women~~ the same as that term is defined under state law in Rev. Mo.
47 Stat. Chapter 701.

48

49 Sec. 74-171. - Purpose and scope of article.

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51 The provisions of this article are designed to prevent and control ~~elevated blood~~
52 ~~lead toxicity~~ poisoning problems within the city by establishing limits of exposure to
53 lead-bearing substances on exposed surfaces to which children may be commonly
54 exposed, and to provide for notification of and abatement procedures for lead-bearing
55 substances which are deemed a health hazard, and to prescribe penalties for the
56 violation of this article and prescribe procedures by which the provisions of this article
57 may be executed.

58

59 Sec. 74-178. - Reports of lead poisoning ~~or lead toxicity~~.

60

61 Lead poisoning ~~or lead toxicity~~ is defined by the Center for Disease Control. It is
62 hereby designated a reportable disease or condition, which shall be reported to the city
63 manager.

64

65 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
66 affect any suit or proceeding now pending in any court or any rights acquired or liability
67 incurred nor any cause or causes of action occurred or existing, under any act or
68 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
69 impaired, or affected by this Ordinance.

70

71 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
72 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
73 affect the validity of the remaining portions of this Ordinance. City Council hereby
74 declares that it would have adopted the Ordinance and each section, subsection,
75 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
76 sections, subsections, sentences, clauses, or phrases be declared invalid.

77

78 Section 4 – This Ordinance shall be in full force and effect from and after
79 passage.

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Passed at meeting: _____

Mayor

Attest , _____ City Clerk

Filed as Ordinance: _____

Approved as to form: *Duke M. Donald* , Assistant City Attorney

Approved for Council action: *Jessie A. Hays* , City Manager

EXPLANATION TO COUNCIL BILL 2020-176

FILED: 07-21-20

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To amend the Springfield City Code Chapter 74, 'Nuisance and Housing Code,' Article I, 'In General,' Section 74-1, to redefine "lead-bearing substance" and "lead hazard" to cross-reference definitions in state law, and Article IV, 'Lead Poisoning,' Section 74-171, to replace "elevated blood lead toxicity" with "lead poisoning," and Section 74-178, to delete "lead toxicity" as redundant to "lead poisoning."

BACKGROUND AND REMARKS: While City Council was adopting the Building Codes, Mayor Pro Tempore Ferguson requested staff to review the City's Lead Poisoning article for consistency with state and federal law.

The City can ensure consistency with state and, by extension, federal law, by defining "lead-bearing substance" and "lead hazard" with a cross-reference to state law definitions of those terms. By using such cross-reference, "lead-bearing substance" and "lead hazard" will have the same meaning as the definition in state law in Rev. Mo. Stat. Chapter 701.

"Blood lead toxicity" is a term that appears once in City Code Section 74-171. It does not appear in either state or federal law. This Ordinance changes that term to "lead poisoning," which appears in state and federal law repeatedly.

The term "lead toxicity" appears in the title to City Code Section 74-178 and the text of that section but is redundant to the term "lead poisoning." The term appears once in federal law in a context that bears no relationship to the City's ordinance, so it makes sense to delete "lead toxicity" from the City Code. The City should use "lead poisoning" consistently as the problem to attack.

Submitted by:

Approved by:

Duke McDonald,
Assistant City Attorney

Jason Gage,
City Manager