BILL 2016-31

****** Second Reading ******

Agenda Item

TO: Mayor and City Council

FROM: Zachary Johnson, Director of Utilities

DATE: July 18, 2016

RE: Watershed Protection

Purpose

A large portion of the watershed for our reservoirs is outside our City limits. This gives us minimal control over potential harmful activities that can negatively affect our water source. Our current City Code prohibits nuisances within 1 mile of our City limits. Section 71.780 of the Revised State Statutes provided municipalities the authority to abate any nuisances within ½ mile of its corporate limits.

Discussion

Three sections of the Cameron City Code will need to be updated to help protect our watershed. Section 8-126 will need to be updated to reflect the authority provided by state statutes. This will allow us to abate any nuisance within ½ mile of our city limits. Appropriate definitions will be added to Section 8-127. And Section 8-138 will also be updated to reflect authority granted by state statutes. This will allow us to recover any abatement cost to the City through a special tax bill or added to the annual real estate tax.

Recommendation

It is important the City take all steps necessary to protect our source of water. Therefore, staff recommends the following ordinance be passed and approved amending the Cameron City Code relating to nuisances.

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AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AMENDING CAMERON CITY CODE CHAPTER 8, ARTICLE III RELATED TO NUISANCES

WHEREAS, Cameron residents get their drinking water from a City water plant. The source of raw, untreated water for the plant lies in four reservoirs located to the north and west of the City; and

WHEREAS, the City of Cameron's watershed drains into four reservoirs, supplying drinking water to roughly 12,500 people including the City of Cameron, two correctional facilities, and Public Water Supply District #3 (DeKalb County Soil and Water Conservation District); and

WHEREAS, the City's four reservoirs are Reservoir #1 - Century Lake, Reservoir #2 - Sunrise Lake, Reservoir #3 - Eagle Lake, and Grindstone Reservoir - Grindstone Lake; and

WHEREAS, the City Council hereby determines that it is in the best interest of the City in order to provide quality water treatment that meets or exceeds regulatory requirements and produces reliable drinking water for the customers of the City of Cameron, to regulate nuisances beyond its corporate limits as allowed under Missouri law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. That Section 8-126 of the Cameron City Code is hereby amended to read as follows:

Sec. 8-126. - Prohibited generally.

No person shall permit, cause, harbor, commit or maintain or to suffer to be permitted, caused, harbored, committed or maintained any nuisance, as defined by the Statute or common law of this State or as defined by this Chapter or other ordinance of the City, within the City or within one-half (½) mile thereof as prescribed by Section 71.780, RSMo. No person shall fail or refuse to abate or remove a nuisance within the time required. Each day that a nuisance shall be maintained constitutes a separate offense.

Section 2. That Section 8-127 of the Cameron City Code is hereby amended to read as follows:

Sec. 8-127. - Defined and enumerated.

A. Nuisances within the city are hereby defined and declared to be as follows:

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(1) Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health;

(2) Any pursuit followed or act done by any person to the hurt, injury, annoyance, inconvenience or damage to the public;

(3) Any building, bridge or other structure of whatever character kept or maintained or which is permitted by any person owning or having control of such building, bridge or other structure to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public;

(4) Any slaughterhouse permitted by the person owning or having charge of the slaughterhouse to be in such condition as to become offensive, annoying or injurious to the public;

(5) Any pond or pool of stagnant water and any foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, alley, thoroughfare or lot to the injury and annoyance of the public;

(6) Any privy or privy vault kept in such condition as to emit an offensive, noxious or disagreeable odor and any substance emitting offensive, noxious, unhealthy or disagreeable effluvium in the neighborhood where it exists;

(7) Any carcass of a dead animal which the owner or keeper thereof shall permit to remain within the city exceeding twelve (12) hours after death;

(8) Any obstruction caused or permitted on any street or sidewalk to the danger or annoyance of the public and all stones, dirt, filth, slop, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk or other public place which in any way may cause or is liable to cause injury or annoyance to the public;

(9) Reserved.

(10) Any stable, cattle yard or hog, sheep or cow pen permitted by the person owning or controlling the same to be in such condition as to become offensive, annoying or injurious to the public;

(11) Any house or building used for the special or exclusive storage of powder, dynamite, nitroglycerine or other explosive substance or any house or building or store in which small quantities of such explosives are kept exposed, insecure, or in a manner so as to endanger human life;

(12) Every act or thing done or made, permitted or allowed or continued on any property, public or private, by any person to the damage or injury of any of the inhabitants of this city, and not specified in this section, shall be deemed a nuisance.

(13) No discharge of storm water shall be permitted to flow from any downspout, eave, gutter, pipe or other conveyance upon or across any public sidewalk. Where such discharge of storm

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water shall occur onto a parking lot, driveway or other non-permeable surface which drains toward a public sidewalk, such discharge of storm water shall not be permitted closer than fifteen (15) feet from the public sidewalk.

B. Nuisances within the City and within one-half (½) mile of the City boundaries are hereby defined and declared to be as follows:

(1) The accumulation upon any premises, lot or parcel of ground, or the discharge thereof upon any public street or private property, of stagnant or foul waste, water or liquids of any kind whatsoever;

(2) Any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter or any leaking, broken slop, trash or garbage box or ash pit or receptacle of like character;

(3) Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes;

(4) Privy vaults, septic tanks or garbage cans or receptacles which are not fly-tight;

(5) The pollution of any well, cistern, spring, underground water, stream, pond, lake, canal or body of water by sewage or industrial wastes or other substance harmful to human, animal or aquatic life;

(6) The discharge of storm water, either by itself or in combination with other substances, that causes any stream, creek, pond, lake, canal or body of water to contain substances in sufficient amounts to cause the: (1) formation of putrescent, unsightly or harmful bottom deposits, (2) unsightly color or turbidity, offensive odor,

(7) Perforated, punctured, ruptured, broken, cracked or leaking sanitary sewer lateral lines;

(8) An activity, situation, structure or land use, which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area: the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

Section 3. That Section 8-138 of the Cameron City Code is hereby amended to read as follows:

Sec. 8-138. - Penalty; collection of cost of abatement by city.

A. Any person who causes, commits, keeps, maintains, permits or does any nuisance as specified or prohibited in this article, and who does not abate or remove the nuisance within the time specified in the notice given under the section 8-136, shall be guilty of an offense.

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B. If the owner and/or occupant fails to begin removal or abatement of the nuisance in accordance with the removal order within the time allowed, the City Manager may cause the condition that constitutes the nuisance to be removed or abated. If the City Manager causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option. The remedy provided for in this subsection may either be in addition to or in lieu of the remedy provided in subsection A. The authority for this subsection is Section 67.398, RSMo.

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on first reading this 18th day of July 2016.
Passed and approved on second reading this 1st day of August 2016.
Passed and approved on third and final reading this _____ day of _____ 2016.

_____
Mayor Jerri Ann Eddins

ATTEST:

_____
City Clerk/Finance Clerk

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