

**AN ORDINANCE ADDING ARTICLE II TO CHAPTER 710 OF THE CITY CODE FOR A LEAD BAN IN PLUMBING**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

**Section 1:** A New Article II, with Sections 710.150, 710.160 and 710.170, is added to the City Code of the City of Chillicothe as follows:

**“Article II. Lead Ban In Public and Private Drinking Water Plumbing.**

**Section 710.150. Section I. Lead Ban – General Policy**

- A. Purpose. The purpose of this ordinance is:
- 1) To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  - 2) To protect city residents from lead contamination in the city’s public drinking water system and their own private plumbing systems.
- B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Chillicothe, Missouri.
- C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyor’s intent to ban the use of lead-based material in the construction or modification of the City’s drinking water system or private plumbing connected to the city system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgement of the water purveyor or its authorized representative, lead based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

**Section 710.160. Definitions**

- A. The following definitions shall apply in the interpretation and enforcement of this ordinance.
- 1) **“Consumer”** means the owner or person in control of any premises supplied by or in any manner connected to a public water system;

2) “**Lead base materials**” means any material containing lead in excess of the quantities specified in Section II. A. 3;

3) “**Lead free**” means:

A. In General.

1) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and

2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.

B. Calculation

The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

4) “**Public drinking water system**” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and

5) “**Water purveyor**” means the owner, operator, or individual in responsible charge of a public water system.

6) “**Exemptions**”

(A) leaded joints necessary for the repair of cast iron pipes.

(B) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(C) toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

#### **Section 710.170. Lead Banned from Drinking Water Plumbing**

A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.

B. If a premises is found to be in violation of this Section water service shall be discontinued until such time that the drinking water plumbing is lead free.

**Section 2:** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

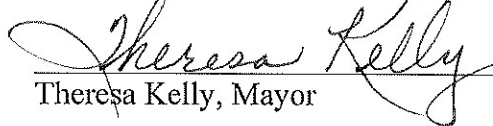
**Section 3:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

**Section 4.** It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

**Section 5:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 13th DAY OF MAY 2024.

**CITY OF CHILLICOTHE, MISSOURI**

  
Theresa Kelly, Mayor

ATTEST:

  
Amy Hess, City Clerk