

Pub. Imp. \_\_\_\_\_  
Govt. Gmt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hmgs. \_\_\_\_\_  
Pgs. \_\_\_\_\_  
Filed: 1-16-01

Sponsored by: Hacker

First Reading: January 22, 2001

Second Reading: February 5, 2001

COUNCIL BILL NO. 2001-020

GENERAL ORDINANCE NO. 5051

AN ORDINANCE

1  
2  
3  
4  
5  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

AMENDING Chapter 74 of the Springfield City Code, Nuisance and Housing Code, by enacting Article VIII, Cleaning Agents Containing Phosphorus, establishing regulations for use of phosphorus by persons within the city limits of the City of Springfield, and by persons outside the city limits of Springfield, who use the sanitary sewer system.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

Section 1 - That Chapter 74 of the Springfield City Code, Article VIII, Cleaning Agents Containing Phosphorus, is hereby adopted and shall read as follows:

**"Article VIII. Cleaning agents containing phosphorus.**

**Section 74-473. Title**

**This ordinance shall be known and may be cited as the Springfield Phosphorus Ban Ordinance.**

**Section 74-474.**

**No person in the City of Springfield shall use, sell, manufacture, distribute or dispose of any cleaning agent containing phosphorus, expressed as elemental phosphorus, including synthetic detergents or detergents manufactured for use as**

laundry or dishwashing detergents, nor shall any person connected to the Springfield sewer system put the residue from the use of such products into the Springfield sewer system except as provided below:

**A. Exemptions:**

**1. This Article does not apply to a cleaning agent that is:**

- a) Used in dairy, beverage or food processing cleaning equipment;**
- b) Used as sanitizer, brighteners, acid cleaners, metal conditioners, including phosphoric acid products or trisodium phosphate;**
- c) Used in hospitals, veterinary hospitals, clinics or health care facilities or in the manufacture of health care supplies;**
- d) Used by commercial laundry or textile rental service company or any other commercial entity:
  - i) To provide laundry service to hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;**
  - ii) To clean textile products owned by a commercial laundry or textile rental service company and supplied to industrial or commercial users of the products on a rental basis; or**
  - iii) To clean military, professional, industrial or commercial work uniforms.****
- e) Used by industry for metal, fabric or fiber cleaning or conditioning;**
- f) Manufactured, stored, or distributed in the City for use or sale outside the City of Springfield provided nothing contained herein shall be construed to permit retail sales or use in the City;**
- g) Used in foods, drugs and cosmetics, including personal care items such as toothpaste, shampoo, and hand soap;**
- h) Used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory;**

72 i) **Used for cleaning hard surfaces, including household cleaners**  
73 **for windows, sinks, counters, ovens, tubs, stoves, on other food**  
74 **preparation surfaces, and plumbing fixtures;**

75 j) **Used as a water softening chemical, antiscaling chemical, or**  
76 **corrosion inhibitor intended for use in closed systems such as boilers,**  
77 **air conditioners, cooling towers, or hot water heating systems;**

78 k) **Excluded by the Directors of Health and Public Works upon**  
79 **finding that compliance would create an unusual hardship or be**  
80 **unreasonable because of the lack of an adequate substitute or**  
81 **alternative;**

82 l) **Laundry detergents that contain 0.5% phosphorus or less that is**  
83 **incidental to manufacturing;**

84 m) **Dishwashing detergents that contain 8.7% phosphorus or less by**  
85 **weight.**

86  
87  
88  
89 **B. The duration of these exemptions shall be for three (3) years after this Article**  
90 **becomes effective, at which time exemptions shall be reviewed.**

91 **Section 74-475. Seizure of products in violation.**

92  
93  
94 **The Directors of Health and Public Works, or any authorized representative**  
95 **may seize any cleaning agent held for sale, distribution, or use found to be in**  
96 **violation of this Article. The seized cleaning agents shall be held until such time as**  
97 **the municipal court enters an order directing the disposition of the cleaning agents.**

98  
99 **Section 74-476. Penalties.**

100  
101 **Any person who violates the provisions of this Article shall be subject to**  
102 **those penalties contained in Section 1-7 of the Springfield City Code, except the**  
103 **minimum fine for a second offender shall be twenty - five dollars (\$25.00) plus court**  
104 **costs and a minimum of one hundred dollars (\$100.00) plus court costs for a third**  
105 **or subsequent offense."**

106  
107 **Note: Bolded language has been added.**

108  
109 **Section 2 - Severability Clause. If any section, subsection, clause or phrase of this**  
110 **ordinance is for any reason held to be invalid, such decision shall not affect the validity of**  
111 **the remaining portions of this ordinance. The Council hereby declares that it would have**

114 adopted the ordinance and each section, subsection, sentence, clause or phrase thereof,  
115 irrespective of the fact that any one or major sections, sentences, clauses, or phrases be  
116 declared invalid.

117 Section 3 - Savings Clause. Nothing in this ordinance shall be construed to affect  
118 any suit or proceeding now pending in any court or any rights acquired or liability incurred  
119 nor any cause or causes of action occurred or existing, under any act or ordinance  
120 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or  
121 affected by this ordinance.

122 Section 4 - This ordinance shall be in full force and effect from and after ninety (90)  
123 days from date of passage.

124  
125  
126 Passed at meeting: February 5, 2007

127  
128  
129  
130 Richard L. Gurnea  
131 Mayor

132 Attest: Doreen M. Gutz, City Clerk

133  
134 Approved as to form: Paul Whelan, City Attorney

135  
136  
137 Approved for Council Action: Arnie, City Manager

Aff. Agcy. Noticed	<u>N/A</u>
Emergency Required	<u>No</u>
P. Hrngs. Required	<u>No</u>
Fiscal Note Required	<u>No</u>
Bd. Action Required	<u>N/A</u>

EXPLANATION TO COUNCIL BILL NO. 2001-

**ORIGINATING DEPARTMENT:** Public Works

**PURPOSE:** This council bill is to re-establish regulations for the use, sale, manufacture, distribution or disposal of any cleaning agent containing phosphorus; providing for penalties; and generally relating to cleaning agents.


**BACKGROUND:** A council bill was passed on August 21, 1995, which banned household laundry detergents which contain more than .5% of phosphorus and dishwashing detergents containing more than 8.7% phosphorus to be used, sold, manufactured, distributed or discharged into the City of Springfield's sewer system. This council bill was proposed to limit the amount of phosphorus entering the City of Springfield's treatment plants and discharged in the effluent from our treatment plants. Limiting the amount of phosphorus discharged into the sanitary sewer system is an environmentally sound and cost-effective means to control phosphorus in area streams and ultimately in Stockton and Table Rock Lakes. The provisions of this ordinance were not included in the new City Code recently approved by the Springfield City Council. This action is necessary to place these requirements in the new code.

**REMARKS:** The phosphorus ban on household laundry detergents and the limiting of phosphorus in dishwashing detergents was inadvertently left out of the new City Code recently authorized by the Springfield City Council. This is a housekeeping item to reinstate these regulations and include them in the new code.


All retail establishments in the City of Springfield are now complying with the phosphorus limits on household laundry detergents and dishwashing detergents but this should be added to the code so that we do have enforcement provisions should someone not comply with the regulations.

The Public Works Department recommends approval of this council bill as it limits the amount of phosphorus contained in the wastewater entering the City's treatment plants and, therefore, limits the amount of phosphorus that has to be removed at the treatment plants. These limitations will minimize the City's treatment costs for phosphorus removal and will decrease the amount of phosphorus being discharged into area streams.


Submitted by:

  
Assistant Director of Public Works

Approved by:

  
Director of Public Works

Approved by:

  
City Manager

**Implementation Procedure of Ordinance  
Council Bill No. \_\_\_\_\_**

City Code No. 74-473---74-476

Ordinance No. \_\_\_\_\_

Effective Date of Memo: \_\_\_\_\_, 2000 upon ordinance passage \_\_\_\_\_, 2000

**Subject:** Phosphorus limits for household laundry detergents and dishwashing detergents allowed to be sold in Springfield, Missouri.

**City Department Responsible for Administration:** Public Works

**Contact in Case of Questions:**

Sanitary Services, Surveillance & Enforcement  
Superintendent of Sanitary Services  
Assistant Director of Public Works

**Phone:** 864-1487  
**Phone:** 891-1600 ext.121  
**Phone:** 864-1920

**Support Agencies & Their Roles:**

*Health Department:* will include a survey of the household laundry detergents and dishwashing detergents as inspections are made of retail establishments.

*Prosecutor's Office:* will review complaints and pursue prosecution.

**Plan for Administration:**

After the Health Department inspects the retail establishments violations are reported to Public Works, Sanitary Services Division. If any violations are found the retail establishment will be informed in writing by the Public Works, Sanitary Services Division with a listing of the products in violation of phosphorus limits for household laundry detergents and dishwashing detergents. A re-inspection will be made not less than 7 days after the written notice. Any violations found during the re-inspection will be referred to the City Prosecutor for necessary action.

**How Ordinance Works:**

The intent of this ordinance is to limit the phosphorus being discharged to the Springfield sanitary sewers and into area septic tanks. This will result in a decrease in the amount of phosphorus reaching area streams which will decrease algae growth in our area streams and lakes and decrease the cost to remove phosphorus at the City's treatment plants.

**Purpose of the Ordinance:**

To protect and improve the quality of water in our area streams and lakes.

**Frequently Asked Questions:**

Will detergent without phosphorus get my clothes clean? Answer: Yes, detergents without phosphorus are used widely in the United States and works well to clean clothes.

Why are phosphorus containing laundry detergents being banned? Answer: This ban will decrease the phosphorus entering our streams and thereby improve the water quality of our streams and lakes because phosphorus in streams and lakes caused algae growth.

\_\_\_\_\_  
Tom Finnie, City Manager

\_\_\_\_\_  
Date