

**FILE OF THE CITY CLERK**

**ADMINISTRATION ORDINANCE NO. \_\_-2017**

**ADMINISTRATION BILL NO. 5-2017**

**INTRODUCED - FEBRUARY 14, 2017**

**ADOPTED BY COUNCIL -**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 182 OF THE CODE OF THE CITY OF LANCASTER - LEAD POISONING, TO ESTABLISH DEFINITIONS, PROHIBIT USE AND DISTRIBUTION OF SOURCES OF LEAD HAZARDS, PROVIDE PROCEDURES FOR DETERMINATIONS OF LEAD SOURCE HEALTH HAZARDS, PROVIDE FOR NOTIFICATION OF VIOLATIONS AND TESTING PROCEDURES AND STANDARDS, PROVIDE PROCEDURES AND REQUIREMENTS FOR MONITORING THE ABATEMENT OF LEAD HAZARDS, PROVIDING EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE, PROVIDING FOR THE PROTECTION OF OCCUPANTS OF RESIDENCES CONTAINING LEAD HAZARDS, PROVIDING FOR THE PROTECTION OF CHILDREN IN HOME-BASED CHILD CARE FACILITIES, PROVIDING FOR FINES AND REMEDIES FOR VIOLATION OF THE ORDINANCE, PROVIDING FOR INSPECTION AND ACCESS TO PROPERTIES AND SALES OF PROPERTIES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.**

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED** by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** The Code of the City of Lancaster, Chapter 182 - Lead Poisoning Prevention and Lead Hazard Control be and hereby is amended as follows:

- 1. Section 182-2 Definitions** is amended by adding the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**COMPONENT**

A building element which uses products that are manufactured as independent units capable of being joined with other elements.

**INVESTMENT PROPERTY**

A dwelling with one or more dwelling units that are being leased to tenants.

**LEAD (PAINT) SAFE**

A building or dwelling identified through testing by a Lead Risk Assessor as having

lead-based paint surfaces that are intact and free from deterioration. As noted in the Clearance Examination by the Lead risk Assessor, ongoing lead safe maintenance is necessary to maintain the property as lead paint safe.

### **RECOGNIZED METHOD OF ANALYSIS**

The current standards in this definition are amended to read as follows:

- 10 micrograms per square foot for floor surfaces
- 100 micrograms per square foot for windowsills
- 100 micrograms per square foot for window-wells/troughs
- 40 micrograms per square foot for porch floors.

**2. Section 182-6: Risk assessment and clearance examination required** is amended as follows:

Section 182-6, Paragraph A (1) is amended to read as follows:

- (1) A child under six years of age, pregnant woman, or other person who has demonstrated an evidence of an elevated blood lead level greater than the current Center for Disease Control blood lead level of concern, currently defined as 5 micrograms per deciliter of whole blood; or two (2) readings of 5ug/dl or more within a three-month period is found to be occupying, visiting more than six hours a week, or visits in the property on a regular basis.

Section 182-6, Paragraph A (5) is deleted in its entirety.

**3. Section 182-7: Notification of violation for children with an elevated blood lead level** is amended as follows:

Section 182-7 Paragraph F is amended to read as follows:

F. Abatement is not required when an area of deteriorated paint is less than 10% of the total Component or less than 20 square feet on exterior surfaces, and less than 2 square feet in any one interior room. The City Health Officer will have final approval.

**4. Section 182.8: Notification of Violation for Condemned Residential Properties** is amended to read as follows:

- A. If a Dwelling built prior to 1978 is a Condemned Property by the City, the Owner and/or authorized agent of the Dwelling must possess a one-day EPA Lead Safe Certification prior to obtaining a demolition or building permit from the City of Lancaster.
- B. Once construction is completed, the Owner and/or authorized agent is required to submit a written Clearance Examination report, completed in accordance with EPA Regulations, to the City Health Officer indicating if any residual Lead Source Health Hazard exists.
- C. The Owner shall bear the cost of the Clearance Examination and written report prior to obtaining a Certificate of Habitability and/or Certificate of Occupancy from the City of Lancaster.
- D. If the Clearance Examination indicates the Dwelling failed, the Owner must provide a

second Clearance Examination report indicating that the Dwelling is free of any residual Lead Source Health Hazard in order to have the Condemnation lifted by the City. The Owner may elect to have City-qualified Lead-Based Paint Risk Assessor conduct the Clearance Examination at the Owner's expense.

- (1) Exception: Condemned Dwellings for utility shut-offs; clean and sanitize City Property Maintenance Code violations or for appliance repairs or replacement where no interior alterations are required are exempt from the provisions of this Section 182-8.

**5. A new Section 182-9 Notification for Investment Properties** is to be inserted and read as follows:

- A. If an Investment Property was built prior to 1978 the Owner is required to provide a certification by a Lead-Based Paint Risk Assessor indicating that the Dwelling Unit(s) within the Investment Property are Lead (Paint) Safe or Lead (Paint) Free. The certification must be presented to the City of Lancaster at the time of the City-required systematic property maintenance inspection, but no less than once every four years.

**6. Former Section 182-9 through Section 182-18 are renumbered accordingly as Section 182-10 through Section 182-19.**

**7. Newly Numbered Section 182-10 Notification for Child Daycare Facilities, Child-Occupied Facilities, and Day Care Centers** is amended as follows:

Section 182-10 Paragraph B is amended to read as follows:

- B. When it is determined that there exists a Lead Source Health Hazard through the Risk Assessment, the Owner/Tenant/Day Care Operator must select a Licensed Lead Abatement Contractor that is registered with the Pennsylvania department of Labor and Industry as a registered Lead Abatement Contractor. The Owner shall bear the cost of the contractor and abatement work, and shall submit a copy of the Risk Assessment, Lead Abatement Contractor's information including insurance, and subsequent Clearance Examination report prior to obtaining a Certificate of Habitability or Certificate of Occupancy from the City of Lancaster.

**8. Newly Numbered Section 182-16 Sale of Property** is amended to read as follows:

- A. If a lead violation is known to exist at a Dwelling, then upon the sale of said property, the Owner shall notify or disclose to the potential buyer/purchaser of the unsafe existing lead condition, provide a copy of the Risk Assessment and provide a copy of the Sales Disclosure Statement indicating that lead hazards do exist in the Dwelling. A copy of the Sales Disclosure Statement must also be provided to the City Health Officer.
- B. When a Dwelling is found to have Lead Source Health Hazards, and remediation was begun by the Owner, but had not been completed by the Owner prior to the sale of a Dwelling, the current Owner must provide the new owner with the Risk Assessment and provide a copy of the Sales Disclosure Statement to the City Health Officer.
- C. If the Dwelling is an Investment Property, and a child with an elevated blood lead level has been identified in a residential unit prior to the sale, the new Owner will be

required to complete the remediation and submit to the City Health Officer a Clearance Examination and a certification by a Lead-Based Paint Risk Assessor that the Dwelling unit is Lead (Paint) Safe or Lead (Paint) Free.

**9. Newly Numbered Section 182-19: Violations and Penalties** is amended as follows:

Section 182-19 is amended by adding the following Paragraph B:

B. When a Dwelling, or unit within a Dwelling, has been cited two or more times by the City of Lancaster for non-compliance of Sections 182-9 and Section 182-10, the Dwelling, or unit within the Dwelling, may be condemned by the City of Lancaster then requiring compliance with Section 182-8.

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

**DULY ORDAINED AND ENACTED** this \_\_\_ day of February, 2017, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

\_\_\_\_\_  
Bernard W. Harris Jr., City Clerk

By: \_\_\_\_\_  
J. Richard Gray, Mayor