

**FILE OF THE CITY CLERK**

**ADMINISTRATION ORDINANCE NO. 8-2016**

**ADMINISTRATION BILL NO. 7-2016**

**INTRODUCED – JUNE 28, 2016**

**ADOPTED BY COUNCIL – JULY 12, 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA REWRITING 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 be and hereby is rewritten as follows:

**CHAPTER 182. Lead Poisoning Prevention and Lead Hazard Control Ordinance**

**GENERAL REFERENCES**

**§182.1. Purpose.**

The purpose of this chapter is to protect and promote public health, safety and welfare through the identification and elimination of lead source hazards in the built environment.

## **182-2. Definitions.**

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.

### **ABATE OR ABATEMENT**

Any set of measures designed to permanently eliminate lead-based paint hazards in accordance with the standards established by the City, including the removal of lead-based paint and lead contaminated dust, the permanent containment or encapsulation of lead paint replacement of lead painted surfaces, or fixtures and removal, or covering of lead contaminated soil and all prep clean-up, disposal, and post abatement clearance testing activities associated with such measures.

### **APPROVED OR APPROVAL**

Satisfactory compliance as determined by the Board of Health, an authorized Health Officer, Housing Inspector, Code Official or other approved or authorized representative or agent of the City of Lancaster.

### **BOARD OF HEALTH**

The City of Lancaster Board of Health as defined in and established by the Code of the City of Lancaster addresses conditions that may be detrimental to public health and promotes health practices that enhance the community. The City Board of Health members are appointed by City Council.

### **BLL - Blood Lead Level**

### **CERTIFIED LEAD SAFE CONTRACTOR**

An individual who has successfully completed an EPA 8-hour class titled “Renovator” under the Renovate Repair & Painting rule, also known as the RRP rule. The company that the “Renovator” owns or works for must also be certified as a “Firm” under the RRP rule.

### **CHILD**

Any individual under six years of age.

### **CHILD DAY CARE FACILITY (also known as child care facilities)**

Any dwelling unit where child day care services are provided for less than 24 hours for 4 to 12 children as approved by the City and licensed by the State Department of Public Welfare.

### **CHILD-OCCUPIED FACILITY (EPA)**

A building or portion of a building constructed prior to 1978, visited regularly by the same child, under six years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. For commercial facilities, the child-occupied facility only encompasses those areas that are routinely used by children under the age of six. Areas that children under the age of six only pass through such as hallways, stairways or garages are not included.

### **CITY OF LANCASTER OR CITY**

The City of Lancaster Pennsylvania, City Board of Health, City Health Officer, Bureau of Code Compliance and Inspections or a successor bureau or agency or any authorized representative or agent of the City of Lancaster.

### **CLEARANCE EXAMINATION**

An activity conducted and documented by a Certified and Licensed Lead Risk Assessor following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and no soil-lead hazards or settled dust-lead hazards as defined exist inside or on the exterior of the dwelling unit or worksite. EPA protocols are required to be followed for this examination.

### **CONDEMNED PROPERTY**

Any property or structure that has been found to be unsafe or dangerous to the life, health or safety of the public or the occupants and deemed to be unfit for habitation and condemned by an authorized employee of the City of Lancaster under City ordinances.

Exception: Utility shut-offs and “clean and sanitize” Property Maintenance Code violations or where appliances need to be replaced with no renovations required to any interior surface.

### **DAY CARE CENTER (also known as child care center)**

A building or area within a building licensed by the Commonwealth of Pennsylvania where child care is provided, which includes the care of those individuals under the age of six, for a fee for seven or more children and the space where child care is provided is not part of a dwelling., as approved by the City.

### **DWELLING UNIT**

Two or more habitable rooms designed for or occupied by not more than one family or nonfamily unit (as defined in the City’s Zoning Ordinance) as a single housekeeping unit, whether occupied or unoccupied.

### **DWELLING**

A two-family, multifamily, single-family attached, single-family detached or single-family semi-detached dwelling as defined in the City’s Zoning Ordinance composed of a building designed for use as a residence.

### **EBLL (elevated blood lead level)**

A blood lead level (BLL) confirmed by venous sample to be equal to or greater than the lead level defined as elevated by the United States Centers for Disease Control.

### **ENCAPSULATION**

Any covering or coating that acts as a barrier between lead-based paint and the environment, the durability of which relies on adhesion and the integrity of the existing bonds between multiple layers of paint and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of “PERMANENT”).

### **ENCLOSURE**

Rigid durable construction materials that are mechanically fastened to the substrate to act as a barrier between the lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of “PERMANENT”).

**EPA** – United States Environmental Protection Agency

### **EXPOSED SURFACE**

All interior surfaces of a dwelling and those exterior surfaces of a dwelling which are readily accessible to children under six years of age, such as stairs, decks, porches, railings, windows, doors and siding. Any yard or other area in the vicinity of a dwelling including, without limitation any soil, yard or other area which may be subject to contamination from flaking or peeling lead based coatings or any other source of lead is also considered an exposed surface.

### **FRICITION SURFACES**

An interior or exterior surface that is subject to abrasion or friction. The term includes window, door, floor and stair surfaces.

### **INTERIM CONTROLS**

A set of measures designed to reduce temporarily exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to: repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

### **LEAD-BASED PAINT/COATINGS**

Paint, varnish, glaze or other applied liquid surface coatings that contain at least 1 milligram per centimeter square (mg/square cm) of lead (also measured as greater than 0.5 percent lead by weight or has 5,000 parts per million (ppm) lead by dry weight).

### **LEAD-BASED PAINT RISK ASSESSOR**

An individual who is certified by the Environmental Protection Agency (EPA) and licensed by the Commonwealth of Pennsylvania to perform on-site investigations to identify the existence, nature, severity and location of lead-based paint hazards and document the findings in order to and recommend corrective measures.

### **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 by the Lead Risk Assessor, ongoing lead safe maintenance is necessary to maintain the property lead paint safe.

### **LEAD (PAINT) FREE**

A building or dwelling found to be free of any lead based paint or dust by a certified and licensed Lead Risk Assessor, following established guidelines set forth by the Environmental Protection Agency and U.S. Housing and Urban Development.

## **LEAD SOURCE HEALTH HAZARD**

An item or condition where exposure to that item or condition could have the potential to create a case of lead poisoning, such as exposure to lead-based paint.

## **LICENSED LEAD ABATEMENT CONTRACTOR**

A person, firm, company or institution that has been certified by the Environmental Protection Agency and licensed by the Commonwealth of Pennsylvania to perform lead –based paint activities.

## **OWNER**

Any person, firm, corporation, guardian, nonprofit organization, partnership, government, conservator, receiver, trustee, executor or other judicial officer who, alone or jointly or severally with others, owns, holds or controls the whole or any part of the freehold or leasehold title to any property containing a dwelling unit, or commercial space to be occupied and used as a child care center, with or without occupying actual possession thereof; and shall include, in addition to the holder of legal title, any vendee in possession thereof , but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

## **PERMANENT**

Permanent means an expected design life of at least twenty (20) years.

## **RECOGNIZED METHOD OF ANALYSIS**

Any recognized method of lead detection and analysis recognized by the Department of Housing and Urban Development and the Environmental Protection Agency which results in measurement of lead in milligrams in a square centimeter of a particular area, including, without limitation, an inspection with a radioisotope x-ray fluorescent analyzer (otherwise referred to as an XRF machine) or otherwise known as a “paint inspection.” Or through lead-paint dust-wipes analyzed by an accredited laboratory using the standards set forth by HUD and EPA. The standards recognize three areas for sampling: floors, windowsills, and window-wells or window troughs. The current standards are as follows:

- 40 micrograms per square foot for floor surfaces
- 250 micrograms per square foot for windowsills
- 400 micrograms per square foot for window-wells/troughs.

Areas that fail the clearance standards show lead levels in dust that are at or above these thresholds.

## **REDUCTION/REMEDIATION**

The term "reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through approved methods including interim controls and abatement.

## **REMOVAL**

The stripping of paint from contaminated surfaces by approved method, or replacement and disposal of contaminated items.

**RESIDENTIAL CHILD CARE CENTER**, also referenced as Child Day Care Centers under the Uniform Construction Code of Pennsylvania and Day Care Home in the City Zoning Ordinance. A residential dwelling used for the care of children, including those under six years of age as approved by the City and registered with the Commonwealth of Pennsylvania if serving four to six children or licensed by the Commonwealth of Pennsylvania if serving seven to twelve children.

### **RENOVATION, REPAIR AND PAINTING RULE**

This EPA rule requires that firms performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by the EPA (or an EPA authorized state), use certified renovators who are trained by EPA-approved

### **RISK ASSESSMENT**

An on-site inspection conducted by a Lead Risk Assessor for the purpose of locating and identifying lead poison hazards that could affect humans, especially children. The term "risk assessment" means an on-site investigation to determine and report the existence, nature, severity and location of lead-based paint hazards both on the interior and exterior of the structure including:

- (A) Information gathering regarding the age and history of the housing and occupancy by children under age 6;
- (B) Visual inspection;
- (C) Limited wipe sampling or other environmental sampling techniques;
- (D) Other activity as may be appropriate; and
- (E) Provision of a report explaining the results of the investigation and options for reducing lead-based paint hazards.

### **SURFACE**

The outermost layer or superficial area (excluding paint, plaster or putty) of the interior or exterior of a dwelling, including but not limited to the outermost layer or superficial area of walls, ceilings, floors, stairs, windows, windowsills, window frames, window sashes, doors, door frames, baseboards and woodwork.

### **TENANT**

The individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit or any structure with a child care facility.

### **WORKSITE**

An interior and exterior area where lead based paint hazard reduction activity takes place. There may be more than one work site in a dwelling unit or at a residential property.

### **182-3: Use of lead-based paint prohibited.**

- A. No person shall use or apply or cause to be used or applied lead-based paint to the interior or exterior surfaces of any dwelling, dwelling unit, rooming house, rooming unit or facility or any structure containing a child care facility. Such interior surfaces include, but are not limited to, windowsills, window frames, doors, door frames, walls, ceilings, stair rails and spindles or other appurtenances.

**182-4: Determination of health hazard.**

- A. Any source or amount of lead, including, without limitation, lead-based paint, shall be considered a lead source health hazard to children under six years of age, pregnant women or to other persons who have demonstrated an elevated blood lead level as defined by the Center For Disease Control, if:
  - (1) It exists inside or on the exterior of a dwelling in which the affected person commonly resides or visits;
  - (2) It exists inside or on the exterior of a structure containing a child day care facility.
  - (3) It exists inside or on the exterior of a condemned residential structure or condemned commercial structure containing a child care facility, regardless of any documented exposure.
  - (4) It is determined to be on any flaking, peeling, non-intact deteriorated surface or on any exposed surface or in any soil or dust found in or about the dwelling or in any rugs, carpet or other surface coverings in or about the dwelling; and
  - (5) It contains a quantity of lead in excess of 1.0 milligrams per square centimeter of surface when measured by a recognized method of analysis.

**182-5: Testing procedures and standards.**

- A. Testing and environmental investigation for lead hazards shall be performed by a public or private agency, entity or firm approved by the City, certified by the EPA and licensed by the Commonwealth of Pennsylvania as a Lead-Based Paint Risk Assessor.
- B. The physical determination of the lead content of surface material in a dwelling or of the lead content of any exposed surface shall be made by nondestructive measurements using a recognized method of analysis including x-ray fluorescence analyzer. All instruments used for in-place determinations of lead content shall be operated by a certified operator with proof of the same being submitted to the City.
- C. Any exposed surface which has a lead based coating which exceeds 1.0 mg/cm<sup>2</sup> when tested by x-ray fluorescence or .5% by weight shall be considered a violation of this article.
- D. For other acceptable forms of lead testing see, "Recognized Methods of Analysis".

**182-6: Risk assessment and clearance examination required.**

- A. A risk assessment shall be conducted on any property that meets one of the following conditions:
  - (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 20 micrograms per deciliter of whole blood, or two (2) readings of 15ug/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.
  - (2) Any property that receives federal or state funding for the purpose of lead remediation.
  - (3) When two or three unit family dwelling units are created by subdividing space within a building built before 1978 or when two or three existing family dwelling units are combined into one or two units in a building built before 1978.
  - (4) A structure constructed prior to 1978 containing a child care center, or child care facility regardless of age of the occupants or any documented exposure, prior to being granted approval to operate such day care center.
  - (5) Any condemned residential structure, constructed prior to 1978, prior to the issuance

of a certificate of habitability or certificate of occupancy.

B. Risk assessments shall take the following items into consideration to determine the extent of the hazard:

- (1) Consideration of the age and type of construction of the building.
- (2) Physical and sanitary condition of all painted surfaces.
- (3) Water piping.
- (3) Soil on the property.
- (4) Field testing of painted surfaces.
- (5) Dust sampling of selected horizontal surfaces.

C. The Lead-Based Paint Risk Assessor will issue a written and signed document, identifying the locations of the lead paint found and the conditions of the leaded surfaces. A risk assessment is based only on conditions observed and recorded at the time of the inspection.

D. Clearance Examination. An activity conducted and documented by a Lead-Based Paint Risk Assessor following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and no soil-lead hazards or settled dust-lead hazards as defined exist inside or on the exterior of the dwelling unit or worksite. EPA protocols are required to be followed for this examination. This applies to any structure undergoing a Lead Risk Assessment or any condemned residential structure, constructed prior to 1978, prior to the issuance of a certificate of habitability or certificate of occupancy.

E. A written clearance document shall be submitted by the Lead-Based Paint Risk Assessor to the City.

- (1) Exception – Condemned properties for utility shut-offs; clean and sanitize Property Maintenance Code violations or for appliance repairs or replacement where no interior alterations are required.

**182-7: Notification of violation for children with an elevated blood lead level.**

A. Upon Notification by a licensed medical doctor (physician) or a medical professional that a child under six years of age or other affected individual has an elevated blood lead level, the City Code Compliance and Inspection Office, Health Officer or other authorized personnel shall issue a written Notice of Violation to the property owner and/or management company ordering the abatement of the lead source hazards with approved methods using the services of a Licensed Lead Abatement Contractor.

B. The owner and/or authorized agent of any dwelling unit in which the affected individual resides or visits is required to submit within twenty-one (21) days, a written risk assessment report including the results of testing and an environmental investigation stating whether there exists a health hazard under this ordinance. This testing and environmental investigation shall be in accordance with §182-5.

- (1) The results of the investigation will indicate that there exists or may exist in a dwelling in which the child or other affected individual resides or visits that lead-based paint or other source of lead may have contributed to the person's elevated blood lead level.

C. If the owner fails to provide such risk assessment report, the City can perform or cause the performance of the testing and environmental investigation, at the expense of the owner, to determine whether there exists a health hazard.

D. When it is determined that there exists a lead source health hazard through the Risk Assessment, the owner must select a Licensed Lead Abatement Contractor that is

registered with the Pennsylvania Attorney General's Office as a registered home improvement contractor. The owner shall bear the cost of the contractor and abatement and shall submit a copy of the written, signed contract to the City Health Officer or other designated individual for review and approval within twenty-one (21) days of the Notice of Violation, and prior to initiating such abatement. Failure to provide a copy of a valid contract to the City within twenty-one (21) days of the Notice of Violation shall be subject to a fine of not less than \$300 and not more than \$1,000. Promptly upon receipt of the contract with a Licensed Lead Abatement Contractor with plans and schedule, the City Health Officer shall approve or disapprove such plans and schedule. Notice of any disapproval shall be accompanied by specific reasons therefore. Upon receipt of a disapproval notice, the owner shall, within five (5) business days, re-submit the plans and schedule with such revisions as are necessary to remove the objections.

- E. The owner and/or authorized agent shall complete the abatement of the lead hazard within forty-five (45) days after receiving notification that the plans and schedule have been approved.
- F. Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that do not total more than 20 square feet or less on exterior surfaces, 6 square feet in any one interior room.
- G. Clearance examination and report.
  - 1. Once the owner or authorized agent has completed the remediation efforts, a clearance examination and report must be submitted to the City within the forty-five (45) day schedule.
  - 2. Failure to obtain and pass a clearance examination within forty-five (45) days of approval of the contract is a violation of this ordinance. Each day that a violation continues is considered to be a separate offense.

**182-8: Notification of Violation for Condemned Residential Properties**

- A. If a residential property is condemned that was built before 1978, the owner and/or authorized agent of any dwelling is required to submit a written clearance examination report to the City Health Officer, stating whether there exists any residual lead health hazard under this ordinance. This clearance examination shall be in accordance with EPA Regulations.
- B. The owner shall bear the cost of the clearance examination report prior to obtaining a Certificate of Habitability or a Certificate of Occupancy.
- C. If the clearance examination indicates any lead hazards remaining, the owner is responsible for obtaining the services of a Licensed Lead Abatement Contractor for remediation. A copy of the contract is required to be submitted to the Health Officer for approval prior to beginning any abatement work.
  - (1) Exception: Condemned properties for utility shut-offs; clean and sanitize Property Maintenance Code violations or for appliance repairs or replacement where no interior alterations are required.

**182-9: Notification for Child Daycare Facilities, Child-Occupied Facilities, and Day Care Centers**

- A. If a property was built before 1978, the owner and/or tenant of any proposed child daycare, child-occupied facility, or daycare center is required to submit a written risk assessment report to the City Health Officer or other designated individual including the results of testing and an environmental investigation stating whether there exists a health hazard under this ordinance prior to receiving a license/approval to operate said facility by the City of Lancaster. This testing and environmental investigation shall be in accordance with §182-5.
  - (1) This Risk Assessment requirement includes any child care facility that has a child under the age of six years old identified as having an elevated blood lead level.
  
- 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 Attorney General's Office as a registered home improvement contractor. The owner shall bear the cost of the contractor and abatement work, and shall submit a copy of the risk assessment and clearance examination report prior to obtaining a Certificate of Habitability or Certificate of Occupancy.

**182-10: Abatement of Lead Hazard.**

- A. All abatement performed pursuant to this section shall follow the norms set forth in the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" issued by the U.S. Department of Housing and Urban Development, June 1995, based on Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and shall follow the following procedures:
  - (1) Paint Removal: Lead based paint shall be completely removed from any surface that can be chewed or eaten by children. Any cracked, chipped, blistered, or peeling lead based paint shall be completely removed to the base surface under such safety conditions as may be approved by the City.
  - (2) Enclosure: The capping over of such surfaces which contain lead at the recognized level, with a permanently affixed covering, of which is lead-free and which said permanently affixed covering is incapable of being readily chewed through, torn from the surface, pierced or otherwise removed in such manner as to expose the hazardous surface (for example, hardboard, plywood, drywall, plaster).
  - (3) Encapsulation: Repainting of such surfaces that contain lead at the recognized level with a non-lead based paint with a manufacturer's warranty of 20-year rating. This method shall not be deemed to be satisfactory for compliance with this part where evidence has been obtained of children under 6 years of age chewing the surface.
  - (4) Replacement: Removing the building component that is painted with lead-paint and replacing it with a new lead-free component.
  - (5) Elimination of friction surfaces.
  - (6) Paint stabilization.
  
- B. Disapproved methods of abatement.
  - (1) The methods used for the removal of lead-based paint shall not present a hazard to health from fumes, dust or vapors by inhalation or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances,

- regulations, safety standards and practices of City, state and federal agencies.
- (2) Dry sanding, heat guns capable of producing temperatures in excess of 1100 degrees Fahrenheit, the use of an open flame torch and chemical strippers containing methylene chloride are prohibited as part of any abatement techniques.
  - (3) Uncontained power washing or water blasting is prohibited as part of any abatement technique.

**182-11: Exemptions.**

- A. The City may, on a case-by-case basis, approve an alternative procedure for abatement of a lead paint violation, provided that the Licensed Lead Abatement Contractor submits a written description of an alternative procedure to the City and demonstrates that compliance with standard procedures are not practical or feasible in the individual case and that the proposed alternative procedure provides the equivalent control and removal.

**182-12: Protection of Occupants.**

- A. No owner, landlord, agent or person found to be in violation of this part may evict, or cause to be evicted from any apartment or building, occupants or occupants whose children under six years of age have demonstrated evidence of elevated blood lead levels for the purpose of avoiding corrective maintenance which may have been ordered by the City or a court of law.
- B. In the event the dwelling or dwelling unit or premises in which a lead hazard is found is vacated by the occupant voluntarily, who occupied it at the time of the issuance of a corrective notice, such dwelling, dwelling unit or premises shall not be let or occupied by any other person until corrective measures have been taken to bring it into compliance using a Licensed Lead Abatement Contractor as approved by the City.
- C. Temporary Relocation:
  - (1) When a Lead-based Paint Risk Assessor approved by the City determines that pregnant women and children under 6 years old are present and cannot safely remain in the dwelling while the abatement or remediation efforts are being undertaken, the property owner shall be responsible for the following:
    - a) Families with pregnant women and children under the age of six shall not be permitted to remain in the dwelling unit while remediation work by the approved contractor is in progress.
    - b) If the tenants noted herein are required to leave the dwelling for more than 12 hours while treatments are performed, the property owner must pay for reasonable expenses for overnight housing and meals for the duration of the remediation process. Payment must be made by the property owner immediately to a new landlord for the furnished dwelling unit or directly to other entities who provide the family with services to accommodate the displaced family members, to include the following temporary relocation costs;
      - c) Rent or cost per day of the temporary dwelling or hotel unit;
      - d) The cost of moving, hauling or storing furniture or other personal belongings if necessary; and
      - e) Costs for special HEPA-vacuuming of all upholstered furniture;
      - f) Reasonable meal expenses if the temporary housing does not have food storage/refrigeration and cooking facilities.

- g) Temporary relocation accommodations, if rental dwellings are utilized, shall be known lead safe properties. The owner is responsible for providing the tenant and City with a valid copy of a certificate or letter from an authorized Lead-based Paint Risk Assessor indicating that the unit they are to occupy on a temporary basis is lead safe.
  - 1. The lead safe certificate or certification letter shall not be dated more than two years prior to the temporary relocation.
- (2) The property owner shall be cited for failure to provide temporary relocation when provided, and shall be a violation of this ordinance subject to the fines and penalties set forth herein and restitution of any relocation expenses incurred by the tenant. Each day that a violation continues is considered to be a separate offense.
- (3) Temporary relocation is not to last for more than thirty (30) days unless agreed to by both the landlord and the tenant.
- (4) If furnishings and personal belongings were relocated to another address as part of the remediation efforts, it shall be the landlord or property owner's responsibility to pay for moving them back into the remediated unit, unless agreed to by both the landlord and the tenant.
- (5) The landlord or property owner shall be responsible for relocation expenses as noted above, including a refund of any security deposit to the tenant, plus any fine amounts which accumulate through legal action taken by the City for failure to correct an unsafe property condition.

**182-13: Remedy and collection.**

- A. The imposition of a penalty herein prescribed shall not preclude the City from instituting appropriate action by injunction or any other legal remedy to prevent or correct any violation of this chapter, and collect such costs by lien or otherwise as may be authorized by law. The City retains the right to enforce these remedies irrespective of any other ordinance or code enforcement efforts.
- B. Any bill or any repairs or corrections to the property pursuant to this chapter shall be paid by the property owner in accordance with Chapter 36, Municipal Claims. Upon failure of the property owner to pay the amounts due the City in accordance with Chapter 36, the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter 36, Municipal Claims including attorney fees.

**182-14: Inspection and access.**

- A. The City, through its agents or employees, is authorized to make inspections upon display of proper identification to determine compliance with this chapter.
- B. Every occupant of a dwelling shall grant to the owner thereof or his agent or employee or any person with whom the City has contracted free access to it at all reasonable times for the purpose of testing or inspection to effect compliance with this chapter and with any notice or order issued under this chapter.

**182-15: Sale of Property**

- 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.

**182-16: Liability of City**

- A. The issuance of a statement by the City to an owner and/or occupant that a violation notice has been abated does not subject the City to any claims for liability if the issuance of the statement was made in good faith.

**182-17: Means of Local Agency Appeals**

- A. Any party aggrieved by a decision of any designated and authorized agent of the city regarding lead-based paint shall have the right to file an appeal with the City Board of Health.
- B. Filing of appeal. Any appeal filed shall be filed within ten (10) days of the date of the Notice of Violation or letter regarding a lead-based paint violation or notice. Any such appeal shall be in writing and directed to the Lancaster City Board of Health, ATTN: City Health Officer with a check payable to the City of Lancaster in the amount of \$150.00 for the appeal. Furthermore, the Board may require the party bringing the appeal to pay any costs associated with hearing the appeal, including, but not limited to, attorney's fees in excess of the appeal fee, regardless of other expenses incurred whether or not the Board partially or fully upholds the City's issuance of the appealed notice of violation.
- C. Any party aggrieved by a decision of the Board of Health may appeal to the Court of Common Pleas of Lancaster County as provided by law, within 30 days of receiving the Board's decision.

**182-18: Violations and Penalties.**

- A. In addition to any other sanction or remedial procedure, any owner or occupant or other person who violates any provision of this chapter, upon conviction thereof, shall be fined not less than \$300 and not more than \$1,000, plus costs and/or other charges assessed hereunder, such as but not including, tenant relocation costs, be confined in jail not exceeding 30 days, or both, unless otherwise stipulated within this ordinance. Each day's continuance of a violation shall constitute a separate offense.

**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.** Those Child Care Facilities or Residential Child Care Centers in operation prior to the effective date of this Ordinance shall be grandfathered with regard to required compliance to Section 182-9 unless a child cared for by said facility is shown to have an Elevated Blood Lead Level as defined by the United States Centers for Disease Control.

**SECTION 5.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 12th day of July, 2016, 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