

TITLE THREE - Sanitation and Health

Art. 1139. Lead Hazards.

ARTICLE 1139  
Lead Hazards

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CROSS REFERENCES

Dwelling, proper paint - see HSG. 1763.05(d)

1139.01 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them by this section.

- (a) "Approval" means satisfactory compliance as determined by the Office of Economic Development.
- (b) "Chewable surfaces" includes but is not limited to window sills, banisters, chair rails, furniture or other areas that the Office determines to be accessible to a child.
- (c) "Dwelling" includes unit, rooming house and rooming unit, and shall mean a building or structure which is wholly or partly used for living, sleeping, or recreation, by human occupants.
- (d) "Extractable or leachable lead" means the quantity of lead in solution form applied to food containers, cooking, eating or drinking utensils, toys, furniture, or tableware and shall not exceed 0.7 micrograms per milliliter.
- (e) "Facility" means any building or structure and equipment therein.
- (f) "HEPA vacuum" means a high efficiency particle accumulator vacuum.

- (g) "Hazard reduction" means the appropriate reduction of, removal of, or encapsulation of lead followed by thorough clean-up and post clean-up treatment of the surfaces and sources that promote exposure resulting in the possibility of lead toxicity or poisoning.
- (h) "Lead violation" means the violation of any state or local law regulation concerning lead on the interior and exterior surfaces of any property or on any toy, appliance, item of furniture, or other household item that is easily accessible to a child; or that is cracking, peeling, chipping, blistering, or flaking or is in an otherwise deteriorated condition; or that is chalking so that the lead dust generated therefrom is determined by the Office to pose a health hazard.
- (i) "Lead paint" means any pigmented, liquid substance applied to surfaces by brush, roller, or spray or other means in which total nonvolatile ingredients contain no more than six one-hundredths of one percent (0.06%) of lead by weight calculated as dried film applied.
- (j) "NIOSH" means National Institute of Occupational Safety and Health.
- (k) "Office" means the Office of Economic Development of the City of York.
- (l) "Owner" means any person, firm, corporation, guardian, conservator, receiver, trustee, executor, agent, manager, or others, who owns, holds, or controls the whole, or any part, of the freehold or leasehold title to any property thereof, with or without accompanying actual possession thereof, and shall include in addition to the holder of legal title, any vendee in possession thereof. In case of a toy, appliance, item of furniture or other household item which is the property of a tenant for the sole purpose of the reduction of a lead violation existing therein.
- (m) "OSHA" means Occupational Safety and Health Administration.
- (n) "Premises" means a lot, plot, or parcel of land including all facilities therein.
- (o) "Secondary residence" means a care giver's home, day care center, or other dwelling, institution or property frequented by an elevated blood lead child.
- (p) "Substance" shall include but not be limited to lead bearing putty, ceramics, plumbing, sealers, paint, vinyl products, soil, and similar items.
- (q) "Surfaces" includes but is not limited to such areas as window sills, window frames, doors, door frames, walls, ceilings, porch, stairs, handrails, toys, furniture, food utensils, and other appurtenances.
- (r) "XRF" means a radioisotope x-ray fluorescent analyzer in place determinations of lead content. This records the weight of lead (in milligrams - mg) in a particular area (1 cm<sup>2</sup>). Readings in excess of 0.6 mg per cm<sup>2</sup> indicate a hazardous concentration of lead in the area where the reading is taken.  
(Ord. 5-98. Passed 6-2-98.)

#### 1139.02 PROHIBITED USE OF LEAD PAINT.

No person in the City of York shall use or apply or cause to be used or applied, lead paint as defined in this article, or any substance containing lead in excess of six one hundredths of one percent (0.06%) by weight to interior surfaces and to those exterior surfaces accessible to children of any premises, dwelling, or facility occupied or used by children.  
(Ord. 5-98. Passed 6-2-98.)

### 1139.03 PROHIBITED DISTRIBUTION OF TOYS, FURNITURE, FOOD CONTAINERS, UTENSILS, TABLEWARE.

No person shall sell, transfer, give or deliver any toy, furniture, food container, cooking, eating or drinking utensil or tableware having extractable or leachable lead on it or in it. (Ord. 5-98. Passed 6-2-98.)

### 1139.04 LABELING OF SUBSTANCES HAVING LEAD CONTENT.

Containers in which substances having lead content are stored, sold, transferred or added for wholesale or retail purposes shall be labeled in conformance with state and federal laws and regulations and recommended standards of the Federal Hazardous Substances Labeling. (Ord. 5-98. Passed 6-2-98.)

### 1139.05 HAZARDOUS CONDITION AND NOTICE FOR HAZARD REDUCTION.

(a) For the purpose of determining the presence of lead within the City, a trained lead technician from the Health Bureau, operating under the Office of Economic Development, shall use an XRF instrument. This instrument is approved by the United States Department of Housing and Urban Development for the Childhood Lead Poisoning Prevention Program within the City and the test results obtained by a representative of the Health Bureau when using this instrument shall be conclusive as to the question of presence or absence of lead paint.

(b) When the Office determines that the presence of lead paint or lead bearing substance upon any premises creates a health hazard to children or other persons, they shall issue a thirty (30) day notice to the owner or occupant to eliminate the hazard; however, at the discretion of the Office additional time may be granted to remove, reduce or remedy such condition. Lead paint shall be completely removed from any surface which can be chewed or eaten by children. Loose, cracked, chipped, blistered, peeling lead paint or other accessible surfaces shall be covered with an approved, durable, protective material.

(c) The methods used for the removal of lead 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 and safety standards and practices of the City and state and federal agencies. (Ord. 5-98. Passed 6-2-98.)

### 1139.06 HAZARD REDUCTION PROCEDURES.

#### (a) Methods of Hazard Reduction.

(1) Furnishings must be removed from each room or area as it is prepared for reduction. Those furnishings that cannot be removed must be covered with plastic and sealed with tape. Furnishings should be thoroughly cleaned to remove lead dust before returning them to a room that has undergone hazard reduction.

(2) Each area that is to be reduced shall be sealed with plastic and taped prior to hazard reduction in order to contain the reduction residue.

- (3) Dry sanding, heat guns, the use of an open flame torch and chemical strippers containing methylene chloride are prohibited reduction techniques. Methylene chloride based strippers may be used, if necessary, in small quantities as a final touch-up.
  - (4) The entire floor of the work area shall be covered with plastic and all seams and edges secured with tape and staples.
  - (5) All reduced surfaces must be inspected within a reasonable time frame.
- (b) Walls/Ceilings.
- (1) If a defective area of a wall or ceiling is localized, only the defective area should be scraped and repaired to create a smooth surface. The entire wall or ceiling must then be repainted with a paint containing less than six one hundredths of one percent (0.06%) lead in the final dried state.
  - (2) If the walls or ceilings are determined by the Office to be suitable for repainting, covering with fiberglass, vinyl, sheetrock, and/or any type of paneling or other covering which seals the seams and edges will be satisfactory.
- (c) Woodwork and woodtrim.
- (1) Nonchewable surfaces. Approved methods of hazard reduction are wet scraping until smooth, replacement, covering with new wood and sealed and caulked seams, and/or paint removal using chemical strippers, which do not contain methylene chloride. Methylene chloride based strippers may be used, if necessary, in small quantities as final touch-up method. Off-site chemical stripping of woodwork and wood trim is also acceptable. All reduced surfaces must be repainted with paint containing less than six one hundredths of one percent (0.06%) lead in the final dried state.
  - (2) Chewable surfaces. Approved methods of hazard reduction are wet scraping, replacement, covering with new wood with sealed and caulked seams, and/or paint removal using chemical strippers may be used, if necessary, in small quantities as a final touch-up method. Off-site chemical stripping of woodwork and wood trim is also acceptable. All reduced surfaces must be repainted with paint containing less than six one hundredths of one percent (0.06%) lead in the final dry state.
- (d) Floors. Coated with lead paint must be encapsulated using a quarter inch tempered hard board or plywood underlayment or vinyl tile or linoleum flooring. Upon written request from the owner, the Office may consider other appropriate means of reducing surfaces.
- (e) Exterior. Approved methods are wet scraping, water blasting, or encapsulation. All reduced surfaces must be repainted with paint containing less than six one hundredths of one percent (0.06%) lead in the final dried state.
- (f) All reduced surfaces must be inspected by the Office prior to the painting or coating of said surfaces.

(g) Clean-up.

- (1) At the end of each work day, rooms or areas in which hazard reduction is complete shall be thoroughly cleaned in conformance with this section, or properly sealed from the remainder of the dwelling or secondary residence.
- (2) Before unsealing each room or area, it should be thoroughly cleaned, inspected by the Office within a reasonable time frame, surface recoated and then cleaned again. Once a room has received clean-up it should not be reentered by the workers.
- (3) In absence of a HEPA vacuum, two thorough washings using a strong detergent, as prescribed by the Office, with frequent changes of water, each followed by two additional treatments after repainting or coating, will be considered satisfactory.
- (4) Use of an ordinary vacuum for clean-up of reduction debris is prohibited. Sweeping should be limited to preliminary cleanings only.  
(Ord. 5-98. Passed 6-2-98.)

**1139.07 PROHIBITION OF EVICTION OF OCCUPANTS WITH CHILDREN BY OWNER OR LANDLORD.**

No owner or landlord, found to be in violation of Section 1139.05 may evict, or cause to be evicted, occupants with children for the purpose of avoiding corrective maintenance order by the Office of Economic Development, court or other appropriate authority to eliminate hazardous lead exposures. Further, the families with children shall be permitted to continue their occupancy in accordance with their lease or rental agreement executed prior to corrective maintenance.  
(Ord. 5-98. Passed 6-2-98.)

**1139.08 SAFETY OF WORKERS.**

Persons carrying out hazard reduction activities shall wear NIOSH or OSHA approved respirators. Shoes and clothing shall be removed in the room or area being reduced. The clothing shall be washed separately.  
(Ord. 5-98. Passed 6-2-98.)

**1139.09 DISPOSAL OF HAZARD REDUCTION WASTE.**

Lead hazard reduction waste shall be transported and disposed of in a manner to prevent lead from becoming airborne. Waste shall be disposed of in accordance with current Pennsylvania Department of Environmental Protection regulations.  
(Ord. 5-98. Passed 6-2-98.)

**1139.10 EXEMPTIONS.**

The Office may on a case-by-case basis, approve an alternative procedure for hazard reduction of a lead violation, provided that the owner submits a written description of an alternative procedure to the Office and demonstrates that compliance with these procedures are not practical or feasible, or that the proposed alternative procedure provides the equivalent control and removal.  
(Ord. 5-98. Passed 6-2-98.)

#### 1139.11 PROCEDURES RELATED TO INSPECTION OF THE HAZARD REDUCTION.

(a) The Office may inspect any dwelling or secondary residence at any time during the hazard reduction to determine compliance with hazard reduction standards.

(b) When hazard reduction has been completed, the Office shall perform a follow-up environmental inspection to determine if hazard reduction has been completed in conformance with this regulation. This determination shall be made based on one or more of the following:

- (1) Reading of the XRF instrument.
- (2) Dust sample analysis.
- (3) Paint sample analysis.
- (4) Visual inspection.

(c) If hazard reduction is determined to have been in compliance with any notice to reduce, and in conformance with this regulation, the Office shall issue a written statement to the owner that the lead violation notice has been satisfied. Such statement shall not preclude the Office from the issuing future notices of lead violations against the same dwelling or secondary residence in accordance with this regulation.

(Ord. 5-98. Passed 6-2-98.)

#### 1139.12 REPORTS.

Every public health official, physician or director of a laboratory, hospital or other treatment facility who diagnoses or suspects the existence of lead poisoning in any person shall immediately notify, in writing, the Office of such fact. Notification shall include name and age of the individual, name or parents or employer if person is an adult, and present address.

(Ord. 5-98. Passed 6-2-98.)

#### 1139.13 SALE OF PROPERTY.

If a lead violation is known to exist at a dwelling, then upon the sale of said property, the owner shall notify the potential buyer of the existing condition.

(Ord. 5-98. Passed 6-2-98.)

#### 1139.14 LIABILITY OF THE OFFICE.

The issuance of a statement by the Office to an owner that a lead violation notice has been reduced does not subject the Office to any claims for liability if the issuance of the statement was made in good faith.

(Ord. 5-98. Passed 6-2-98.)

#### 1139.99 PENALTY.

In addition to any other sanction or remedial procedure, any owner, landlord, occupant or other person who violates any provision of this article upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or be confined in jail not exceeding thirty (30) days, or both. Each day's continuance of a violation shall constitute a separate offense. (Ord. 5-98. Passed 6-2-98.)