

AN ORDINANCE No. 86-244-219

ADOPTED OCT 13 1986

To amend and reordain Sections 15-68 and 15-69 of the Code of the City of Richmond, 1985, concerning schedule of compliance for remedying certain deficiencies involving lead based paint and responsibilities concerning children exposed to lead based paint, and to repeal Sections 15-48, 15-49, 15-66, 15-67, 15-70, 15-71 and 15-72, of Chapter 15 of said Code.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Sections 15-68 and 15-69 of the Code of the City of Richmond, 1985, be and are hereby amended and reordained as follows:

Sec. 15-68. Schedule of compliance.

~~[(a)]~~ Whenever it is brought to the attention of the director that a child less than six (6) years of age residing within the city has been found to have a lead-to-blood ratio of at least ~~[thirty-(30)]~~ twenty-five (25) micrograms of lead per one hundred (100) milliliters of whole blood and that such child's ~~[place-of-residence-and/or related-structures]~~ dwelling, dwelling unit, or child care facility, including fences and outbuildings, are in non-compliance with the provisions of ~~[section-15-67(a)(1)-or meet-the-criteria-set-forth-in-section-15-67-(a)(2)-or-when the-director-finds-that-any-dwelling-or-dwelling-unit~~

~~or any outbuilding or fences appurtenant thereto present a danger under the provisions of section 15-67(a)(1) or 15-67(a)(2)]~~ the building maintenance code, the director shall cause written notice stating these facts with specificity to be personally delivered to or mailed to the owner of the child's ~~[place of residence]~~ dwelling, dwelling unit or child care facility. Upon receipt of notice, the owner shall cause the property for which the notice was issued to be brought into compliance with the provisions of the building maintenance code. The subsequent relocation of the child shall not relieve the owner of the responsibility of bringing the dwelling, ~~[or] dwelling unit, or child care facility~~ into compliance with ~~[section 15-67:--Within seven (7) days following receipt of notice, the owner shall furnish the director a written plan and schedule for bringing the dwelling into conformity with the requirements of section 15-67:--The plan and schedule shall specify in detail the means, methods, materials and date by which conformity will be achieved]~~ the building maintenance code.

~~[(b)--Promptly upon receipt of the plan and schedule, the director shall approve or disapprove such plan and schedule, taking into account the adequacy of the means, methods and materials specified therein for such purpose and the availability of any requisite materials and labor. The nonavailability of materials and labor, or either-~~

materials or labor, shall be a reasonable ground for disapproval of a plan and schedule, provided, however, a feasible alternate means of compliance is available and would well achieve significantly earlier conformity with the requirements of section 15-67. There shall be no deviation from an approved plan and schedule without the express consent of the director. Notice to the owner of a disapproved plan and schedule shall be accompanied by the specific reasons therefor. Upon receipt of such notice, the owner shall within seven (7) days, resubmit the plan and schedule with such revisions as are necessary to remove the objections of the director. Upon disapproval of a second plan by the director, the owner shall be issued a written notice requiring a specific schedule and methods to bring the dwelling into compliance. The owner shall complete abatement of the lead hazard within fourteen (14) days after receiving notification from the director that the schedule has been approved, unless the director extends the time for compliance.]

Sec. 15-69. Children found to have elevated blood lead ratio; responsibility of parents, guardians or other persons acting in loco parentis.

Parents, guardians, or other persons acting in loco parentis of children having a lead-to-blood ratio of at least [~~thirty (30)~~] twenty-five (25) micrograms per one hundred (100) milliliters of whole blood shall take all

reasonable precautions to prevent such children being further exposed to paint and other substances containing lead in excess of the percentage stated in [~~section-15-66~~] the building maintenance code. Such precautions shall include but not be limited to:

- (1) Sweeping up paint chips and plaster;
- (2) Close supervision to prevent children from ingesting lead; and
- (3) Educating older siblings and babysitters about lead hazards and their danger to children.

§ 2. That Sections 15-48, 15-49, 15-66, 15-67, 15-70, 15-71, and 15-72 of the Code of the City of Richmond, 1985, as follows, be and are hereby repealed:

Sec. 15-48. Buildings to be maintained in ratproof condition.

The main building or buildings on a premises shall be made reasonably ratproof and maintained at all times in such condition. Accessory structures, such as sheds or garages, shall be maintained in accordance with the provisions of section 15-50 and any rules or regulations promulgated pursuant thereto.

(Code 1975, § 16-45)

Sec. 15-49. Replacing or covering broken basement windows.

All broken basement windows in buildings shall be replaced, and when necessary, basement window openings shall be covered with hardware cloth or other material approved by the director so as to prevent rats from entering the building through such openings.

Sec. 15-66. Certain use of paint and other substances containing lead prohibited; analysis to determine lead content.

It shall be unlawful to use or apply or cause to be used or applied paint or any other substance when it contains seven-tenths milligrams per square centimeter (0.7 mg/cm²) or more of lead as measured by the x-ray fluorescence analyzer, or when it contains more than one-half of one per centum lead by weight in the total nonvolatile content of liquid paint or in the dried film of paint already applied as determined by wet chemical analysis, to exterior and interior surfaces of dwellings or dwelling units and their appurtenant outbuildings and fences.

(Code 1975, § 16-49)

Sec. 15-67. Exterior and interior surfaces of dwellings or dwelling units and other structures bearing paint and other substances containing lead; certain measures required; lead hazard defined.

(a) Any other provisions of this Code notwithstanding:

- (1) Exterior and interior surfaces of dwelling or dwelling units and their appurtenant outbuildings and fences shall be maintained free of paint or any other surface material containing lead which is loose, cracked, chipped, blistered or peeling.
- (2) If the director finds on any dwelling or dwelling unit, or upon any outbuildings or fences

appurtenant thereto, paint or other substance containing lead in excess of the percentage stated in section 15-66, which is accessible to and can be chewed by a child under the age of six (6) years, and also determines that such paint or other substance presents a lead hazard to children of such ages, he shall require the owner to remove such paint or other substance to a height of five (5) feet, or permanently shield same to such height in a manner which the director deems adequate to bar ingestion by any such child. A lead hazard shall be deemed to exist when:

- a. The x-ray fluorescence analyzer reading or wet chemical analysis exceeds the maximum acceptable reading specified in section 15-66; and
- b. The surface being tested is reachable and chewable or contains paint that is damaged, *i.e.*, cracking, scaling, chipping, loose or chewed.

(b) The director shall notify the owner of a dwelling in which a lead hazard exists in accordance with the requirements of section 15-68. If lead which is found in paint on intact surfaces is not deemed a lead hazard, the director shall advise the owner of this fact and shall provide suggestions for maintenance of such surfaces.

Sec. 15-70. Director authorized to make regulations in aid of the provisions of sections 15-68 and 15-69.

(a) In addition to the discretion vested in the director by the terms of section 15-67(a)(2), the director shall have the power with the approval of the board of housing and hygiene, to make, amend and repeal rules and regulations pertaining to the requirements of sections 15-68 and 15-69 for the purpose of insuring that these requirements are met in letter and spirit.

(b) No such rule or regulation and no such amendment or repeal thereof shall become effective or have the force and effect of law until:

- (1) The board approves such rules and regulations or amendment or repeal;
- (2) The director makes such rule, regulation, amendment or repeal in convenient form available for public inspection in the office of the director at least ten (10) days before such rule, regulation, amendment or repeal is adopted;
- (3) The director publishes a notice in a newspaper of general circulation published in the city declaring the director's intention to adopt such rule or regulation or such amendment, or such repeal, on a day and at a time to be specified in the notice, after the expiration of at least ten (10) days from the day of the publication thereof;
- (4) The director holds the public hearing on the day and at the time specified in such notice and hears all persons appearing for or against

such rule or regulation, amendment or repeal thereof; and

- (5) The director files a true copy of such rule or regulation and any amendment or repeal thereof after such public hearing and approval by the board with the city clerk in accordance with the provisions of section 20.05 of the Charter.

(Code 1975, § 16-53)

Sec. 15-71. Appeals to the board of housing and hygiene.

Any owner who is aggrieved by an action of the director taken pursuant to section 15-68 may appeal to the board of housing and hygiene within five (5) days after the owner becomes aware or, in the exercise of prudence, should have become aware of the action of which he complains. Such appeal shall be taken by filing in the office of the director a notice of appeal stating in brief and concise form the grounds therefor. The board shall hear and determine such appeal as promptly as practicable, but within fourteen (14) calendar days of the filing of the appeal, and shall have the power to reverse or modify the action of the director. The decision of the board, together with the reasons therefor, shall be in writing and filed in the office of the director as a public record. The affirmative vote of a majority of the members present shall be necessary to reverse or modify the action of the director.

(Code 1975, § 16-54)

Sec. 15-72. Violations of provisions of article; penalty.

Violations of the prohibition of section 15-66 or of any of the requirements of sections 15-67 and 15-68 shall be a Class 1 misdemeanor.

§ 3. That references in the Code of the City of Richmond, 1985, to sections repealed pursuant to adoption of § 2 of this ordinance shall hereafter refer to the appropriate section or sections of the building maintenance code.

§ 4. This ordinance shall be in force and effect as of October 1, 1986.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-244	Subject To Amend Code Sections 15-68 and 15-69 to Repeal Sections 15-48, 15-49 et al.
Requested by City Manager	
Received City Manager's Office --	
Summarized 10/7/86	

SUMMARY

This Ordinance would amend and reordain Sections 15-68 and 15-69 of the Code of the City of Richmond, 1985, concerning schedule of compliance for remedying certain deficiencies involving lead based paint and responsibilities concerning children exposed to lead based paint.

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COUNCIL ACTION

On Docket 10/13/86
Amended
Adopted
Rejected