ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY AMENDING PROVISIONS IN CHAPTER 10 ARTICLE VII RELATING TO CONTROL OF LEAD-BASED PAINT

BE IT ORDAINED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 10, Article VII, Section 10-240 of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

Sec. 10-240. - Purpose.
(a) To protect the health, welfare and safety of the residents of Linn County, Iowa by requiring control of lead-based paint hazards:
   (1) Where a child has been identified with an elevated blood lead level; or
   (2) When any act, failure to act, or condition creates a hazard to one or more persons.
   (3) When any act creates a hazard to the environment.

SECTION 2. SECTION MODIFIED. Chapter 10, Article VII, Section 10-242 of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

Sec. 10-242. - Definitions.
[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Certified elevated blood lead (EBL) inspector/risk assessor means a person who has met the requirements of 641 IAC 70.5(135) for certification or interim certification and who has been certified by the Iowa Department of Public Health.

Chewable surface means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew.

Child-occupied facility means a building, or portion of a building, constructed prior to 1978, visited by the same child under the age of six years on at least two different days within any week, Sunday through Saturday period, provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

Clearance testing means an activity conducted following interim controls, lead abatement, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation to determine that the hazard reduction activities are complete. Clearance testing includes a visual assessment, the collection and analysis of environmental samples, the interpretation of sampling results, and the preparation of a report.

Certified firm means Linn County Public Health, which employs certified lead professionals and has met the requirements of 641 IAC 70.7(135) for certification, and has been certified by the Iowa Department of Public Health.

Deteriorated paint means any interior or exterior paint or other coating that is cracking, flaking, chipping, peeling, or chalking, or any paint or coating located on an interior or exterior surface that is otherwise damaged or separated from the substrate of a building component.

Dripline means the area within three feet surrounding the perimeter of a building.
**Dust-lead hazard** means surface dust in residential dwellings or child-occupied facilities that contains a mass-per-area concentration of lead greater than or equal to 10 micrograms per square foot on floors, 100 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present in a residential dwelling or child-occupied facility when the weighted arithmetic mean lead loading for all single-surface or composite samples of floors and interior windowsills is greater than or equal to 10 micrograms per square foot on floors, 100 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on widow troughs based on wipe samples. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled residential dwelling in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled residential unit on the property. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled common area in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled common area in the same common area group on the property. If dust samples are not taken, it may be assumed that surfaces in rooms with hazardous lead-based paint, or where renovation, remodeling, or repainting has occurred recently are dust-lead hazards.

**Elevated blood lead (EBL) child** means any child who has had one venous blood lead level greater than or equal to 20 micrograms per deciliter or at least two venous blood lead levels of 15 to 19 micrograms per deciliter.

**Elevated blood lead (EBL) inspection** means an inspection to determine the sources of lead exposure for an elevated blood lead (EBL) child, and the provision within ten working days of a written report explaining the results of the investigation to the property owner and occupant of the residential dwelling or child-occupied facility being inspected and to the parents or legal guardians of the EBL child. A EBL inspector/risk assessor shall not determine that a residential dwelling is free of lead-based paint as a result of an EBL inspection.

**Friction surface** means an interior or exterior surface that is subject to abrasion or friction including, but not limited to, certain window, floor, and stair surfaces.

**Hazard** means any lead source nuisance that the health officer considers dangerous or detrimental to life or health of children under six years of age, or other persons.

**Hazardous lead-based paint** means lead-based paint that is present on a friction surface where there is evidence of abrasion or where the dust-lead level on the nearest horizontal surface underneath the friction surface (e.g., the windowsill or floor) is equal to or greater than the dust-lead hazard level, lead-based paint that is present on an impact surface that is damaged or otherwise deteriorated from impact, lead-based paint that is present on a chewable surface, or any other deteriorated lead-based paint in any residential building, other structures on property or child-occupied facility or on the exterior of a residential building, other structures on property, or child-occupied facility.

**Health officer** means an authorized representative of the Linn County Board of Health who has met the requirements of 641 IAC 70.5(135).

**Impact surface** means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of doorframes.

**Lead-based paint** means any paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram of lead per square centimeter or more than 0.5 percent by weight. Lead-based paint is present on any surface that is tested and found to contain lead equal to or in
excess of 1.0 milligram per square centimeter or more than 0.5 percent by weight and on any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

Lead-based paint hazard means hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard.

Local board means the Linn County Board of Health as authorized by I.C.A. ch. 137.

Mid-yard means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

Occupant means any person visiting, living, sleeping, cooking or eating in, or having any actual possession of, a dwelling or dwelling unit.

Owner means any person who, alone or jointly with others: (1) has legal title to any dwelling, with or without accompanying actual possession thereof, or (2) has charge, care or control of any dwelling by acting as the agent of the owner or as the executor, administrator, trustee, or guardian of the estate of the owner.

Paint-lead hazard means the presence of hazardous lead-based paint in a residential dwelling or a child-occupied facility.

Play area means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, factors including the following: the presence of play equipment (i.e. sandboxes, swing sets, and sliding boards), toys, or other children’s possessions; observations of play patterns; or information provided by parents, residents, caregivers, or property owners.

Residential building means a building containing one or more residential dwellings.

Residential dwelling means (1) a detached single-family dwelling unit, including the surrounding yard, attached structures such as porches and stoops, and detached buildings and structures including, but not limited to, garages, farm buildings, and fences; or (2) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or part, as the home or residence of one or more persons; or (3) a rooming unit or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Retaliation means harassment, termination of the tenancy, discontinuation of utilities or other services, and any other action taken against the lessee.

Soil-lead hazard means bare soil on residential real property or on the property of a child-occupied facility that contains total lead greater than or equal to 400 parts per million for the dripline, mid-yard, and play areas. A soil-lead hazard is present in a dripline, mid-yard, or play area when the soil-lead concentration from a composite sample of bare soil is greater than or equal to 400 parts per million. If soil samples are not taken, it may be assumed that bare soil within three feet of the foundation of a garage or other structure built prior to 1978 is a soil-lead hazard.

SECTION 3. SECTION MODIFIED. Chapter 10, Article VII, Section 10-243 of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:
Sec. 10-243. - Hazard nuisance assessments

When the health officer has reason to suspect a prohibited method, as defined in section 10-247, was used or there is a possibility of lead exposure in a pre-1978 residential dwelling, the health officer shall investigate the potential hazard. Should the health officer determine a hazard has been created, the health officer shall provide notice to the responsible party stating that said hazards are to be corrected in an approved manner within a time frame determined by the health officer. Failure to correct the hazards shall cause for penalties outlined in section 10-249 herein.

SECTION 4. SECTION MODIFIED. Chapter 10, Article VII, Section 10-246(c) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

(c) Emergency renovations that are required as a result of an elevated blood lead (EBL) inspection are initially exempt from the certification requirements outlined in 641 IAC 70.3(135). The work practice standards found in 641 IAC 70.6(11)”a” shall apply. All prohibited methods of lead hazard control found in section 10-247 is banned. All individuals who perform emergency renovations in response to an elevated blood lead (EBL) inspection are required to obtain certification as a lead-safe renovator, lead abatement contractor, or lead abatement worker within six months from the date the elevated blood lead (EBL) inspection report was issued or seek services from an Iowa State Lead Safe Renovator. Renovations and interim controls performed in response to an elevated blood lead (EBL) inspection are required to pass clearance testing that is performed by the health officer. The homeowner shall be responsible for notification to the health officer at least 24 hours prior to an EBL lead based paint hazard mitigation.

SECTION 5. SECTION REPEALED. Chapter 10, Article VII, Section 10-246(e) of the Code of Ordinances, Linn County, Iowa, is hereby repealed:

SECTION 6. SECTION ADDED. Chapter 10, Article VII, Section 10-246(e) of the Code Ordinances, Linn County, Iowa, is hereby added:

(e) The health officer shall inspect all areas identified as hazards after lead hazard reduction is complete. The health officer shall conduct clearance testing pursuant to 641 IAC 70 to ensure that no dust-lead hazards exist after the work is complete. Within two weeks of verifying that all lead hazard reduction has been completed and laboratory samples have been received and clearance achieved as required, the health officer shall issue documentation of compliance to the owner and occupant stating that the lead hazard reduction has been completed and that the repaired surfaces must be maintained in good condition. The homeowners shall be responsible to notify the health officer within 24 hours after lead based paint hazard work is completed.

SECTION 7. SECTION ADDED. Chapter 10, Article VII, Section 10-247 of the Code Ordinances, Linn County, Iowa, is hereby added:

10-247. - Prohibited methods of lead hazard reduction. These methods results in high dust jobs, the spread of contamination, and inhalation and ingestion hazard for workers and occupants:

(1) Open-flame burning or torching of lead-based paint.
(2) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with high-efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(3) Uncontained water blasting of lead-based paint.

(4) Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.

(5) Operating a heat gun at a temperature above 1,100 degrees Fahrenheit.

SECTION 8. SECTIONS RENUMBERED. Chapter 10, Article VII, Section 10-247 through Section 10-247 through Section 10-251 of the Code Ordinances, Linn County, Iowa, is hereby renumbered Section 10-248 through Section 10-252, respectively.

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 11. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

First reading on the _______ day of _______________________, 2018.

Second reading on the _______ day of _______________________, 2018.

Third reading and final passage on the _______ day of _______________________, 2018.

Published in The Gazette on the _______ day of _______________________, 2018.
LINN COUNTY BOARD OF SUPERVISORS

Ben Rogers, Supervisor

__________________________
Brent Oleson, Supervisor

__________________________
Stacey Walker, Supervisor

Aye: _____   Nay: _____   Abstain: _____

ATTEST:

__________________________
Joel Miller, Linn County Auditor

I, ____________________________, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on ____________________, 2018 and published as provided by law on ____________________, 2018.

_______Aye  _______Nay  _______ Abstain and  _______Absent from Voting.

__________________________
Joel Miller, Linn County Auditor

State of Iowa
County of Linn

This instrument was acknowledged before me on the __________ day of ________________, 2018, by Joel Miller as Linn County Auditor.

__________________________
Notary Public, State of Iowa