

CHAPTER 27 LEAD PROGRAM

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SEC. 27-1 SCOPE AND PURPOSE

To establish an ordinance controlling the lead hazards in dwellings and child-occupied facilities, including establishing minimum standards for inspections and providing penalties for violation of the provisions herein. This ordinance shall affect only those residential dwellings or child-occupied facilities in which an Elevated Blood Level (EBL) child resides or commonly visits. All owners shall comply with the provisions of this ordinance and or the rules, resolution, and order adopted pursuant to this ordinance.

SEC. 27-2 DEFINITIONS

The following words shall have the following meaning for the purpose of this ordinance.

1. "Board of Health" means the Scott County Board of Health pursuant to Chapter 137 State Code of Iowa.
2. "Certified lead professional" means a person, who has been certified by the Iowa Department of Public Health as a lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, lead abatement contractor, lead abatement worker, project designer, sampling technician, or lead-safe renovator.

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3. "Chewable surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew.
4. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, that is described by all of the following: (1) The building is visited on a regular basis by the same child, who is less than six years of age, on at least two days within any week. For purposes of this chapter, a week is a Sunday through Saturday period. (2) Each day's visit by the child lasts at least 3 hours, and the combined annual visit totals at least 60 hours. A child-occupied facility may include, but is not limited to a child care center, preschool, or kindergarten classroom. A child-occupied facility also includes common areas that are routinely used by children who are less than six years of age, such as restrooms and cafeterias, and the exterior walls and adjoining space of the building that are immediately adjacent to the child-occupied facility or common areas routinely used by children under the age of six years. "Child-occupied facility" also includes any building where lead-based paint activities are conducted immediately prior to or during the conversion of the building to a child-occupied facility.
5. "Cleaning verification card" means a card developed and distributed, or otherwise approved, by the U.S. Environmental Protection Agency (EPA) for the purposes of determining, through comparisons of wet and dry disposable cleaning cloths with the card, whether post renovation cleaning has been properly completed.
6. "Clearance level" means the value at which the amount of lead in dust on a surface following completion of interim controls, lead abatement, paint stabilization, standard treatment, ongoing lead-based paint maintenance, rehabilitation, or renovation is a dust-lead hazard and fails clearance testing. The clearance level for a single-surface dust sample from a floor is great than or equal to 40 micrograms per square foot. The clearance level for a single-surface dust sample from an interior windowsill is greater than or equal to 250 micrograms per square foot. The clearance level for a single-surface dust sample from a window trough is greater than or equal to 400 micrograms per square foot.
7. "Clearance testing" means an activity conducted following interim controls, lead abatement, paint stabilization, standard treatment, ongoing lead-based paint maintenance, rehabilitation, of renovation 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.

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8. "Common area" means a portion of a building that is generally accessible to all occupants. This includes, but is not limited to, hallways, stairways, laundry and recreational rooms, porches, exteriors, playgrounds, community centers, garages, and boundary fences.
9. "Common area group" means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to, hallways, stairwells, and laundry rooms.
10. "Component" or "building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown moldings, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, countertops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim fences, floors, joists, latticework, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, windowsills, or stools and troughs, casing, sashes, and wells, and air conditioners. Each side of a door is considered a component within its respective room.
11. "Component type" means a group of like components constructed of the same substrate in the same multifamily housing. For example, "wood door" is a component type.
12. "Composite sample" means the collection of more than one sample of the same medium (e.g. dust, soil, or paint) from the same type of surface (e.g. floor, interior windowsill, or window trough) such that multiple samples can be analyzed as a single sample.
13. "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per grams or parts per million of weight) in a sample of soil or dust.
14. "Containment" means a system of temporary barriers to protect workers,

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residents, and the environment by controlling exposures to the dust-lead hazards and debris created during renovation or lead abatement.

15. "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.
16. "Dripline" means the area within three feet surrounding the perimeter of a building.
17. "Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or countertops.
18. "Dry sanding" means sanding a surface that is partially coated with paint or other surface coating without moisture and includes hand and mechanical methods of sanding.
19. "Dry scraping" means scraping a surface that is partially coated with paint or other surface coating without moisture and includes hand and mechanical methods of scraping.
20. "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 40 micrograms per square foot on floors, 250 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 40 micrograms per square foot on floors, 250 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 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.

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21. " Dwelling unit " means a single, unified combination of rooms designed for use as a dwelling by one family.
22. " 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 levels of 15 to 19 micrograms per deciliter.
23. " Elevated blood lead (EBL) inspection " means an inspection to determine the sources of lead exposure for an elevated blood lead (EBL) child and the provisions 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 of the elevated blood lead (EBL) child. A certified elevated blood lead (EBL) inspector/risk assessor shall not determine that a residential dwelling is free of lead-based paint as a result of an elevated blood lead (EBL) inspection.
24. " Emergency renovation " means renovation, remodeling, or repainting activities necessitated by nonroutine failures of equipment or of a structure that were not planned but resulted from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens equipment or property with significant damage. " Emergency renovation " includes interim controls, renovation, remodeling, or repainting activities that are conducted in response to an elevated blood lead (EBL) inspection.
25. " Encapsulant " means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded coating material.
26. " Encapsulation " means the application of an encapsulant.
27. " Enclosure " means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.
28. " 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.
29. " Hazardous lead-based paint " means lead-based paint that is present on a

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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 greater than or equal to 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 or child-occupied facility or on the exterior of any residential building or child-occupied facility.

30. "Health Department" means the Scott County Health Department.
31. "Health Officer" means the Director or authorized representative of the Scott County Health Department.
32. "Immediate family" means spouse, parents, and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law, and sisters-in-law, daughters-in-law and sons-in-law, and adopted and step family members.
33. "Impact surfaces" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.
34. "Inconclusive classification" means any XRF reading falling within the inconclusive range on the performance characteristic sheet, including the boundary values defining the range.
35. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including repairing deteriorated lead-based paint, specialized cleaning, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
36. "Interior windowsill" means the portion of the horizontal window ledge that protrudes into the interior of the room.
37. "Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards in a residential dwelling or child-occupied facility. Lead abatement includes, but is not limited to, (1) the removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of soil-lead hazards and (2) all preparation, cleanup, disposal, repainting or

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refinishing, and post abatement clearance testing activities associated with such measures. "Lead abatement" specifically includes projects for which there is a written contract or other documentation, which provides that an individual will be conducting lead abatement in or around a residential dwelling or child-occupied facility.

38. "Lead-based paint" means paint or other surface coatings that contain lead greater than or equal to 1.0 milligram per square centimeter or greater than 0.5 percent by weight. Lead-based paint is present on any surface that is tested and found to contain lead greater than or equal to 1.0 milligram per square centimeter or greater 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.
39. "Lead-based paint hazard" means hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard.
40. "Lead-based paint hazard reduction activity" means an activity that permanently or temporarily reduces or eliminates lead-based paint hazards. "Lead-based paint hazard reduction activity" includes lead abatement, renovation, or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35.
41. "Living area" means any area of a residential dwelling used by at least one child under the age of six years, including, but not limited to, living rooms, kitchen areas, dens, playrooms, and children's bedrooms.
42. "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.
43. "Minor repair and maintenance activities" means activities, including minor heating, ventilation or air-conditioning work, electrical work, and plumbing, that disrupt less than 1.0 square feet of a painted surface where none of the work practices prohibited or restricted by this chapter are used and where the work does not involve window replacement or demolition of painted surface areas. When painted components or portions of painted components are removed, the entire surface area removed is the amount of painted surface disturbed. Projects, other than emergency renovation, performed in the same room within the same 30 days must be considered the same project for the purpose of determining

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whether the project is a minor repair and maintenance activity.

44. "Multifamily dwelling" means 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 in part, as the home or residence of one or more persons.
45. "Multifamily housing" means one or more multifamily dwellings that are under the same ownership or management.
46. "Occupant" means any person living, sleeping, cooking, eating in, or having an actual possession of a dwelling or dwelling unit.
47. "Owner" means any person who, alone or jointly with others: (1) shall have legal title to any dwelling, with or without accompanying actual possession thereof, or (2) shall have charge, care of the owner or as the executor, administrator, trustee, or guardian of the estate of the owner.
48. "Painted component" means a component or building component that is at least partially covered with paint or other surface coating.
49. "Paint-lead hazard" means the presence of hazardous lead-based paint in a residential dwelling or a child-occupied facility.
50. "Paint testing" means the process of determining the presence or the absence of lead-based paint on a specific component or surface. Paint testing shall only be conducted by certified lead inspectors/risk assessors or elevated blood lead (EBL) inspectors/risk assessors using approved methods for testing. Approved methods for paint testing are XRF analysis and laboratory analysis.
51. "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.
52. "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 (sandboxes, swings sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, caregivers or property owners.

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53. "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and lead abatement.
54. "Rehabilitation" means the improvement of an existing structure through alterations, incidental additions, or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and installation of security devices.
55. "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of lead abatement as defined by this chapter. The term "renovation" includes, but is not limited to, the removal, modification, or repair of painted surfaces or painted components such as modification of painted doors, surface restoration, and window repair; surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust; the partial or complete removal of building components such as walls, ceilings, and windows; weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics and planning thresholds to install weather-stripping; and interim controls that disturb painted surfaces. "Renovation" does not include minor repair and maintenance activities.
56. "Residential building" means a building containing one or more residential dwellings.
57. "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.
58. "Risk assessment" means an investigation to determine the existence, nature, severity, and location of lead-based paint hazards in a residential dwelling or child-occupied facility and the provision of a written report explaining the results of the investigation and options for reducing lead-based paint hazards to the property owner and to the person requesting the risk assessment.
59. "Room" means a separate part of the inside of a building, such as a

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bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened-in porch that is used as a living area is a room. Each exterior side of the house is considered a separate room.

60. "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead in excess of 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 equal to or greater than 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.
61. "Substrate" means the material underneath the paint or finish on a surface. Substrates are classified as brick, concrete, drywall, metal, plaster, or wood.
62. "Target housing" means housing constructed prior to 1978 with the exception of housing for the elderly, or for persons with disabilities, and housing which does not contain a bedroom, unless at least one child under the age of six years resides or is expected to reside in the housing for the elderly or persons with disabilities or housing which does not contain a bedroom. Target housing also includes any nonresidential building where lead-based paint activities are conducted prior to or during the conversion of the nonresidential building to target housing.
63. "Wet sanding" means a process of removing loose paint in which a surface that is partially coated with paint or other surface coating is kept wet or moist during sanding to minimize the dispersal of paint chips and airborne dust.
64. "Wet scraping" means a process of removing loose paint in which a surface that is partially coated with paint or other surface coating is kept wet or moist during scraping to minimize the dispersal of paint chips and airborne dust.
65. "Windowsill" means the portion of the horizontal window ledge that protrudes into the interior of the room when the window is closed.

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66. "Window trough" means, for a typical double-hung window, the portion of the exterior windowsill between the interior windowsill (or stool) and frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window well.
67. "Wipe sample" means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques," or equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard Specification for Wipe Sampling materials for Lead in Surface Dust." The minimum area for a floor wipe sample shall be 0.50 square feet or 72 square inches. The minimum area for a windowsill wipe sample and for a window trough wipe sample shall be 0.25 square feet or 36 square inches.
68. "X-ray fluorescence analyzer (XRF)" means an instrument that determines lead concentrations in the milligrams per square centimeter (mg/cm²) using the principle of X-Ray fluorescence.
69. "XRF reading" means the number obtained when a surface is tested with an X-Ray fluorescence analyzer.

SEC. 27-3. LEAD-BASED PAINT PROHIBITED

No person shall possess, sell, expose for sale, deliver, or give away any lead-based paint intended for painting or covering any interior or exterior surfaces, in Scott County, Iowa.

SEC. 27-4. DISPOSAL OF LEAD-BASED PAINT

- A. Lead-based paint shall be disposed of in accordance with federal, state, or local ordinances for disposing of hazardous waste.
- B. All repairs, renovation, or remodeling waste which contains lead-based paint shall be disposed of according to local waste disposal ordinances. No person shall reuse or recycle such waste for residential purposes.

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SEC. 27-5. REPORTING

Any examining private physician, hospital staff physician, public health nurse, or other diagnosing person or health agency personnel shall report to the Health Officer the existence and circumstances of each case of lead absorption or poisoning known to them and not previously reported. Such reports shall be made no later than three (3) days after said person first diagnoses or is informed of such case.

SEC. 27-6. INSPECTIONS

- A. The Health Officer may cause to have inspected the residential dwelling or child-occupied facility of an Elevated Blood Level (EBL) child for lead hazards. The inspection shall be conducted by an EBL inspector/risk assessor certified by the Iowa Department of Public Health under Iowa Administrative Code 641-70.5(135). The inspection shall be conducted according to the procedures for elevated blood inspections contained in Iowa Administrative Code 641-70.6 (135). The findings of such inspection will be recorded and documented by the Health Officer according to the procedures contained in Iowa Administrative Code 641-70.6 (135), and Scott County Health Department Lead Procedure.
- B. When hazardous lead-based paint, a soil-lead hazard, or a dust-lead hazard is found in a residential dwelling or child-occupied facility, pursuant to this section or otherwise, the Health Officer shall recommend that all children under six years of age who reside in or visit or have recently resided in or visited the residential dwelling unit or child-occupied facility be tested for lead poisoning.
- C. The report of an elevated blood lead inspection shall be given in a written notice to the owner within one week after the inspection. The Health Officer shall inform such other persons or agencies as deemed advisable.

SEC. 27-7. REFUSAL OF ADMITTANCE

- A. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made under oath to any magistrate of the county who shall issue a warrant to a peace officer of the county, directing them between the hours of sunrise and sunset, to

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accompany the Health Officer, when entering said residential dwelling unit or child-occupied facility to make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

SEC. 27-8. LEAD-BASED PAINT HAZARD REDUCTION

- A. When the Health Officer determines that a surface with hazardous lead-based paint is present, the Health Officer is required to order remediation of said surface.
- B. When the Health Officer determines that hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard is present in a residential dwelling unit or child-occupied facility where an elevated blood lead child lives, frequently visits, or has recently resided, in accordance with Section 27-6.C., a written notice shall be issued within one week after the inspection requiring the owner to eliminate the hazard in a time period as prescribed by the Scott County Lead Procedure. At the discretion of the Health Officer, additional time may be granted to eliminate said hazard. Methods for compliance shall be in accordance with this section.
- C. In the event the residential dwelling is vacated by the occupant who occupied the same at the time of the issuance of any written notice referred to in this section, such dwelling shall not be let or occupied by any other person until such written notice is complied with. The owner of any residential dwelling or child-occupied facility which has been determined to contain hazardous lead-based paint, a soil-lead hazard, or a dust-lead hazard, shall correct these hazards by methods approved by the Health Officer within the time period allowed by the Health Officer in a written notice. Failure to correct the hazard (s) within the allotted time period shall result in the appropriate legal action against the owner for noncompliance, pursuant to Section 27-14.
- D. Hazardous lead-based paint on surfaces other than those that are chewable or have evidence of impact or friction shall be corrected by removing all loose and deteriorated paint from the surfaces, properly preparing the surfaces for repainting and repainting the surfaces with lead-free paint. Such activities require the services of a person or firm which has a Lead Professional Certification from the Iowa Department of Public Health, Iowa Administrative

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Code, 641-70.5 (135). However, persons who perform these activities within residential dwellings that they own are not required to be certified, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while these activities are being performed.

E. Hazardous lead-based paint on surfaces that are chewable or have evidence of impact or friction shall be corrected by a lead abatement contractor in accordance with Iowa Administrative Code, 641-70.5(135). However, persons who perform these activities within residential dwellings that they own are not required to be certified, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while these activities are being performed. These surfaces shall be corrected by treating the surfaces one (1) inch back from the edge or corner of such surfaces through one of the two (2) following methods:

1. All lead-based paint on the treatment area shall be removed to the bare substrate. The surface(s) must be properly prepared and repainted with lead-free paint or refinished.
2. The treatment area may be covered with a permanently affixed lead-free material such as plastic, wood, or vinyl. Carpet may be used on floors and stair treads.

F. Dust-lead hazards shall be corrected by thoroughly cleaning the affected surface(s).

G. Soil-lead hazards shall be corrected by covering the affected area with six (6) inches of bark, gravel, grass, or other approved interim control measures.

H. The identified hazards must be corrected by using lead-safe work practices that will protect the safety of the occupants and workers. The following practices are prohibited:

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

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(HEPA) exhaust control that removes particles of 0.3 micro or larger from the air at 99.97 percent greater efficiency.

3. Unconfined 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 1100 degrees Fahrenheit.
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- I. Occupants are prohibited from entering the work area while work is underway.
 - J. The Health Officer shall inspect all areas cited as hazards after remediation is complete. The Health Officer shall collect a dust wipe sample of the floor, windowsill, and window trough to ensure that no dust-lead hazards exist after the completion of the work. When all work has been completed as required, a written notice shall be issued to all affected parties and retained by the Health Officer, stating that the work has been completed and that the repaired surfaces must be maintained in good condition. Said written notice shall be sent within thirty (30) days following the final inspection.

SEC. 27-9 RETALIATORY ACTIONS

- A. It shall be unlawful for the lessor of a dwelling, or their employees, agents, or persons acting in their behalf to retaliate against lessees of dwellings whose occupants have been tested for lead poisoning.
- B. It shall be unlawful for the lessor of a dwelling, or their employees, agents or persons acting in their behalf to prohibit or discourage the occupants of the dwelling from participating in the blood- lead poisoning screening program.
- C. "Retaliation" shall include harassment, termination of the tenancy, discontinuation of utilities or other services, and any other action taken against the lessee.
- D. "Occupants" shall include visitors, in the dwelling.

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- E. An action taken against the tenant shall not be considered retaliation if:
1. It is supported by reasonable cause unrelated to the occupants' participation in the blood lead poisoning screening program; OR
 2. It is shown to have occurred as a result of accident or mistake, and not be the intentional act of the lessor or their employees, agents, or persons acting in their behalf.

SEC. 27-10 DESIGNATION OF UNFIT FOR HUMAN OCCUPATION OR HABITATION

- A. Any building, dwelling, structure, or business may be designated as unfit for human habitation when any defect or condition which is in violation of this Chapter has been found to exist or when in the judgment of the Health Officer such defect or conditions create a hazard to the health, safety or welfare of the occupants or of the public. The owner of any building, dwelling, structure or business which has been designated as unfit by the Health Officer shall within the time limit specified by the Health Officer, vacate or cause for the vacation of the same. No person shall deface or remove a placard from any building, dwelling, structure or business that has been designated as unfit for human habitation by the Health Officer.

SEC. 27-11 NOTICE

- A. Whenever the Health Officer determines that there is reasonable grounds to believe that there has been a violation of any provision of this Chapter or any Chapter adopted pursuant thereto, they shall give notice of such alleged violations to the person or person responsible within seven (7) days, as hereinafter provided, Such notice shall:
1. Be in writing.
 2. Include a statement of the reasons why it is being issued.
 3. Allow a reasonable time for the performance of any act it requires.
 4. Be served upon the landowner or agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such landowner of agent, or upon such occupant, if a copy thereof is sent by certified mail to the last known address; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if

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landowner, agent, or occupant is served with such notice by any method authorized or required under the laws of the Code of Iowa.

- B. Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this ordinance, and with ordinances adopted pursuant thereto.

SEC. 27-12 HEARING

- A. In the event any person is aggrieved by any order made by the Health Officer, they may within twenty (20) days of the date of such order, appeal to the Board of Health and in writing, state their reasons for requesting such order to be rescinded or modified. The Board of Health shall review the actions of the Health Officer, and if reasonable grounds exist, shall modify, withdraw or order compliance with said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the District Court of Scott County, Iowa.

SEC. 27-13 JURISDICTION

- A. The provisions of this Chapter shall apply throughout Scott County, Iowa, including cities and towns therein.

SEC. 27-14 ENFORCEMENT

- A. It shall be the duty of the Health officer to enforce the provision of this Chapter.

SEC. 27-15 MUNICIPAL INFRACTIONS

- A. Any person, persons, firm, partnerships, or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the Scott County Code of Scott County , Iowa.

SEC. 27-16 SEPARABILITY OF PROVISIONS

- A. In any section, paragraph, clause, or provisions of this ordinance shall be held invalid; the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.