

Chapter 18.5 LEAD ABATEMENT*

*Editor's note: Ord. No. 95-35, § 2, adopted July 19, 1995, amended former Ch. 18.5, §§ 18.5-1--18.5-11, to read as herein set out. Former Ch. 18.5 pertained to similar subject matter and derived from Ord. No. 93-110, § 2, adopted Nov. 18, 1993, and Ord. No. 94-9, § 2, adopted Feb. 11, 1994.

Sec. 18.5-1. Application.

The provisions of this ordinance shall apply to all residential and commercial structures, or parts removed from such structures, including but not limited to doors, windows, shutters, or awnings, within the corporate limits of the city except for structures built after 1978. The provisions of this ordinance shall not apply to piers; bridges; ships; boats, or other water vessels; or water storage tanks.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-2. Scope.

This chapter shall govern and apply to controlling sources of lead that pose a health hazard to persons and animals.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-3. Definitions.

As used in this chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed to them below unless the context clearly requires otherwise:

- (a) Exempt structure means a structure built after 1978 or a structure for which a certificate of exemption has been issued as set forth in section 18.5-7 below.
- (b) Owner means a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not, and includes but is not limited to tenant or renter.
- (c) Power assisted equipment includes but is not limited to, sand blasting, water blasting, power assisted sanders, and power assisted wire brushes.
- (d) Surface means the outermost materials of which a building is constructed including but not limited to plaster, putty, wood, plasterboard, concrete, brick and metal.
- (e) Process shall mean the manner of removal of a source of lead or abatement of the same.
- (f) Source of lead means any surface or applied surface coating, which contains a quantity of lead more than six-hundredths (0.06) of one (1) percent lead by weight calculated as lead metal) in the total nonvolatile content of a liquid coating; or one-half (1/2) of one (1) percent lead in the dried film of a coating previously applied, or more than seven-tenths of one (1) milligram of lead per square centimeter (0.7 mg/cm²) of surface when tested by a radioisotope x-ray fluorescent analyzer (XRF), or by a lab licensed by the Environmental Protection Agency or the State of Texas.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-4. Hazard.

Any source of lead contained in an exposed surface or exposed coating of any structure shall be considered a health hazard.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-5. Control of exterior paint removal.

(a) Unless structure is exempt, it shall be an offense for a person, or the owner of a structure to remove or to allow or authorize a person to remove exterior paint from a structure by a process not in accordance with this ordinance.

(b) Dropcloths. Dropcloths shall be used for the removal of exterior paint, regardless of the method of removal.

(1) Dropcloths shall be secured at the base of the work area of the structure;

(2) Dropcloths shall extend thirty (30) feet from the structure, or to the property line, whichever is less. With the consent of adjacent property owner(s) drop cloths shall extend onto adjacent property if the property line of the work site is less than thirty (30) feet;

(3) If a building has three (3) stories or more, dropcloths shall extend an additional five (5) feet for each story greater than two (2); and

(4) All vegetation and soil shall be covered with dropcloths.

(5) After completion of work each day, the dropcloths shall be carefully rolled up and disposed of, and all paint or paint dust residue shall be removed from the premises, adjacent property and public rights-of-way, to the extent reasonably possible. All window sills or other ledges shall be brushed off; all debris and work areas shall be swept and wiped with water and a detergent, or mopped with water and a detergent. It is recommended that a detergent containing phosphate be used.

(c) All windows in the structure shall be kept closed during the paint removal process except when working on windows or window area.

(d) No work shall be conducted during rains, when the wind speed exceeds fifteen (15) miles per hour or other weather conditions which the Housing Department determines to be unsafe for such work.

(e) Only individuals with a city lead abatement permit or individuals under the direct physical supervision of a person with such a permit may remove paint using power-assisted equipment. Direct physical supervision requires the person with the city permit to remain on the job site at all times when power assisted equipment is being used.

(f) If the method of paint removal is by power-assisted equipment, only methods taught in a city approved, Environmental Protection Agency approved, or state approved course shall be used.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-6. Permit requirement for exterior paint removal.

A permit shall be required for the removal of exterior paint if the removal is by power-assisted equipment. A separate permit shall be required for each location or work site.

(a) To obtain a permit for the removal of paint a person shall file with the city an application that provides the following information:

1. Name
2. Home address
3. Business address

4. Home telephone number
 5. Business telephone numbers
 6. Facsimile number
 7. Proof of satisfactory completion of a city approved course of training in lead abatement.
- (b) Upon receipt of a completed application and receipt of a permit fee of ten dollars (\$10.00), the city planning and community development department shall issue the permit to the applicant.
- (c) A permit issued under this section is nontransferable and shall expire one (1) year from date of issuance.
- (Ord. No. 95-35, § 2, 7-19-95; Ord. No. 01-092, § 2, 12-13-01)

Sec. 18.5-7. Certificate of exemption.

To exempt a structure from the requirements of this section, an owner may apply for a certificate of exemption to be issued by the city planning and community development department. If an owner wishes to obtain a certificate of exemption, the owner must furnish the city proof that the structure has been inspected by a lab licensed by the Environmental Protection Agency, or the state, and that the results of tests or lab analysis do not indicate a source of lead as defined in subsection 18.5-3(c) above. The costs of such tests or lab analysis shall be at the owner's expense. Upon receipt of test or lab analysis showing that exterior source of lead has been abated, the city shall deliver to the owner, in recordable form a certificate of exemption.

(Ord. No. 95-35, § 2, 7-19-95; Ord. No. 01-092, § 3, 12-13-01)

Sec. 18.5-8. Reporting.

Any health care provider or veterinarian receiving notification of an elevated blood lead level, as defined by the Centers For Disease Control, shall report to the County Health District

the existence and circumstances of each case within thirty (30) days.

(Ord. No. 95-35, § 2, 7-19-95)

Sec. 18.5-9. Penalty.

The violation of this chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00) Each day a violation of this chapter continues shall constitute a separate offense. Both owners and contractors are liable for penalties under this chapter.

(Ord. No. 95-35, § 2, 7-19-95)