

**BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 906 - 2018**

**INTRODUCED BY COUNCIL – November 12, 2018**

**ADOPTED BY COUNCIL –November 12, 2018**

AN ORDINANCE OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, REQUIRING PROPERTIES SUBJECT TO RESIDENTIAL RENTAL UNIT REGISTRATION AND LICENSING WHICH WERE BUILT PRIOR TO 1978 TO PROVIDE A LEAD PAINT SAFE REPORT AS A CONDITION OF LICENSING, TO REQUIRE CONDEMNED PROPERTIES CONTAINING DWELLING UNITS, OR CHILD CARE OR DAY-CARE CENTERS, TO PROVIDE LEAD PAINT SAFE REPORTS PRIOR TO THE REMOVAL OF ANY CONDEMNATION PLACARD, AND REQUIRING CHILD DAY-CARE FACILITIES AND DAY-CARE CENTERS TO PROVIDE A LEAD PAINT SAFE REPORT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, PROVIDING FOR DEFINITIONS, REGULATING WHO CAN ISSUE AND WHO PAYS FOR LEAD PAINT SAFE REPORTS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, Borough Council of the Borough of Columbia determines that it is necessary to protect and promote the public health, safety and welfare of residents of the Borough of Columbia through the identification and elimination of lead source hazards; and

WHEREAS, the Borough of Columbia currently maintains a licensing and inspection program for Residential Rental Units; and

WHEREAS, pursuant to the existing Codes and Ordinances of the Borough of Columbia, the Borough currently inspects and issues Certificates of Occupancy for Day-Care Centers and Child Day-Care Facilities; and

WHEREAS, under the existing Codes and Ordinances of the Borough of Columbia, various inspections and reports are required prior to any Notices of Condemnation being removed for Dwellings which were condemned as being unfit for human habitation; and

WHEREAS, with respect to any of the foregoing properties built prior to 1978, the Borough deems it necessary to receive Lead Paint Safe Inspection Reports by a Certified Lead-Based Paint Risk Assessor prior to issuing Rental Housing Licenses or Certificates of Occupancy and prior to removing condemnation placards.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. The foregoing background provisions are incorporated herein.

SECTION 2. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

“Certified Lead Safe Contractor” means an individual who successfully completed an EPA eight-hour class titled Renovator Under the Renovate, Repair and Painting Rule, also known as the RRP Rule. The company that the renovator owns or works for must also be certified as a “firm” under the RRP Rule.

“Child Day-Care Facility” (also known as a “Child Care Facility”) means any Dwelling unit where child day-care services are provided for less than twenty-four hours for four to twelve children for a fee as approved by the Borough of Columbia and licensed by the State Department of Public Welfare.

“Condemned Property” means any Structure that is found to be unsafe or dangerous to the life, health or safety of the public or the occupants thereof and deemed to be unfit for habitation and condemned by an authorized employee of the Borough of Columbia under Borough Ordinances. Condemned Property shall not include a property which has been closed for human occupancy due to utility shut-offs or where appliances need to be replaced with no renovations required to any interior surface.

“Day-Care Center” (also known as “Child Care Center”) means a building or area within a building licensed by the Commonwealth of Pennsylvania where child care is provided, for a fee, for seven or more children in a space where child care is provided is not part of a Dwelling.

“Dwelling” means a two-family, multi-family, single-family attached, single-family detached or single-family semi-detached Dwelling as defined in the Borough of Columbia’s Zoning Ordinance composed of a building designed for use as a residence.

“Certified Lead-Based Paint Risk Assessor” means an individual who is certified by the Environmental Protection Agency (EPA) and licensed by the Commonwealth of Pennsylvania to perform on-site investigations to identify the existence, nature, severity and location of lead-based paint hazards and document the findings in order to recommend corrective measures.

“Lead (Paint) Safe” means a building or Dwelling unit identified through testing by a Certified Lead-Based Paint Risk Assessor as having lead-paint surfaces that are intact and free from deterioration. As noted in the Lead Safe Certification by the Lead-Based Paint Risk Assessor, ongoing lead-safe maintenance may be necessary to maintain the property in a lead-paint safe condition.

“Lead (Paint) Safe Report” means a report issued by a Certified Lead-Based Paint Risk Assessor indicating that the referenced building or Dwelling unit identified through testing by a licensed Lead-Based Paint Risk Assessor, has lead paint surfaces that are intact and free from deterioration or is free from lead paint.

“Lead Safe Certification” means a form provided to the Borough of Columbia from a licensed Lead-Based Paint Risk Assessor certifying that a visual inspection and dust-wipe samples have been taken from a Dwelling or Dwelling unit and stating that it does not have visible deteriorated paint and that interior dust-wipe samples were collected in compliance with EPA Regulations, were tested, and were found to not contain lead contaminated dust in excess of EPA dust level standards.

“Residential Rental Units” means Residential Rental Units as set forth in §112-6D.(2) of the Code of the Borough of Columbia.

“Structures” mean as used herein, the Structures subject to this Ordinance are Residential Rental Units constructed prior to 1978, Day-Care Centers, Child Day-Care Facilities, and Dwellings constructed prior to 1978 which meet the definition of Condemned Properties herein.

SECTION 3. With respect to Structures which are the subject of this Ordinance and as defined above, in the following situations, owners of such Structures shall be required to provide a Lead (Paint) Safe Report to the Codes Department of the Borough of Columbia:

a) With respect to Structures which are subject to licensing and/or registration with the Borough of Columbia as Residential Rental Units, with the application for licensing (or renewal if already licensed at the time of adoption of this Ordinance). The Borough shall not issue the rental registration license or renewal thereof unless it has received the Lead (Paint) Safe Report issued by a Certified Lead-Based Paint Risk Assessor for the Structure.

b) With respect to a Condemned Property, prior to authorizing and/or removing any condemnation placard.

c) With respect to Child Day-Care Facilities and Day-Care Centers, prior to the issuance of the next required Certificate of Occupancy (following inspection by the Borough in accordance with Borough Ordinances) by the Borough of Columbia for such Structure. For Child Day-Care Facilities and Day-Care Centers, the report shall state that the property is in compliance with applicable Federal and State laws related to lead paint. This provision shall not place any duty on the owner or operator of such Child Day-Care Facility or Day-Care Center to meet lead paint levels greater than those imposed by State or Federal law.

**SECTION 4.** All clear Lead (Paint) Safe Reports are to be issued by a Certified Lead-Based Paint Risk Assessor. If remediation is required to receive a clear Lead (Paint) Safe Report, it is the property owner's responsibility to engage a state certified lead paint assessment/remediation company to remediate any sub-standard findings. All lead paint safe inspections are the responsibility of the property owner and all clear Lead (Paint) Safe Reports and findings become the liability of the issuing state Certified Lead Safe Contractor. In the instance that any Lead (Paint) Safe Report provides that future inspections will be needed to assess future deterioration, or after a period of five years from the date of the previous Lead (Paint) Safe Report, the owner shall be required to file with the Codes Department of the Borough of Columbia, additional Lead (Paint) Safe Reports issued by a Certified Lead-Based Paint Risk Assessor indicating that the property remains Lead (Paint) Safe. The Borough of Columbia assumes no responsibility or liability for any inaccurate or incomplete findings and has no obligation to independently inspect or verify the findings.

**SECTION 5.** All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

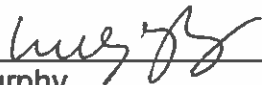
**SECTION 6.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of

the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 12 day of November, 2018, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.


BOROUGH OF COLUMBIA,  
LANCASTER COUNTY, PENNSYLVANIA

By:   
Kelly Murphy,  
President of Borough Council

ATTEST:

  
Rebecca S. Denlinger,  
Borough Manager/Secretary

Examined and approved this 12 day of November 12, 2018.

  
Leo S. Lutz, Mayor