



City of Rochester

City Clerk's Office

Certified Ordinance

Rochester, N.Y., _____
TO WHOM IT MAY CONCERN

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 18, 2024** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 20, 2024** in accordance with the applicable provisions of law.

Ordinance No. 2024- 170

Amending the Chapter 90 of the Municipal Code to align with New York State, EPA and HUD regulations pertaining to lead-based paint poisoning prevention

BE IT ORDAINED, by the City Council of the City of Rochester as follows:

Section 1. Chapter 90, Article III of the Municipal Code, Lead-Based Paint Poisoning Prevention, as amended, is hereby further amended to revise Subsection C and to insert Subsection D in § 90-56, Remedy for violations, as follows:

- C. Where exterior deteriorated paint violations, ~~including~~ excluding deteriorated paint violations on an open porch, and/or bare soil violations are cited, or where interior deteriorated paint violations are cited in a common area, as per the definition of a "dwelling unit," clearance may be established through a visual assessment by a City inspector after reduction measures have been implemented.
- D. Where deteriorated paint violations on an open porch are cited, clearance may be established by means of a clearance examination and report in accordance with § 90-57 after reduction measures have been implemented.

Section 2. Chapter 90, Article III of the Municipal Code, Lead-Based Paint Poisoning Prevention, as amended, is hereby further amended to revise the main body, Subsection B(3) and D(1) and to insert Subsection D in § 90-57, as follows:

§ 90-57 Standards for clearance examination and report.

The remedy available through § 90-56B and § 90-56D and the dust sampling required by §90-55 shall require the following certification of clearance standards:

B. Required activities.

(3) Dust samples shall be wipe samples and shall be taken on floors, ~~excluding~~ including open porches, and interior windowsills and window troughs that have a paint history. Dust samples shall be collected and analyzed in accordance with this section.

[1] Upon re-inspection and a visual clearance, a dust wipe sample shall be taken on all open porch floors that have been cited for an exterior deteriorated paint violation.

[2] Dust wipe samples taken on open porch floors shall not be taken where inclement conditions make it difficult to secure a sample. Where there is snow, ice or entirely wet floor surface conditions, the dust wipe sample shall be rescheduled.

D. Clearance standards. Where dust sampling is required by § 90-55, ~~or~~ where an interior deteriorated paint or a dust-lead hazard violation has been cited in a dwelling unit, or where deteriorated paint violations on an open porch are cited, the following dust-lead standards shall be met before a certificate of occupancy may be issued or a violation removed.

(1) ~~Dust sample results shall be less than:~~ Dust wipe sample results shall be less than the post-abatement clearance levels specified in the United States Environmental Protection Agency's Lead-Based Paint Poisoning Prevention regulation at 40 CFR §745.227(e)(8), regardless of whether the sampling is being performed for purposes of post-abatement clearance.

~~(a) For floors: 40 ug/ft²;~~

~~(b) For windowsills: 250 ug/ft²; and~~

~~(c) For window troughs: 400 ug/ft².~~

(2) The results of dust wipe samples for open porch floors as required by § 90-57B(3) shall be less than 40 ug/ft²

- (3) Where dust sample results are greater than or equal to the levels above, additional dust wipe samples shall be taken in the subject areas until all said areas are found to be below the listed thresholds.

Section 3. This ordinance shall take effect on January 1, 2025.


Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 9.

Nays - None - 0.

Attest



City Clerk