

"100-29.3. Effective July 1, 1972, no person shall sell, or hold for sale, any lead based coatings or toxic heavy metal based coatings, as defined in Section 78-17.2D, of this Code, (including paint, lacquer, or other applied liquid surface coatings, and putty) unless said lead based or toxic heavy metal based coating is in a secure container bearing a label on its principal display panel on which appears the following statements:

'WARNING CONTAINS

'DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL.
IF EATEN OR CHEWED.'

'Read Carefully Cautions on Instruction Panel.'

"The following cautionary statement (or its practical equivalent) shall be placed on the label, but need not be part of the warning statement on the principal display panel:

'KEEP OUT OF REACH OF CHILDREN.'

'Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.'

"The blank space in the warning label which follows the word 'contains' shall be filled in with either the word 'Lead' and/or toxic heavy metal substance which is present in the amount specified in the definitions contained in Section 78.17.2D

"The statements on labels required under the provisions of this Section shall be made in conformance with the following requirements:

"(a) The statements shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed and shall be separated from other wording or designs.

"(b) The word 'WARNING' shall be in capital letters and of a size not less than 18 point type and the statements:

'CONTAINS

'DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR CHEWED.'

'KEEP OUT OF REACH OF CHILDREN.'

shall be in capital letters and of a size not less than 12 point type.

"(c) The statement

'Read Carefully Cautions on Instruction Panel'

and the instructions (or its practical equivalent).

'Do not apply on toys and other children's articles,

furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

shall be in a size not less than 10 point type.

"(d) In a case where the size of the container is too small to accommodate a label of sufficient size to allow the use of the type size set forth herein, a reduced size of type, which is consistent with other printing on the panel involved may be used, but in no case shall the size

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be less than 6 point type unless an exemption has been granted under Section 3(c) of the Federal Hazardous Substance Act and Section 191.63 of the regulations under the Federal Hazardous Substances Labeling Act.

"Any person violating any of the provisions of this Section shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense."

Section 2. This ordinance shall take effect ten (10) days from the date of its due passage and publication.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Section 1. The Municipal Code of Chicago, Chapter 78, Section 78-17.2 is hereby amended by deleting certain language, contained in brackets, below and by adding certain language, and by adding new sub-sections to be lettered B, C, and D, underscored below, as follows:

"78-17.2A. Every floor, interior wall and ceiling, shall be kept in sound condition and good repair, and further,

"(a) Every floor shall be free of holes and wide cracks which might admit rodents or which constitute a possible accident hazard.

"(b) Every floor shall be free of loose, warped, protruding, or rotting floor boards.

"(c) Every interior wall and ceiling shall be free of holes and large cracks.

"(d) All interior walls, ceilings and interior wood-work shall be free of flaking, peeling, chipped or loose paint, plaster or structural material.

[If, upon inspection by the Commissioner of Buildings, or his duly authorized representative, there is found the presence of flaking, peeling, chipped or loose paint, plaster or structural material in any building being used for housing, the Commissioner of Buildings, or his duly authorized representative, is hereby empowered to secure specimens of flaking, peeling, chipped or loose paint, plaster or structural material and to analyze or cause an analysis to be made determining whether or not the materials contained lead or its compounds.]

[In any case, where analysis reveals the presence of lead or its compounds in a quantity of more than

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hazard to health and safety to the occupants of the family unit, the Commissioner of Buildings shall order the owner or his agent to remove all materials containing lead compounds or cover such surfaces with an acceptable covering having a flame spread rating not to exceed 15. All covering shall be securely attached to a smooth and sound surface.]

"(e) Plaster, paint, and all other surface materials shall be of such character as to be easily cleanable and are reasonably smooth, clean and tight.

"(f) Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.

"B. Effective July 1, 1972, it shall be unlawful for any person to sell, offer for sale, for use, or to use or apply lead based coatings or toxic heavy metal based coatings in or upon:

1. Any exposed surface of any dwelling or dwelling unit; or
2. Any fixtures or other objects used, installed, or located in or upon any exposed surface of any dwelling or dwelling unit, or intended to be so used, installed, or located..

"C. The Commissioner of Buildings may, upon his own motion, inspect dwellings and dwelling units for the purpose of ascertaining the presence of lead-based coatings in or upon exposed surfaces that may be accessible to children. The Commissioner of Buildings may cause testing to be performed upon said surfaces

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whether or not they are in sound condition.

If, upon inspection by the Commissioner of Buildings or his duly authorized representative, there is found the presence of flaking, peeling, chipped or loose paint, plaster, or structural material in or around any building used for housing, the Commissioner of Buildings, or his duly authorized representative, is hereby empowered to secure specimen of flaking, peeling, chipped or loose paint, plaster or structural material and to analyze or cause an analysis to be made determining whether or not the materials contain lead or its compound. In lieu of taking samples, the surface may be tested with an in situ analyzer device approved by the Board of Health.

In any case, where analysis has revealed the presence of lead or its compounds in a quantity of one (1.0) milligram or more per square centimeter (1 mg/cm^2) and where children under the age of six reside in the dwelling unit, the Commissioner of Buildings shall inform the tenants in writing that lead paint was found in their dwelling unit and the potential hazard this represents to their children and he shall further inform them that testing of children for presence of lead is available through the Board of Health.

In those cases, where analysis reveals the presence of lead or its compounds in a quantity of one (1.0) milligram or more per square centimeter (1 mg/cm^2) or in a quantity sufficient to be a hazard to health and safety to the occupants of the family unit, and where a referral is received from the Board

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of Health indicating that a person who resides in this dwelling unit has an elevated blood lead level, (the Commissioner of Health shall notify the Commissioner of Buildings in writing, of each case of elevated blood lead level), the Commissioner of Buildings shall order the owner or his agent to remove all materials containing lead compounds or to cover such surfaces with an acceptable covering having a flame spread not to exceed twenty-five (25). All covering shall be securely attached to a smooth and sound surface.

In those cases, where analysis reveals the presence of lead or its compounds in a quantity of one (1.0) milligram or more per square centimeter (1 mg/cm²) or in a quantity sufficient to be a hazard to health and safety to the occupants of the family unit and where no referral is received from the Board of Health indicating an elevated blood lead level, the Commissioner of Buildings may order the owner or his agent to remove all materials containing lead compounds or to cover such surfaces with an acceptable covering having a flame spread not to exceed twenty-five (25). All covering shall be securely attached to a smooth and sound surface.

If within fourteen days from the date of mailing of the notice of violation, the necessary repairs have not been made, the Commissioner of Buildings may proceed to do or have done whatever work is necessary to eliminate the lead hazard and to bill the owner for any expense incurred. The Corporation Counsel upon request of the City Comptroller will take the appropriate action to recover the costs of repairs.

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from the owner by the City.

"D. For the purpose of this section, the following words, terms and phrases shall have the following respective meanings, unless otherwise specifically provided:

- "1. "Building Commissioner" -- shall mean the Building Commissioner of the City of Chicago or his duly authorized delegate or representative;
- "2. "Commissioner of Health" -- shall mean the Commissioner of Health of the City of Chicago or his duly authorized delegate or representative;
- "3. "Dwelling" -- shall mean a structure all or part of which is designed for human habitation
- "4. "Dwelling unit" -- shall mean any room, group of rooms or other interior area of a structure designed or used for human habitation;
- "5. "Exposed surface" -- shall mean any interior surface in or upon a dwelling or dwelling unit
- "6. "Effective July 1, 1972, "Lead based coatings -- shall mean any paint, lacquer, or other applied liquid surface coating, and putty, (except varnishes, oil stains, floor paints and coatings in aerosol cans), which contains a quantity of lead more than six-hundredths of one-percent (0.06 of 1%) by weight of its non-volatile content.

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