

ORDINANCE NO. 2023-71

ORDINANCE SETTING FORTH THE TERMS AND OBLIGATIONS REQUIRED FOR THE REPLACEMENT OF LEAD SERVICE LINES ON PRIVATE PROPERTY TO ENSURE SAFE DRINKING WATER IN ACCORDANCE WITH N.J.S.A. 58:12A-40 ET SEQ.

WHEREAS, in July 2022, Governor Murphy signed into law P.L. 2021, ch. 183 which requires community water systems in New Jersey to identify all lead service lines, provide public notification regarding the presence of all lead service lines and replace all lead service lines existing; and

WHEREAS, “service lines” are defined as a portion of pipe that connects the water main to the building inlet which are typically owned and controlled by the property owner and “lead service lines” are defined as a water supply connection that is made of or lined with a material consisting of lead and which connects a water main to a building inlet, including a lead pigtail, lead gooseneck or other lead fitting regardless of the composition of the service line and further, a galvanized service line is also considered to be a “lead service line” and therefore required to be replaced; and

WHEREAS, while the water mains in Vineland are not necessarily impacted, the water service lines, which are out of the control of the City must, under the new legislation, be of a concern and it is necessary to set forth the parameters to enforce N.J.S.A. 58:12A-40 for entry onto private property; and

WHEREAS, N.J.S.A. 58:112A-39 2 a states that a municipality may adopt an ordinance that allows the municipality to enter a property to perform a lead service line replacement, provided that the municipality provides the owner and any residents with notice at least 72 hours before entering the property among other requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 278, as amended, Chapter 687, Article XIV of the Code of the City of Vineland entitled Water-Sewer Utility, Inspection of Fixtures and Meters be amended with the addition of Section 687-106 entitled Inspection of Service Lines on Private Property as follows:

Section 687-106 Inspection of Service Lines on Private Property

687-106 A Definitions:

CONTRACTOR shall mean a licensed vendor that contracts with the City of Vineland to inspect and or replace lead service lines

LEAD SERVICE LINE shall mean a water supply connection that is made of or lined with a material consisting of lead and which connects a water main to a building inlet, including a lead pigtail, lead gooseneck or other lead fitting regardless of the composition of the service line and further, a galvanized service line is also considered to be a “lead service line”

PROPERTY shall mean a building or structure or part thereof which is serviced with City water by the City of Vineland Municipal Water-Sewer Utility

OCCUPANT shall mean a person or persons in actual possession of and occupying the building or structure.

OWNER shall mean any person or entity with legal title to any Property or who has equitable title and is either in possession or collects rents therefrom or an executor, trustee, guardian or receiver of the estate of the Owner, or a mortgagee in possession or has charge, care or control of any Property.

Section 687-106 B Lead Service Lines Prohibited

It is hereby established that the existence of Lead Service Lines are strictly prohibited in the City of Vineland

Section 687-106 C Access to Private Property to perform Lead Service Line Inspection/Replacement

In accordance with N.J.S.A. 58:12A-39 the City is responsible to access private property to perform a lead service line inspection and/or replacement provided:

1. The owner and any residents of the Property have received not less than 72 hours notice unless an emergency exists. Notice may be in person or if not able to be reached, by certified mail or post a written notice on the property including
 - a. the date and time of the inspection/replacement,
 - b. likely extent of water service disruption
 - c. nearby locations where the City is distributing supplementary drinking water.
 - d. Any remedies the City shall take if the City is unable to access the property, including commencing an action in Superior Court for access
2. The notice shall be in both English and Spanish.
3. Upon completion of the replacement, the City shall send, by certified mail, the owner a letter stating the approximate time that the replacement occurred and providing a brief summary of the work performed.

Section 687-106 D Failure to Provide Access to Private Property

1. If the Owner of the Property is inaccessible or otherwise denies access to the Property to enable the inspection and/or replacement of the Lead Service Line, the City shall issue a Refusal of Access form as prescribed by the Director of the Utility which shall state the Owner acknowledges delay of Lead Service Line replacement may contribute to increased lead levels in drinking water, which can cause serious health problems such as damage to the brain and kidneys. The Notice shall also direct the Owner to the Division of Water Supply and Geoscience website at: <https://www.state.nj.us/dep/watersupply/dws-sampreg.html>.
2. The City may commence an action in the Superior Court of New Jersey to gain access to the Property naming the Owner and Occupants as Defendants.
3. The City shall file with the Office of the County Clerk a Notice that the Owner has refused to allow the City access to the Property and Lead Service Lines are believed to service the Property.
4. No Certificate of Occupancy, Temporary Certificate of Occupancy, Continued Certificate of Occupancy or Rental Registration shall be issued by the City for Property upon which the City has been denied access as set forth herein until access and remediation has taken place.

Section 687-106 E Penalties

Violations of this Chapter by any Owner or Occupant shall be punishable by a fine of not less than \$250.00 or more than \$1,000.00. Each day the City is denied access shall constitute a separate offense and punishable as set forth herein.

BE IT FURTHER ORDAINED that the balance of Ordinance 278, as amended, Chapter 687, Article XIV of the Code of the City of Vineland not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk