

City of Newark, NJ  
Tuesday, May 11, 2021

## Chapter 16:23. Mandatory Replacement of Lead Service Line

### § 16:23-1. Definitions.

[Ord. 6PSF-M, 9-18-2019]

For the purposes of this Chapter:

#### **CITY**

Shall mean the City of Newark.

#### **CONTRACTOR**

Shall mean a licensed vendor that contracts with the City of Newark to replace lead service lines.

#### **DEPARTMENT**

Shall mean the Department of Water and Sewer Utilities of the City of Newark, New Jersey.

#### **DWELLING**

Shall mean a building or structure or part thereof containing one or more dwelling units. This chapter shall also apply to buildings and structures that are not used for residential purposes.

#### **DWELLING UNIT**

Shall mean any room or groups of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking, eating or bathing.

#### **LEAD SAFE**

Shall mean any condition that does not allow access or exposure to lead, in any form, to the extent that adverse human health effects are possible.

#### **LEAD SERVICE LINE**

Shall mean the water line on private property that leads to the structure or building that is connected to the main City of Newark water line.

#### **OCCUPANT**

Shall mean a person or persons in actual possession of and living in the building or dwelling unit.

#### **OWNER**

Shall mean any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who is executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a Court order or by agreement or

voluntary surrender of the premises by the person holding the legal title, or as collector of rents has charge, care or control of any dwelling or rooming house.

## § 16:23-2. Lead Service Lines Prohibited.

[Ord. 6PSF-M, 9-18-2019]

It is hereby established that the existence of lead service lines is prohibited in the City of Newark.

## § 16:23-3. Exclusion from Requirement; Proof Required.

[Ord. 6PSF-M, 9-18-2019]

A property owner may be excluded from the Mandatory Replacement of its lead service line by providing the Department of Water and Sewer Utilities, within 90 days of the effective date of this ordinance, with written proof from a licensed and certified plumber that it does not have a lead service line on its property and/or that the lead service line was previously removed and replaced.

## § 16:23-4. Mandatory Replacement of Lead Service Line.

[Ord. 6PSF-M, 9-18-2019]

- a. The owner of any dwelling, building or structure serviced by a lead service line is required to replace the lead service line on their property. The replacement of the lead service line must be completed within 90 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Department of Water and Sewer Utilities designee, that a good faith effort has been made to comply with the ordinance.
- b. The owner of the any dwelling, building or structure shall replace their lead service line by any of the following methods:
  1. Signing up for the Lead Service Line Replacement Program offered by the City of Newark and allowing contractors to access on their property to conduct the replacement. The Contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the contractor with access to the property to verify the existence of a lead service line; or
  2. Replacing the lead service line on their own and at their own expense. If an owner selects this option, then replacement must be completed within 90 days of effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Department of Water and Sewer Utilities designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the Department of Water and Sewer Utilities with proof that the lead service line has been replaced. Proof must include at a minimum: a permit issued by the Department of Water and Sewer Utilities to a licensed plumber authorized to do the work; an invoice from the contractor who completed the work; a copy of the estimate along with any report of the work completed, and an inspection report verifying the removal.

## § 16:23-5. Authorization to Access Property.

[Ord. 6PSF-M, 9-18-2019]

- a. Notwithstanding Section 16:23-4, if an owner of the dwelling, building or structure does not sign up for the Lead Service Line Replacement Program or does not replace its lead service line within 90 days of the effective date of this ordinance (or within the time frame provided in an extension) or is inaccessible or otherwise denies access to the property to enable the replacement of the line, then the following procedure shall be followed:
  1. The City shall secure entrance to the property from the owner or current occupant of the dwelling, building or structure, and the City shall incur no liability from the owner. The contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the Contractor with access to the property to verify the existence of a lead service line. The City shall restore the property to its original condition, or as close as possible to its original condition; and
  2. If access is granted by the occupant of the dwelling, building, or structure, then the occupant shall be held harmless and no liability shall incur to the City or occupant due to the replacement of the lead service line by the City of Newark; and
  3. If access is denied by the current occupant or owner, then the City shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

## § 16:23-6. Proof of Lead Service Line Replacement Required for Certificate of Occupancy, Certificate of Code Compliance, and Smoke & Carbon Monoxide Detector Certificates.

[Ord. 6PSF-M, 9-18-2019]

- a. Upon the sale or transfer of ownership of any dwelling, building or structure, the owner must provide proof that the lead service line has been replaced in order to secure a Certificate of Occupancy, Certificate of Code Compliance, and Smoke & Carbon Monoxide Detector Certificates.
- b. Upon the sale of any City-owned property, within 90 days of the closing, the buyer is responsible for replacing the lead service line, by either enrolling in the Lead Service Line Replacement Program or in accordance with 16:23-4b, 2 above.

## § 16:23-7. Penalty.

[Ord. 6PSF-M, 9-18-2019]

Violations of this Chapter by any person or corporation shall be punishable by a fine of at least \$250 but not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not to exceed 90 days.

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