

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 273 OF THE CODE OF THE CITY OF CLIFTON ENTITLED "HOUSING STANDARDS" TO ADD ARTICLE III ENTITLED "REPLACEMENT OF LEAD SERVICE LINES"

BE IT ORDAINED, by the Municipal Council of the City of Clifton, that:

1. Chapter 273 of the Code of the City of Clifton, entitled "Housing Standards" is hereby amended and supplemented to add Article III "Replacement of Lead Service Lines" which reads as follows:

§ 273-36. Definitions.

The following definitions shall apply to this article:

CITY

The City of Clifton.

PASSAIC VALLEY WATER COMMISSION ("PVWC")

The water purveyor for the City of Clifton, its agents and successors.

CONTRACTOR

A licensed vendor that contracts with the PVWC to replace lead service lines.

LEAD SERVICE LINE

The water line on private property that leads to the structure or building that is connected to the main water line.

OCCUPANT

Any individual, individuals, or entity in actual possession of any property.

OWNER

Any person, firm, association or corporation who or which, alone or jointly or severally, shall have:

(1) Legal title to any property, with or without accompanying actual possession thereof; or

(2) Charge care or control of any property or part thereof as owner or agent of the owner or in a fiduciary capacity to the estate of the owner.

PROPERTY

Any premises whether residential or commercial that is occupied or unoccupied.

§ 273-37. Authorization to Access Property

A. The Passaic Valley Water Commission ("PVWC") its agents and successors are hereby authorized to enter any property within the City of Clifton to perform a lead service line replacement pursuant to P.L. 2019, c. 291, but shall not enter any part of the property that is not directly related to performing a lead service line replacement. The service line shall include all piping and fittings connecting the water main to the property, and shall include the water meter.

§ 273-38. Notice

A. At least two (2) weeks before entering a property to perform a lead service line replacement, PVWC shall notify the owner of record of the property and any occupants of the property of the lead service line replacement.

- B. PVWC shall make every effort to notify the owner of record and any occupants of the property in person, but if the owner or occupants are unable to be reached in person, PVWC shall send, by certified mail, a notification to the owner and any occupants or post a written notification in a prominent location on the property.
- C. Notification by certified mail shall be written in both English and Spanish and shall include:
1. The scheduled date and time of the lead service line replacement.
 2. Whether PVWC employees will be performing the service line replacement, and if not, the entity performing the service line replacement.
 3. The extent of any water service disruptions resulting from the service line replacement.
 4. Any locations where residents can access supplemental drinking water due to any service disruptions.
 5. Notice that the owner or occupant of any property that has been determined to require a lead service line replacement shall permit PVWC, its agents, successors or contractors access to the property to perform said replacement.
 6. Notice that if the owner or occupant refuses to grant access to the property to perform the required lead service line replacement, said owner or occupant shall be subject to a fine not to exceed \$1,250. Each day that a violation continues shall be deemed a separate and distinct offense.
 7. Notice that if PVWC is unable to gain access to the property in order to replace the lead service line because the owner refuses to grant access to the property, the City of Clifton will not issue a Certificate of Continued Occupancy to any commercial or industrial property prior to any change in ownership until a lead service line replacement is performed at the property owner's expense.
 8. Notice that if PVWC is unable to gain access to the property in order to replace the lead service line because the owner refuses to grant access to the property, the City of Clifton will not issue a Dwelling Certificate to any residential property prior to any change in ownership until a lead service line replacement is performed at the property owner's expense.

§ 273-39. Permits

- A. PVWC, its agents, successors or contractors shall obtain approval for all required permits relating to the lead service line replacement prior to the commencement of any lead line replacement.
- B. Permits shall list every property in which lead line replacement is to be performed.

§ 273-40. Limitation on Time of Operation.

- A. PVWC, its agents, successors or contractors shall make repairs no earlier than 8:30 a.m. or after 6:30 p.m. Monday through Friday, and no earlier than 9:30 a.m. to 4:30 p.m. on Saturdays.

§ 273-41. Pavement cuts; restoration.

- A. All pavement cuts, openings, excavations, and restoration shall be subject to approval by the Engineer for the City of Clifton.

§ 273-42. Notice of Completion.

- A. Upon completion of the lead service line replacement, PVWC shall send a letter to the owner of the property confirming the replacement, and the date which the work was performed.

B. On an ongoing basis, but not later than every 60 days, PVWC shall inform the City of Clifton as to which properties it has successfully performed a lead service line replacement, and which properties it was unable to perform a lead service line replacement due to an inability to gain access to the property.

§ 273-43. Violations and Penalties.

- A. The owner or occupant of any property that has been determined to require a lead service line replacement shall permit PVWC, its agents, successors or contractors access to the property to perform said replacement.
- B. If the owner or occupant refuses to grant access to the property to perform the required lead service line replacement, said owner or occupant shall be subject to a fine not to exceed \$1,250. Each day that a violation continues shall be deemed a separate and distinct offense.
- C. If PVWC, its agents, successors, or contractors, are unable to gain access to the property in order to replace the lead service line because the owner refuses to grant access to the property, the City of Clifton will not issue a Certificate of Continued Occupancy to any commercial or industrial property prior to any change in ownership until a lead service line replacement is performed at the property owner's expense.
- D. If PVWC, its agents, successors, or contractors, are unable to gain access to the property in order to replace the lead service line because the owner refuses to grant access to the property, the City of Clifton will not issue a Dwelling Certificate to any residential property prior to any change in ownership until a lead service line replacement is performed at the property owner's expense.
2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.
3. This ordinance shall take effect after final passage and publication as provided by law.

Adopted: *3-15-22*

James Anzaldi

James Anzaldi, Mayor

ATTEST:

Nancy Ferrigno
Nancy Ferrigno, City Clerk

CRYPTIFIED TO BE A TRUE COPY

Nancy Ferrigno
Nancy Ferrigno, City Clerk