

Ordinance of the City of Paterson, N.J.

No. ...11.....1st Reading No. 22-037.....

Date April 12, 2022.....

No. 1. Public Hearing
(2nd Rdg. & Final Passage)

Date to Mayor April 13, 2022.

Date Returned

Division

Date Submitted to Council March 29, 2022.....

Factual Contents Certified to By

TITLE: **ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 473 OF
THE CITY OF PATERSON CODE TO
REQUIRE THE REPLACEMENT OF
LEAD SERVICE LINES WITHIN
PATERSON**


Title

3/3/22
Date

Approved As To Form and Legality
on Basis of Facts Set Forth


CORPORATION COUNSEL

3/4/22
Date

COUNCILPERSON LUIS VELEZ..... Moved the Following Ordinance:

WHEREAS, this Ordinance finds and declares that lead in drinking water poses a serious health and safety risk to the public, particularly infants and children and therefore provides the means by which the City can monitor the replacement of lead service lines by the Passaic Valley Water Commission ("PVWC") within its boundaries, all consistent with P.L. 2019, c. 291.

WHEREAS, PVWC is a public drinking water purveyor owned by the cities of Paterson, Clifton, and Passaic, and

WHEREAS, the PVWC is the water purveyor for the cities of Paterson, Clifton, Passaic, Prospect Park, Lodi, North Arlington, a section of Woodland Park, as well as wholesale customers in Passaic, Bergen, Essex, Hudson and Morris Counties, and

WHEREAS, the PVWC is undertaking a replacement of all lead service lines within its service territory; and

WHEREAS, there are lead service lines located on privately owned property within Paterson; and

WHEREAS, PVWC will be unable to complete its lead service line replacement program without access to the privately-owned property where lead service lines are located; and

WHEREAS, the replacement of all lead service lines is necessary to immediately and effectively reduce the exposure of the public to lead; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to enact such ordinances as it deems necessary and proper for the preservation of the public health, safety, and welfare of its citizens; and

WHEREAS, the New Jersey Legislature and Governor enacted P.L. 2019, c. 291, which allows a municipality to enact an ordinance requiring the replacement of lead service lines within its boundaries as part of its powers to protect the health, safety, and welfare of its citizens pursuant to N.J.S.A. 40:48-2.

NOW THEREFORE, IT IS ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF PATERSON as follows:

SECTION I: Paterson Code Ch. 473-1 through 10 addressing Water and Ch. 473 Article I "Water Emergencies" and 473 Article II "Interference With Water System," shall be amended and supplemented as follows, with additions indicated by underlining and deletions, if any, indicated by [brackets]:

Article III Mandatory Replacement of Lead Service Line

§473-12. Definitions.

For the purpose of this article, the following terms are defined as set forth herein:

CITY- Shall mean the City of Paterson.

**ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 473 OF
THE CITY OF PATERSON CODE TO
REQUIRE THE REPLACEMENT OF
LEAD SERVICE LINES WITHIN
PATERSON**

PASSAIC VALLEY WATER COMMISSION ("PVWC") - Shall mean the water purveyor for the City of Paterson, its agents and successors.

CONTRACTOR - Shall mean a licensed vendor that contracts with the PVWC to replace lead service lines.

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 Paterson 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.

§473-13. Authorization to Access Property.

- A. PVWC, its agents and successors are hereby authorized to enter any property within Paterson 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.

§473-14. 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 residents of the property of the lead service line replacement.
- B. PVWC shall make every effort to notify the owner of record and any residents of the property in person, but if the owner or residents are unable to be reached in person, PVWC shall send, by certified mail, a notification to the owner and any residents or post a notification in a prominent location on the property.
- C. Notification by certified mail shall be written in both English, Spanish and Arabic and shall include:
- a. The scheduled date and time of the lead service line replacement;
 - b. Whether PVWC employees will be performing the service line replacement, and if not, the entity performing the service line replacement;
 - c. The extent of any water service disruptions resulting from the service line replacement;
 - d. Any locations where residents can access supplemental drinking water due to any service disruptions; and

**ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 473 OF
THE CITY OF PATERSON CODE TO
REQUIRE THE REPLACEMENT OF
LEAD SERVICE LINES WITHIN
PATERSON**

- e. That if PVWC is unable to gain access to the property in order to replace the lead service line, the City of Paterson shall impose a daily fine of not more than \$250 on the owner, until a lead service line replacement is performed. A property owner or tenant may make application for a hardship waiver of the fine upon written notice to the Business Administrator.

§473-15. Permits.

- A. PVWC, its agents, successors or contractors shall obtain approval for work permits relating to the service line replacement

§473-16. 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. No lead line replacement work shall be conducted on Sundays.

§473-17. 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 Paterson 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.

§473-18. Penalty.

- A. The Community Improvement Department ("Department") shall impose a daily fine of not more than \$250 on the owner of any property where PVWC was unable to perform a lead service line replacement because it was unable to gain access to the property, until a lead service line replacement is performed. A property owner or tenant may make application for a hardship waiver of the fine upon written notice to the Business Administrator.
- B. The Construction Official shall further deny the issuance of a Certificate of Occupancy (CO) or Certified Certificate of Occupancy (CCO) for any property until a lead service line replacement has been performed.

SECTION II: All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION III: Any part of this Ordinance that may be declared invalid or inoperative shall be deemed severable, and the invalidity shall not affect the remaining parts of this Ordinance.

SECTION IV: The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of Paterson.

SECTION V: The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

**ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 473 OF
THE CITY OF PATERSON CODE TO
REQUIRE THE REPLACEMENT OF
LEAD SERVICE LINES WITHIN
PATERSON**

SECTION VII: The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council as to the specifics of the clerical correction no later than seven (7) days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said

certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the City Clerk.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend and supplement the Code of Paterson to require the replacement of lead service lines within the City by the Passaic Valley Water Commission.

SECONDED BY COUNCILPERSON . DR. LILISA MIMMS

Do Not Use Space Below This Line

<i>RECORD OF COUNCIL VOTE ON FINAL PASSAGE</i>	<i>AYE</i>	<i>NAY</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
1. ABDELAZIZ, ALAA "AL"	X			
2. COTTON, RUBY N.	RECUSED			
3. DAVILA, MARITZA	X			
4. JACKSON, MICHAEL				X
5. KHALIQUE, SHAHIN	X			
6. MENDEZ, ALEX	X			
7. MIMMS, LILISA	X			
8. RIVERA, FLAVIO				X
9. VELEZ, LUIS	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on March 29, 2022 Adopted on second and final reading after hearing on April 12, 2022

Approved
Rejected By
ANDRE SAYECH Mayor
MARTIZA DAVILA Council President
Reconsidered
By Council
Date
SONIA L. GORDON City Clerk
Over
Ride
Vote
Aye
Nay