

CITY OF PASSAIC
ORDINANCE NO. 2335-22

ORDINANCE AMENDING CHAPTER 219, "PROPERTY MAINTENANCE", ARTICLE III "MISCELLANEOUS PROVISIONS", SECTION 11 OF THE CITY OF PASSAIC CODE TO REQUIRE THE REPLACEMENT OF LEAD SERVICE LINES WITHIN THE CITY OF PASSAIC

WHEREAS, the Passaic Valley Water Commission ("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 the water purveyor for the City of Passaic, 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 the City of Passaic; 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, lead in drinking water poses a serious health and safety risk to the public particularly infants and children; 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 City Council of the City of Passaic that the City Code of the City of Passaic, Chapter 219, "Property Maintenance," Article III, "Miscellaneous Provisions" Section 11, "Reserved" is hereby amended as follows:

**ALL ADDITIONS ARE UNDERLINED
ALL DELETIONS ARE NOTED BELOW**

SECTION 1

219-11. (Reserved) Replacement of Lead Service Lines Within the City of Passaic

A. PVWC, its agents and successors are hereby authorized to enter any property within the City of Passaic 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 connection the water main to the property, and shall include the water meter.

B. At least 72 hours 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.

C. PVWC shall make every effort to notify the owner of record of 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 written notification in a prominent location of the property.

D. The notification shall be written in both English and Spanish 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;

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d. Any locations where residents can access supplemental drinking water due to any service disruptions; and

e. That if PVWC is unable to gain access to the property in order to replace the lead service line, the Department of Inspections and Code will not issue a Certificate of Occupancy prior to any change in ownership until a lead service line replacement is performed.

E. 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.

F. On the ongoing basis, but not later than every 60 days, PVWC shall inform the City of Passaic 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.

G. Where PVWC is unable to perform a lead service line replacement because of the inability to gain access to the property, the Department of Inspections and Code shall deny the issuance of a Certificate of Occupancy for that property until a lead service line replacement has been performed.

H. Any violation of this chapter by either the landlord or the tenant by the refusal to allow access to the property or preventing the performance of the lead service line replacement shall be punished by a penalty as is provided in Ch. 1, General Provisions, Art. II, General Penalty.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This Ordinance shall be subject to review by the Council after passage of six months from its effective date.

SECTION V

This ordinance shall take effect upon publication as provided by law.

INTRODUCED BY COUNCILPERSON: Terrence Love

SECONDED BY COUNCILPERSON: Jose Garcia

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
GARCIA, J.	x			
MELO, T.				x
LOVE, T.	x			
MUNK, C.	x			
PATEL, S.				x
SCHAER, G.	x			
SCHWARTZ, D.	x			

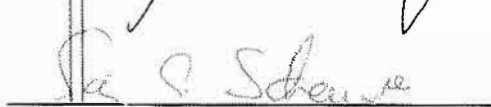
Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on January 25, 2022

Adopted on the second and final reading after the hearing on February 8, 2022

APPROVED: 

Hector C. Lora, Mayor

2/17/2022
Date


Gary S. Schaer, Council President


Amada D. Curling, City Clerk

2/17/2022