

**ORD 2022-05**

**AN ORDINANCE OF THE TOWN OF HACKETTSTOWN  
AMENDING CHAPTER 11 (ENTITLED "HEALTH AND SANITATION") OF THE  
TOWN ORDINANCES TO INCLUDE ARTICLE 13 AND ITS RELATED SECTIONS**

**WHEREAS**, The Town of Hackettstown recognizes that access to clean, safe drinking water is a benefit to the whole community; and

**WHEREAS**, the several homes in the Town are serviced by lines that contain or may contain lead or other potentially dangerous materials; and

**WHEREAS**, the Town has determined that all such service lines should be replaced as soon as possible; and

**WHEREAS**, the Town Council seeks to establish a process by which all such lines will be replaced in the best interest of the public's health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Common Council of the Town of Hackettstown, County of Warren, State of New Jersey, as follows:

**Section One:** Chapter 11 of the Town Code, entitled "Health and Sanitation" is hereby amended by the addition of Article 13 entitled "Mandatory Replacement of Lead Service Line"

**Section Two:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 1 "Definitions" so that it shall read:

**11-13.1 Definitions:**

For the purposes of this Chapter:

**TOWN** Shall mean the Town of Hackettstown.

**CONTRACTOR** Shall mean a licensed vendor that contracts with the Hackettstown Municipal Utilities Authority to replace lead service lines.

**AUTHORITY** Shall mean the Hackettstown Municipal Utilities Authority.

**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 of lead or galvanized steel construction on private property that leads to the structure or building that is connected to the main Hackettstown Municipal Utilities Authority water line.

**OCCUPANT** Shall mean a person or persons occupying and/or 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.

**Section Three:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 2 “Lead Service Lines Prohibited” so that it shall read:

#### 11-13.2 Lead Service Lines Prohibited

It is hereby established that the existence of lead service lines is prohibited in the Town of Hackettstown.

**Section Four:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 3. “Exclusion from Requirement; Proof Required.” so that it shall read:

#### 11-13.3. Exclusion from Requirement; Proof Required.

A property owner may be excluded from the Mandatory Replacement of its lead service line by providing the Authority, 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. Alternatively, the property owner may schedule an inspection by an Authority representative to confirm the service line material is non-lead or non-galvanized.

**Section Five:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 4. “Mandatory Replacement of Lead Service Line” so that it shall read:

#### 11-13.4 Mandatory Replacement of Lead Service Line

- 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 Hackettstown Municipal Utilities Authority, that a good faith effort has been made to comply with the ordinance.

- b. The owner of the 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 Hackettstown Municipal Utilities Authority 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 Hackettstown Municipal Utilities Authority designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the Hackettstown Municipal Utilities Authority with proof that the lead service line has been replaced. Proof must include at a minimum: a permit issued by the Town of Hackettstown 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 from the Town of Hackettstown or the Hackettstown Municipal Utilities Authority verifying the removal.

**Section Six:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 5. "Authorization to Access Property" so that it shall read:

**11-13.5 Authorization to Access Property**

- a. Notwithstanding Section 11-13.4, 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:
  - a. The Hackettstown Municipal Utilities Authority shall secure entrance to the property from the owner or current occupant of the dwelling, building or structure, and the Authority 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 and replace the lead service line. The Hackettstown Municipal Utilities Authority shall restore the property to its original condition, or as close as possible to its original condition; and

- b. 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 Hackettstown Municipal Utilities Authority or occupant due to the replacement of the lead service line by the Authority; and
3. If access is denied by the current occupant or owner, then the Hackettstown Municipal Utilities Authority shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

**Section Seven:** Chapter 11, Article 13 of the Town Code is hereby amended to include Section 6. "Penalty" so that it shall read:

#### 11-13.6 Penalty

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.

**Section Eight:** If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section Nine:** This ordinance shall become effective upon final passage and publication according to law.

#### **NOTICE**

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on April 14, 2022, and that at a regular meeting of the same to be held on May 12, 2022 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour of 7:00 p.m., the said Common Council will conduct a public hearing and will consider the final passage of said ordinance.