

ORDINANCE 2022-18

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

**AN ORDINANCE ESTABLISHING REGULATIONS RELATING TO THE
REPLACEMENT OF LEAD AND GALVANIZED SERVICE LINES AND AMENDING
AND SUPPLEMENTING CHAPTER 19, ENTITLED “WATER AND SEWER,”
OF “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN” IN ORDER TO ESTABLISH A
NEW ARTICLE 19-6 THEREOF TO BE KNOWN AS
“REPLACEMENT OF LEAD AND GALVANIZED SERVICE LINES”**

WHEREAS, the presence of lead in drinking water represents a threat to the public health, especially the health and development of New Jersey’s children; and

WHEREAS, pipes containing lead that connect water mains to homes and other buildings, often called lead service lines, are a primary source of lead in drinking water; and

WHEREAS, given the risk to public health, the New Jersey State Legislature has required that each public water system replace all existing lead and galvanized service lines, including those existing on private property; and

WHEREAS, in order to protect the health and welfare of the citizens of the Borough of Hightstown, in the County of Mercer, and State of New Jersey (hereinafter the “Borough”), the Borough’s Mayor and Council implemented an inventory and replacement plan for any lead and galvanized service lines existing within the Borough; and

WHEREAS, to effectuate said plan, pursuant to N.J.S.A. 58:12A-39, the Borough hereby adopts this Ordinance to allow the Borough and/or the Borough’s water system, including any officials, employees and/or agents thereof, to enter any property within the Borough to perform lead and galvanized service line replacements, provided that the Borough serves appropriate notices upon the proper parties, as set forth herein; and

WHEREAS, on June 20, 2022, the Borough’s Mayor and Council adopted Resolution No. 2022-120, which established the official policy of the Borough relative to funding the costs associated with lead and galvanized service line replacements; specifically, the costs associated with lead/galvanized service line replacements shall be borne by all of the customers of the Borough-owned public community water system, rather than assessed to the property of specific property owners in the same manner as provided for the assessment of local improvements

pursuant to N.J.S.A. 40:56-1, *et seq.* Said determination was made in accordance with N.J.S.A. 52:12A-44(e).

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Chapter 19, entitled “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”), is hereby amended and supplemented in certain limited respects, in order to establish a new Article 19-6, to be known as “Replacement of Lead and Galvanized Service Lines,” to read as follows:

Article 19-6. Replacement of Lead and Galvanized Service Lines.

§ 19-6-1. Purpose and Authority.

The Borough finds that the presence of lead in drinking water represents a threat to the public health and welfare of its citizens, and that pipes containing lead that connect water mains to homes and other buildings, called lead or galvanized service lines, are significant sources of lead in drinking water. As such, under the authority granted the Borough by N.J.S.A. 58:12A-38 and N.J.S.A. 58:12A-39, the Borough hereby declares its intent to identify and replace all lead and/or galvanized service lines within the Borough, including the authority to enter upon any property within the Borough to replace all existing lead and/or galvanized service lines, at the Borough’s cost and expense.

§ 19-6-2. Scope of Property Owner/Borough Responsibilities.

- A. This Chapter shall generally govern the respective responsibilities of the Borough and individual property owners as to all service lines within the Borough, except in the case of a “lead service line” to which this Article 19-6 shall specifically be applicable.
- B. A “lead service line” is a water supply connection that is made of, or lined with, a material consisting of lead, and which connects a water main to a building inlet. A lead pigtail, lead gooseneck, or other lead fitting shall be considered to be a lead service line, regardless of the composition of the service line or other portions of piping to which such piece is attached. A galvanized service line shall be considered to be a lead service line. A lead service line may be owned by the Borough, a property owner, or both.
- C. In the case of a “lead service line”, the Borough shall be responsible for replacement of all pipes, tubing, and fittings connecting its water main to a building or structure, including the water meter for the property. Pursuant to N.J.S.A. 52:12A-44(e), the Borough has determined that all costs and expenses associated with the said replacement work shall be funded by the Borough, rather than assessed to specific property owner(s).

§ 19-6-3. Borough's Right-of-Entry to Replace Lead Service Lines.

The Borough shall have the authority to enter any property within the Borough to perform a lead service line replacement, provided that the Borough provides the owner and any residents of the property with notice at least 72 hours before entering the property, unless in the case of an emergency as determined by the New Jersey Department of Environmental Protection.

A. For the purposes of this Subsection 19-6-3, notice to the owner and any residents of the property shall include an attempt to inform the owner and any residents in person of the date and time of the lead service line replacement, and if the owner or a resident is unable to be reached in person, the Borough shall send, by certified mail, a letter to the owner and any residents or post a written notice in a prominent location on the property which shall include:

- (1) The scheduled date and time of the lead service line replacement and who will be performing the replacement;
- (2) The likely extent of water service disruption;
- (3) The nearby locations where the municipality or a public water system is distributing supplementary drinking water, if any; and
- (4) Any remedies that the municipality shall take if the municipality or municipal water system, or an agent thereof, is unable to access the property.

B. In addition to the notice requirements set forth in this Subsection 19-6-3, the Borough shall send, by certified mail, the owner a letter after the completion of the replacement stating the approximate time that the replacement occurred, and providing a brief summary of the work performed.

Section 2. All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Section 3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Introduction: September 6, 2022

Adoption: September 19, 2022

Attest:

MARGARET M. RIGGIO
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR