

Ordinance of the City of Jersey City, N.J.

File No. Ord. 23-022
Agenda No. 3.4 (1st Reading)
Agenda No. 4.7 (2nd Reading and Final Passage)



AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 337 WATER, SECTION 13 WATER EMERGENCIES; STANDARDS ENUMERATED TO INCLUDE THE LEAD SERVICE LINE REPLACEMENT PROGRAM.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, on July 22, 2021, the governor signed into law P.L. 2021, c. 183, an act concerning the replacement of lead water service lines (Act);

WHEREAS, section 1 of the Act is based upon the finding that the presence of lead in drinking water represents a threat to the public health, especially the health and development of New Jersey's children; that 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 that, due in part to the age of New Jersey's housing, there does not exist a full and complete inventory of all lead service lines in the State;

WHEREAS, section 1 of the Act requires that public water systems should fully inventory all service lines and gradually replace all lead service lines, portions of which may exist on private property; and that, given the risk to public health and the resulting social costs that lead exposure imposes upon society as a whole, it is in the public interest that each public water system be obligated to replace lead service lines, including those that exist on private property, and be authorized to recoup the costs of lead service line replacements from all subscribers of the public water system;

WHEREAS, to comply with the P.L. 2021, c. 183, the City of Jersey City finds it necessary to require property owners whose property is served by lead service lines to replace the lines in accordance with this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

Chapter 337

§337-13 Mandatory Replacement of Lead Service Lines.

A. Definitions.

Unless defined herein, all terms used in this ordinance shall be defined in accordance with P.L. 2021, c. 183, now codified as N.J.S.A. 58:12A-40 to 12A-47.

JCMUA- Shall mean the Jersey City Municipal Utilities Authority.

LEAD SERVICE LINE REPLACEMENT PROGRAM- Shall mean the program instituted by the JCMUA in accordance with N.J.S.A. 58:12A-40 et seq. to replace all lead service lines in the City over the course of ten years.

B. Requirements.

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An Ordinance amending and supplementing Chapter 337 Water, Section 13 Water Emergencies; Standards Enumerated to Include the Lead Service Line Replacement Program.

Notwithstanding the provisions of Chapter 337-1 et seq., lead service lines are prohibited in the City of Jersey City and shall be replaced by either of the following means:

1. By a property owner's acceptance of JCMUA's Lead Service Line Replacement Program and their allowance of contractors to access on their property to conduct the replacement as detailed in Section C. below; or
2. By property owners replacing the lead service line on their own and at their own expense within one-hundred and eighty (180) days of the effective date of this Chapter 337-13. If an owner selects this option, then the owner shall be required to provide the JCMUA with proof that the lead service line has been replaced. Proof must include at a minimum: a permit issued by the JCMUA 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 verifying the removal. Upon receipt of these items, the JCMUA shall provide the owner with a one-time credit of up to \$10,000, which credit shall be applied against future water service charges. Said one-time credit shall expire upon the owner's sale of the property, regardless of whether it has been fully applied against water service charges at the time of the sale.

C. Authorization to Access Property.

In order to conduct the inventory required by N.J.S.A. 58:12A-42 and provide the replacement of lead service lines required by N.J.S.A. 58:12A-44, the JCMUA or its contractor may require property owners to execute a Right of Access Agreement to their property. Refusal to sign the Right of Access or to provide access shall subject a property owner to the penalties provided in Sec. 1-25. The JCMUA may also commence procedures, including filing a court action, to conduct the replacement of the lead service line.

E. Penalty

Violations of provisions of this Chapter by any person or corporation shall be punishable by a fine of at least \$100 but not exceeding \$1,000 or imprisonment for a term not exceeding 90 days or by a period of community service not to exceed 90 days.

§ 337-13-14. - Water emergencies. [Added 9-27-1989 by Ord. No. McC-38]

A-E. No Change.

NOTE: All new material is underlined words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

An Ordinance amending and supplementing Chapter 337 Water, Section 13 Water Emergencies; Standards Enumerated to Include the Lead Service Line Replacement Program.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Mar 8 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Apr 12 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	ABSENT	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Jeanne Daly
Adam Cohen

TABLED:

After the close of the public hearing made by Council President Watterman, Seconded by Councilperson Ridley 8-0 - Councilperson Solomon Absent, removed from the tabled agenda on a motion by Council President Watterman seconded by Councilperson Saleh, Council person Rivera: absent.

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Apr 12 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	7-1
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	NAY	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Mar 8 2023**
Adopted on second and final reading after hearing on **Apr 12 2023**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Apr 12 2023



City Clerk



Joyce E. Watterman, President of Council
Approved: Apr 12 2023



Steven M. Fulop, Mayor
Date to Mayor: Apr 13 2023
Approved: Apr 13 2023

Ord. 23-022

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An Ordinance amending and supplementing Chapter 337 Water, Section 13 Water Emergencies; Standards Enumerated to Include the Lead Service Line Replacement Program.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Itza Wilson, Supervisory Assistant Corporation Counsel	2014321150	jcunha@jcmua.org
Department	Department of Law	
Division	Corporation Counsel	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Apr 12 2023
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Purpose

Pursuant to P.L. 2021, c. 183, the presence of lead in drinking water represents a threat to the public health. In compliance with NJ State law, public water systems have to inventory and replace all pipes containing lead that connect water mains to homes and other buildings, often called lead service lines. The Lead Service Line Replacement Program will be overseen by the Jersey City MUA. For more information, please contact Joe Cunha, Executive Director of JC MUA at (201) 432-1150 or jcunha@jcmua.org.

Cost (Identify all sources and amounts)

0

Contract term (include all)

Approved by
Itza Wilson, Supervisory Assistant Corporation Counsel
John Metro, Business Administrator

Status:
Approved - Feb 24 2023
Approved - Mar 01 2023