

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 07-2022

**AN ORDINANCE OF THE BOROUGH OF ALLENTOWN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING CHAPTER 19: "WATER" OF THE BOROUGH
CODE TO AUTHORIZE THE MUNICIPAL REPLACEMENT
OF LEAD AND GALVANIZED SERVICE LINES WITHIN THE
BOROUGH PURSUANT TO NEWLY ADOPTED STATE LAW.**

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 Allentown, County of Monmouth, 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 that allows its municipal water system 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;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Allentown that Chapter 19: "Water" of the Revised General Ordinances of the Borough is hereby amended and augmented to include *new* Subsection 19-2.15 (*previously reserved*) as follows:

WATER SERVICE.

* * *

15 Replacement of Lead and Galvanized Service Lines.

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.

b. *Scope of Property Owner/Borough Responsibilities.*

i. Subsection 19-2.16, hereinbelow, 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 Subsection 19-2.15 shall be applicable.

ii. 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.

iii. 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.

c. *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.

i. For the purposes of this Subsection 19-2.15(c), 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:

(A) the scheduled date and time of the lead service line replacement and who will be performing the replacement;

(B) the likely extent of water service disruption;

(C) nearby locations where the municipality or a public water system is distributing supplementary drinking water, if any; and

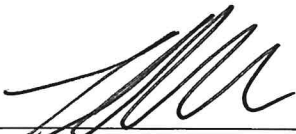
(D) any remedies that the municipality shall take if the municipality or municipal water system, or an agent thereof, is unable to access the property.

- ii. In addition to the notice requirements set forth in this Subsection 19-2.15(c), 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.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

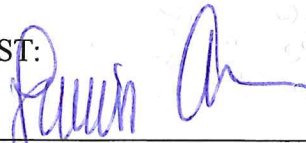
BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.



THOMAS FRITTS, Mayor

ATTEST:



LAURIE A. ROTH, Administrator/Clerk

DATED: August 9, 2022

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