

Introduction 04/24/2024  
Publication 05/02/2024  
Adoption 05/09/2024  
Publication 05/16/2024

**BOROUGH OF HIGH BRIDGE  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE: 2024-014**

**APPROVING THE AMENDMENT TO CHAPTER 275 PROPERTY MAINTENANCE  
TO ESTABLISH ARTICLE IV REPLACEMENT OF LEAD SERVICE LINES IN THE  
BOROUGH CODE**

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**WHEREAS**, the Borough has an established Borough Code for property maintenance to include general requirements; and

**WHEREAS**, the Borough wishes to provide for an update to include Chapter 275, Article IV for the Replacement of Lead Service Lines; and

**WHEREAS**, the Borough is hereby amending the Borough Code, Chapter 275 Property Maintenance to establish Article IV Replacement of Lead Service Lines.

**Chapter 275 Property Maintenance**

**Article IV Replacement of Lead Service Lines**

**§ 275-24. Duties of Property Owner.**

**Definitions – For the purpose of this Article.**

**BOROUGH-** Shall mean the Borough of High Bridge

**CONTRACTOR** – shall mean a licensed vendor that contracts with the Borough to replace lead service lines.

**DEPARTMENT** - Shall mean the Water Department of the Borough.

**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 that 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 human health effects are possible.

**LEAD SERVICE LINE** – Shall mean a water line that is not lead-free (including a galvanized pipe that is or has been connected to any upstream component made of lead or unknown material) and that runs from the water main into the structure or building.

**OCCUPANT** – Shall mean a person or persons in actual possession of and 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, excecatrix, 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.

#### **§ 275-25. Prohibition of Lead Service Lines.**

It is hereby established that lead service lines are prohibited in the Borough and any existing lead service lines are required to be replaced.

#### **§ 275-26. Exclusion.**

A property owner may be excluded from the mandatory replacement of its lead service line by providing the Borough Water Department, within 180 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.

#### **§ 275-27. Property Owner Responsibility to Replace 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 180 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Borough

Water Department designee, that a good faith effort has been made to comply with the ordinance.

- B. The owner of a 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 Borough at the expense of the Borough Water Department and allowing contractors to access 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 180 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Borough Water Department designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the Borough Water Department with proof that the lead service line has been replaced. Proof must include at a minimum;
    - i. A permit issued by the Borough Construction Department to a licensed plumber authorized to do the work;
    - ii. An invoice from the contractor who completed the work;
    - iii. A copy of the estimate along with any report of the work completed; and
    - iv. An inspection report by the Borough Water or Construction Department verifying the removal.

**§ 275-28. Borough Responsibility to Replace Lead Service Lines.**

Notwithstanding Section 275-27, 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 180 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 Borough shall secure entrance to the property from the owner or current occupant of the dwelling, building, or structure, and the Borough shall incur no liability from the owner. The contractor will provide the owner or occupant 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. The Borough 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, the occupant shall be held harmless and no liability shall incur to the Borough or occupant due to the replacement of the lead service line by the Borough; and
- C. If access is denied by the current occupant or owner, then the Borough shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

**§ 275-29. Timeline for the Replacement of Lead Service Lines.**

- A. All lead service lines shall be replaced as soon as possible, but in no event later than July 1, 2031.
- B. A municipality shall ensure no less than a ten percent rate of lead service line replacements each year to ensure compliance with the overall replacement timeline.

**§ 275-30 Owner and Buyer Responsibilities.**

- A. Upon the sale or transfer of ownership of any dwelling, building, or structure, the owner must provide proof that the lead service line has been replaced in order to secure a Certificate of Occupancy or Certificate of Code Compliance.
- B. If an owner of a dwelling, building, or structure that has a lead service line signs up for the Borough's Lead Service Line Replacement Program, and the lead service line has not yet been replaced when the owner sells the dwelling, building, or structure, the owner shall provide the buyer with proof of enrollment in the Borough's Lead Service Line Replacement Program as satisfying the owner's obligation to replace a lead service line under this law.
- C. Upon the sale of any Borough-owned property, within 180 days of the closing, the buyer is responsible for replacing the lead service line, by either enrolling in the Lead Service Line Replacement Program or in accordance with Section 275-27(B)(2).

**§ 275-31 Enforcement.**

The Borough may shut off water to any property for which access has been denied to replace a lead service line. The Borough shall record in the property records for such property that it has a lead service line and that access to replace that line was denied.