



**BOROUGH OF FLORHAM PARK  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
ORDINANCE #23-22**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FLORHAM PARK TO PROHIBIT LEAD SERVICE LINES AND TO EFFECTUATE THE REPLACEMENT OF ALL LEAD SERVICE LINES IN THE WATER SYSTEM OF THE BOROUGH OF FLORHAM PARK**

**WHEREAS**, the State of New Jersey enacted a new law in July 2021, P.L. 2021, Ch. 183, codified at N.J.S.A. 58:12-40, which establishes new requirements for certain water suppliers in New Jersey to identify and ultimately replace lead service lines, as the Legislature found 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”; and

**WHEREAS**, the new law establishes specific time frames for actions by public community water systems as well as requirements to inventory lead service lines, provide notice to affected property owners, and plan for and implement the replacement of all lead service lines within the system service area; and

**WHEREAS**, it is currently estimated that there are a limited amount of lead/galvanized service lines in Florham Park, and it is necessary for the Borough to adopt this ordinance to ensure compliance with the applicable state statutes and

**WHEREAS**, the Legislature previously adopted P.L. 2019, Ch. 291, codified at N.J.S.A. 58:12A-38, which authorizes municipalities to adopt an ordinance to authorize municipal authorities to enter onto property for the purpose of performing lead line replacements.

**IT IS HEREBY ORDAINED** by the Borough Council of the Borough of Florham Park, Morris County, State of New Jersey, as follows:

**SECTION 1.** Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**BOROUGH** shall mean the Borough of Florham Park.

**CONTRACTOR** shall mean a vendor licensed to perform plumbing services or excavation work, including replacing lead service lines.

**UTILITY** shall mean the Water Utility Division of the Water and Sewer Utility of the Borough of Florham Park.

**LEAD SERVICE LINE (LSL)** shall mean a water service line comprised of lead or galvanized steel, including pipes, connectors, goosenecks, and all other components, on private property that leads to the structure or building that is connected to the main Borough of Florham Park water line.



RESIDENT any person in actual possession of and living in a house or residential unit on the property of an owner.

OWNER shall mean the owner of any residential, commercial, or educational institution property located within the service area of the Borough

## **SECTION 2. Lead Service Lines Prohibited**

It is hereby established that the existence of LSLs is prohibited in the Borough of Florham Park. This prohibition applies to existing service lines as well as any future service lines.

## **SECTION 3. Mandatory replacement of LSLs.**

- a. The Borough shall develop a Lead Service Line (LSL) Replacement Program, consistent with applicable state statutes, which program shall be administered by the Utility. The Lead Service Line Replacement Program shall include but not be limited to establishing an inventory of LSLs in the Borough, providing notice to owners as required by law, entering into contracts with contractors to replace LSLs, replacing LSLs by Water Utility staff as part of emergency main repairs, and maintaining a database of records of current and scheduled replacement of LSLs.
- b. The owner of any residential, commercial, or educational institution property located within the service area of the Borough that is serviced by an LSL is required to replace the LSL on such property. The replacement of the LSL must be completed within one hundred eighty (180) days after an LSL is identified. An extension of time may be granted by the Water Utility Division Director, or the Director's designee, where the owner can demonstrate that a good faith effort has been made and is continuing to be made to comply with the ordinance.
- c. The means of replacement of an LSL shall be by any of the following methods:
  - (1) The owner of any residential, commercial, or educational institution property located within the service area of the Borough may sign up for the Lead Service Line Replacement Program offered by the Borough of Florham Park, or
  - (2) The owner may replace the lead service by utilizing a contractor of the owner's choosing, at the property owner's expense, and subject to the issuance of a permit by the Borough for the work to be performed by a licensed contractor. If an owner selects this option, then replacement must be completed within one hundred eighty (180) days after an LSL is identified. After the LSL is replaced, the property owner shall submit to the Utility, a report from the contractor verifying the replacement of the LSL, including the disposition or abandonment of the LSL. No reimbursement of LSL replacement will be made to the Owner.



**SECTION 4.** Lead Service Line Replacement Program- Authority of the Borough to enter the property.

- a. Pursuant to N.J.S.A. 58:12A-39, the Borough or the Contractor hired by the Borough shall have the right to enter the property to perform an LSL replacement, as provided herein.
- b. In the event that a property owner does not sign up for the LSL Replacement Program and has not provided verification to the Borough that the owner has had a contractor undertake an LSL replacement, then the Utility shall attempt, in person, to inform the owner of the property, and any residents on the property, of the proposed date and time of the LSL replacement. If the owner and any residents are unable to be notified in person, then the Utility shall send a notice of the date and time of the proposed LSL replacement to the property and any residents by certified mail and shall also post a written notice in a prominent location. The certified mail and posted notice shall include:
  - (1) The scheduled date and time of the LSL replacement and who will be performing the replacement, which shall be not less than ten (10) days prior to the date of the mailing.
  - (2) The likely extent of water service disruption.
  - (3) Nearby locations where the Utility or a public water system is distributing supplementary drinking water, if any.
  - (4) Any remedies the Utility shall take if the Utility, or an agent thereof, is unable to access the property.
- c. After the LSL replacement is complete, the Utility shall send the owner, by certified mail, a notice stating the approximate time that the replacement occurred, and providing a brief summary of the work performed.

**SECTION 5.** Proof of Compliance is required prior to the Sale or Transfer of Property.

- a. Prior to the sale or transfer of ownership of any residential, commercial, or educational institution property located within the service area of the Borough, the Purchaser must obtain from the Borough proof of compliance with this ordinance by any of the following means:
  - (1) Obtain Verification from the Borough that the subject property is not on the inventory list of properties maintained by the Borough that are serviced by an LSL. If the composition of the water service line is unknown, then the Purchaser must arrange with the Water Utility to identify the service line.
  - (2) If the subject property is on the inventory list of properties maintained by the



Borough that are serviced by an LSL, obtain documentation to the effect that the current Owner has signed up for the Lead Service Line Replacement Program.

- (3) Obtain verification that the current Owner has previously had the LSL replaced and submit verification of such replacement to the Borough.
- b. The Water Utility shall maintain such records as are necessary to implement the proof of compliance requirement set forth herein.
- c. For contracts of sale or transfer entered into prior to the date of adoption of this Ordinance, the Utility may accept an affidavit from the prospective Purchaser that the Purchaser will comply with this ordinance, in lieu of the Compliance requirements set forth in this section.
- d. Once the LSL has been replaced, the ownership and maintenance of the service line from the curb shutoff valve box to the home or structure shall be the total responsibility of the property owner. Restoration of landscaping will be limited to trench excavation restoration only. The Borough or its agents will not be responsible for any driveway, walkway, retaining wall, tree, bush, or other private property repair/replacement due to the installation of the new service line. The Borough or its agents will not be responsible for any future damage, repairs, replacements, or any other work that may be necessary with regard to the new service line, regardless of the cause for such work. The property owner's use of the new service line shall constitute the owner's full acceptance of and responsibility for the new service line.

#### **SECTION 6.** Violations and Penalties.

Violations of this Chapter by any person or corporation shall be punishable as set forth in the "General Penalty" section of this Code in sections 1-16.

**SECTION 7.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 8.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase, or sentence shall be deemed separable.

**SECTION 9.** This Ordinance shall take effect upon final publication as provided by law.

INTRODUCED: October 19, 2023

ADOPTED: November 30, 2023

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Mark Taylor, Mayor



ATTEST:

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Danielle M. Lewis, Borough Clerk

I HEREBY CERTIFY this to be a true and correct copy of an Ordinance of the Mayor and Borough Council of the Borough of Florham Park, adopted on November 30, 2023.

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Danielle M. Lewis, RMC