

Model Ordinance for the Replacement of Lead Service Lines

[based on Newark, NJ [ordinance](#)]

Note: an ordinance may require state enabling legislation

§ 1. Definitions - For the purposes of this Chapter:

CITY — Shall mean the [City].

CONTRACTOR — Shall mean a licensed vendor that contracts with the [City] to replace lead service lines.

DEPARTMENT — Shall mean the [Water Department of the City]

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 adverse 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, executrix, 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.

§ 2. Prohibition of Lead Service Lines – It is hereby established that lead service lines are prohibited in the [City] and any existing lead service lines are required to be replaced.

§ 3. Exclusion – A property owner may be excluded from the mandatory replacement of its lead service line by providing the [Water Department], within 90 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.

§ 4. 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 90 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the [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 [City] at the expense of the [City/water system] 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 90 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the [Water Department] designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the [Water Department] with proof that the lead service line has been replaced. Proof must include at a minimum: (i) a permit issued by the [Water 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 Water Department or the Buildings Department] verifying the removal.

§ 5. City Responsibility to Replace Lead Service Lines – Notwithstanding section 4, 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 90 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 City shall secure entrance to the property from the owner or current occupant of the dwelling, building, or structure, and the City 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 City 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 City or occupant due to the replacement of the lead service line by the [City]; and
- c. If access is denied by the current occupant or owner, then the City shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

§ 6. 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 ten years from the effective date of this law.
- 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 ten-year replacement timeline.

§ 7. 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 city'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 city'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 City-owned property, within 90 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 4(b)(2) above.

§ 8. Enforcement – The [City/water system] may shut off water to any property for which access has been denied to replace a lead service line. The [City/water system] shall record in property records for such property that it has a lead service line and that access to replace that line was denied.