



## Legislation Details (With Text)

**File #:** 19-1440      **Version:** 1      **Name:** Waive 20-Day for Lead Service Line Replacement Ordinance  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/10/2019      **In control:** Law  
**On agenda:** 9/18/2019      **Final action:** 9/18/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Waiving 20-day period for an Ordinance effective date  
Purpose: This resolution hereby authorizes an emergency to be declared and further authorizes Ordinance 6F-f, adopted on First Reading by the Municipal Council on September 5, 2019, which amends and supplements Title XVI, Health, Sanitation and Air Pollution of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as Amended and Supplemented, by adding a new Chapter 23, Mandatory Lead Line Replacement to become effective after being adopted upon Second Reading and Final Passage on September 18, 2019.  
Ordinance No(s): Ordinance 6F-f is scheduled for a Public Hearing, Second Reading and Final Passage on September 18, 2019.  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/18/2019	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law

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**Ordinance No(s):** Ordinance 6F-f is scheduled for a Public Hearing, Second Reading and Final Passage on September 18, 2019.

**Additional Information:**

**WHEREAS**, an emergency exists in the City of Newark where approximately 18,000 privately owned properties are serviced by obsolete lead service lines; and

**WHEREAS**, the City of Newark in response to this emergency has created a Lead Service Line Replacement Program which will be free of charge to property owners with existing lead service lines on their private property; and

**WHEREAS**, on September 5, 2019, the Administration proposed Ordinance **6F-f** (hereinafter "the Ordinance"), to, among other things: prohibit the use of lead service lines throughout the City of Newark, and requires that affected home owners either replace the obsolete lead service lines on their private property by utilizing the City sponsored free Lead

Service Line Replacement Program, or remove it at their own expense; provide a mechanism to accomplish replacement where a home owner is not responsive or cannot be found; and requires proof that lead service lines have been replaced upon the sale or transfer of any dwelling, building or structure before a Certificate of Code Compliance, Certificate of Occupancy and Smoke/Carbon Monoxide Certificate is issued; and

**WHEREAS**, the Ordinance was advanced and adopted on First Reading by the Municipal Council on September 5, 2019 and is scheduled for a Public Hearing, Second Reading and Final Passage on September 18, 2019; and

**WHEREAS**, there is an exigent need for the Ordinance to be effective to allow for the expeditious replacement of the obsolete lead service lines throughout the City; and

**WHEREAS**, N.J.S.A. 40:69A-181(b) authorizes a Governing Body to adopt a resolution declaring an emergency and authorizing that an Ordinance take immediate effect so long as at least two-thirds of all the members of the Governing Body vote in favor of such resolution; and

**WHEREAS**, the Municipal Council recognizes the exigent need for the Ordinance to take immediate effect so the replacement of the lead service lines can begin as soon as possible; and

**WHEREAS**, the Municipal Council has determined that it is therefore necessary and appropriate to adopt this resolution pursuant to N.J.S.A. 40:69A-181(b) declaring an emergency and determining that the Ordinance is adopted on September 18, 2019 shall take immediate effect upon the Mayor's signature and publication.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. As a result of the reasons set forth herein and the important public policies enunciated, an emergency is hereby declared to exist and the Ordinance, amending Title XVI, Entitled Health, Sanitation and Air Pollution of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as Amended and Supplemented, by adding a new Chapter 23, Entitled Mandatory Lead Line Replacement, to become effective once adopted by the Municipal Council after Second Reading and Final Passage, in accordance with N.J.S.A. 40:69A-181(b) due to the exigent need to replace obsolete lead service lines in the City of Newark.

#### **STATEMENT**

This resolution hereby authorizes an emergency to be declared, and further authorizes the Ordinance, amending Title XVI, Entitled Health, Sanitation and Air Pollution of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as Amended and Supplemented, by adding a new Chapter 23, Entitled Mandatory Lead Line Replacement, to become effective once adopted by the Municipal Council after Second Reading and Final Passage and signed by the Mayor and published in accordance with N.J.S.A. 40:69A-181(b) due to the exigent need to replace obsolete lead service lines in the City of Newark.