

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 12-2024

**ORDINANCE AMENDING ARTICLE I, CHAPTER 380 OF THE CODE OF THE
TOWNSHIP OF LEBANON ENTITLED “WATER”**

WHEREAS, the regulation of potable water from private wells when selling real estate in New Jersey is set forth at N.J.S.A. 58:12A-26 to 37 (the “Private Well Testing Act”) and N.J.A.C. 7:9E-3.1 to 5.1; and

WHEREAS, Chapter 380 of the Township Code, entitled “Water” also regulates potable water from private wells, including the requirement that a drinking water certificate from the Township Board of Health be issued for a certificate of occupancy to be issued by the Construction Official upon the sale or transfer of title to the property that has a private drinking well; and

WHEREAS, to avoid any conflict between the Private Well Testing Act and its related regulations, the Township Committee desires to amend Chapter 380 of the Township Code such that potable water from private wells upon the sale of real property shall be regulated by the Private Well Testing Act and the related regulations set forth at N.J.A.C. 7:9E-3.1 to 5.1.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 380 of the Township Code entitled “Water” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. Chapter 380 Water

Article I Safe Drinking Water Standards

§ 380-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOARD OF HEALTH

The Lebanon Township Board of Health or any member or agent thereof designated by that Board to act in its place in administering or enforcing the provisions of this article. Whenever the Board of Health designates someone to act in its stead, any person aggrieved by the actions of such designee shall have the right to have such action reviewed by the entire Board of Health.

OWNER

The person having legal title to the premises where drinking water is available.

QUALIFIED LABORATORY

A facility certified by the State of New Jersey pursuant to regulations promulgated under the Safe Drinking Water Act as capable of performing tests to determine the contents of water.

SAFE DRINKING STANDARDS

The current standards of the State of New Jersey promulgated pursuant to the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) as adopted by the Township and the standards set forth in § 380-10.

TRANSFER OF TITLE

A sale or other conveyance of an ownership interest in real estate from one person to another other than the following transfers:

- A. From one spouse to another where the transferee occupied the premises prior to the conveyance; and
- B. A transfer of title caused by the death of an owner to his heirs at law, surviving tenants or beneficiaries under his will.

WATER SUPPLY SYSTEM

Any individual well, cistern, spring or source of drinking water.

§ 380-2 Exemption.

Water supply systems which are regulated in accordance with the New Jersey Safe Drinking Water Act through N.J.A.C. 7:10-1 et seq. by the New Jersey Department of Environmental Protection and Energy **and those subject to and regulated by Private Well Testing Act, N.J.S.A. 58a2A-26 to 27 and N.J.A.C. 7:9E-3.1 to 5.1**, shall be exempt from the provisions of this article.

§ 380-3 Declaration of contamination; corrective action.

Any water supply system within the Township shall be declared contaminated if the water produced therefrom does not meet safe drinking standards as set forth in § 380-10. The Board of Health shall have the power to order appropriate corrective action by the owner of such water supply system and shall be empowered to prohibit human consumption of such water until the water meets safe drinking standards.

§ 380-4 Drinking water certificate; when required.

Except as provided in § 380-9, a drinking water certificate shall be obtained by the owner of any structure within the Township serviced by a water supply system upon the happening of any of the following events:

- ~~A. The sale or transfer of title to another person of such structure or any part thereof; or~~
- B-A.** The change of a water supply source.

§ 380-5 Water samples submitted for analysis.

Whenever a drinking water certificate is required, a qualified laboratory shall draw and evaluate the sample and submit the same to the Lebanon Township Board of Health. The analysis shall be for the presence of the contaminants listed in § 380-10.

§ 380-6 Review of analysis by Board of Health.

The Board of Health shall review the analysis to insure that any contaminants do not exceed the minimum standards listed in § 380-10. Upon such review, the Board of Health may also require additional testing.

§ 380-7 Issuance of drinking water certificate.

A. When the test results show that the water is within all applicable standards, the Board of Health shall issue a drinking water certificate attesting to such compliance.

B. This drinking water certificate shall also show the test results for the inforamatory contaminant levels set forth in § 380-13. ~~However, results exceeding the standards therein set forth shall not preclude the issuance of a certificate of occupancy under § 380-8.~~

§ 380-8 Certificate of occupancy contingent upon drinking water certificate.

~~No certificate of occupancy shall be issued until a drinking water certificate is presented to the Construction Official, and no~~ water supply system shall be put into service unless the owner shall have received a drinking water certificate.

§ 380-9 Effective period of certificate; transfer of title.

A drinking water certificate shall be effective for a period of six months from the date of issuance. Any transfer of title which occurs during the effective period of the certificate shall be permitted without the necessity of obtaining a new certificate.

§ 380-10 Binding contaminant levels.

A. Binding contaminant levels are as follows:

(1) Inorganic.

Contaminant	Standard
Nitrate (N)	10.0 mg/L
Iron (Fe)	0.3 mg/L
Manganese (Mn)	0.05 mg/L
pH	6.5 - 8.5
Lead (Pb)	15. PPM

(2) Organic. All volatile organic compounds for which maximum contaminant levels have been established pursuant to N.J.S.A. 58:12A-1 et seq. shall also be tested.

- B. The coliform bacteria count shall be less than 1 per 100 ml (membrane filter technique) or shall be less than 2.2 per 100 ml (multiple fermentation tube method).
- C. The water test shall include a forty-eight-hour gross alpha test for radium, provided the Department of Environmental Protection has identified a sufficient number of laboratories certified to perform such test.

§ 380-11 Violations and penalties; failure to obtain certificate.

Any person who fails to obtain a drinking water certificate as required under this article shall be subject to the penalties set forth in Chapter 1, Article II, General Penalty.

§ 380-12 Copies appended to all real estate tax searches.

Copies of this article shall be appended to all real estate tax searches issued by the Lebanon Township Tax Search Officer.

§ 380-13 Informatory contaminant levels.

Contaminant	Nonenforcement Standard
Iron	0.3 mg/L
Manganese	0.05 mg/L
pH	Level shall be between 6.5 and 8.5

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect after passage and publication in the manner provided by law.

Introduced: October 2, 2024
 Public Hearing: October 16, 2024
 Adopted: October 16, 2024

ATTEST

Carolynn Budd, RMC
Township Clerk

Beverly Koehler
Mayor

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Lebanon Township Committee at a meeting held October 2, 2024, and adopted by the Township Committee on October 16, 2024.

Carolynn Budd, RMC
Township Clerk

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 13-2024

**ORDINANCE AMENDING CHAPTER 325, ARTICLE II, §325-11 OF THE CODE OF
THE TOWNSHIP OF LEBANON ENTITLED “FEES; CASH DEPOSIT; PUBLIC
UTILITY CORPORATIONS”**

BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 325, Article II, §325-11 of the Township Code entitled “Fees; cash deposit; public utility corporations” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. § 325-11 Fees; cash deposit; public utility corporations.

A. – C. *No changes.*

D. If a cash bond is not provided pursuant to § 325-11 B or § 325-11 C above, the applicant or public utility corporation, as the case may be, shall also be required to post an escrow fund with the Township in an amount to be determined by the Township Engineer to cover the cost of engineering, inspections, legal services, or other necessary costs to the Township that are directly related to the project, prior to the issuance of any permit. Within two months after completion and final approval of the project or openings, which also means two months after the expiration of the eighteen-month maintenance period specified in § 325-15E below, all unexpended moneys remaining shall be returned to the applicant, except for an additional amount of \$25 which shall be retained by the Township as its final application fee

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.

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Introduced: October 2, 2024
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Carolynn Budd, RMC
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