

CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NO. 138

March 18, 2024

AN ORDINANCE TO AMEND CHARTER TOWNSHIP OF AUSABLE ORDINANCE 125 (WHICH IS AN ORDINANCE THAT ADDRESSES THE TOWNSHIP'S ENFORCEMENT OPTIONS FOR DELINQUENT WATER AND/OR SEWER CHARGES), IN ORDER TO INCREASE THE AMOUNT OF THE CASH DEPOSIT REQUIRED FROM A TENANT FOR WATER AND/OR SEWER CHARGES IN SOME INSTANCES.

THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:

Amendment of Ordinance 125.

Charter Township of AuSable Ordinance 125 is amended to read in its entirety as follows:

Enforcement.

Pursuant to Act 178 of Public Acts of Michigan, 1939, and Act 94 of Public Acts of Michigan, 1933 as amended the Township shall have as security for the collection of any water and/or sewer rates, or any assessments, charges or rentals, due or to become due for the use or consumption of water supplied to any house or other building, or any premises, lot or lots, or parcel or parcels of land, a lien upon such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied as aforesaid.

The official records of the water department of the Township having charge of water and/or sewer distribution system shall constitute notice of the pending of said lien.

Whenever any such charge against any piece of property shall be delinquent, for purposes of either provision of water and/or sewer service, for sixty (60) days, the Township official in charge, shall employ any one of the following options:

1. Proceed with municipal civil infraction enforcement;
2. Place a lien upon the property and commence foreclosure pursuant to relevant foreclosure law, within a reasonable time thereafter;
3. Certify the amount that is delinquent, and cause to have same placed upon the next tax roll as a charge against said premises; and/or
4. Pursue any other available remedy.

The lien provided herein shall not apply in any instance where a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water and/or sewer bills as to any such bills accruing, subsequent to the filing of the affidavit hereinafter provided for. Provided further, that an affidavit with respect to the execution of such lease containing the expiration thereof shall be filed with the Board, or other official in charge of the water and/or sewer works system, and 20 days' notice

shall be given by the Lessor of any cancellation, change in, or termination of the Lease. Where such notice is given that a tenant is responsible for such charges and service, no further service shall be rendered such premises until a cash deposit in the amount of \$450.00 shall have been made as security for payment of such charges and service.

The Township may discontinue water service from the premises against which the above lien has accrued whenever any person shall fail to pay the rates, assessments, charges or rentals herein referred to, or may institute suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect such water and/or sewer rates, assessments, charges or rentals by any process shall in any way invalidate or waive the lien upon the premises.

All other provisions of Section 2 of Charter Township of AuSable Ordinance Number 55, Ordinance Number 57, Ordinance Number 62, and Ordinance Number 66 not in conflict with the enforcement provisions of this ordinance shall remain in full force and effect.

Effective Date.

This ordinance shall become effective immediately upon its publication as required by law.

Publication; Recordation; Authentication.

This ordinance or a lawful summary shall be published once in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within thirty (30) days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

Severability.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of AuSable Board of Trustees at a regular meeting held on the ____ day of _____, _____.

I further certify that the following Board members were present at the meeting: _____, _____, and that the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this _____ day of _____, _____, by the Charter Township of AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: _____

Kevin Beliveau
Charter Township of AuSable Supervisor

Dated: _____

Kelly Graham
Charter Township of AuSable Clerk