

CHARTER TOWNSHIP OF AUSABLE

IOSCO COUNTY, MICHIGAN

**WATER AND SEWER CHARGES LIEN AND ENFORCEMENT ORDINANCE 112**

**AN ORDINANCE TO PROVIDE FOR THE IMPOSITION OF LIENS UPON PREMISES FOR UNPAID WATER AND SEWER SERVICE CHARGES, AND FOR OTHER ENFORCEMENT METHODS, PURSUANT TO MICHIGAN PUBLIC ACT 178 OF 1939 AND PUBLIC ACT 94 OF 1933, AS AMENDED.**

**THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:**

**Section 1. Purpose of Ordinance.** The purpose of this ordinance is to provide for the imposition of liens upon premises for unpaid water and sewer service charges, and to provide for other enforcement methods, as allowed by Michigan law.

**Section 2. Imposition of Lien Pursuant to Michigan Public Act 178 of 1939.** As allowed and as provided by Michigan Public Act 178 of 1939, as amended, the Charter Township of AuSable has as security for the collection of water and sewer rates, assessments, and charges due or to become due for the use and installation, repair, or maintenance to any house, building, and/or premises, a lien upon the house, building, and/or premises to which the water or sewer service was supplied. This lien becomes effective immediately upon the distribution of the water or the provision of sewer service to the house, building, and/or premises supplied. The official water and sewer service records of the Charter Township of AuSable shall constitute notice of the pendency of this lien. This lien shall be subject to foreclosure in the same manner as mechanics' liens for nonpayment. This lien has priority over all other liens except taxes or special assessments, whether or not the other liens accrued or were recorded before the accrual of the water or sewer service lien created by this ordinance. However, the lien created by this ordinance shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewer system bills, providing the lease was executed prior to the supply of water or sewer service for which the charges are made and providing that the lessor has filed an affidavit with the Township Clerk that verifies the execution of a lease containing such a provision. The lessor shall give the Township twenty (20) days' advance written notice of any cancellation, change, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

**Section 3. Imposition of Lien Pursuant to Michigan Public Act 94 of 1933.** In addition to the lien imposed pursuant to Section 2 of this ordinance, charges for water and sewer service shall be a lien on the house, building, and/or premises to which the water or sewer service was supplied, as allowed and provided by Michigan Public Act 94 of 1933, as amended. Such charges that are delinquent for six (6) months or more may be certified annually to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the house, building, and/or premises to which such service has been rendered, and such charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. However, in a case when a tenant is responsible for the payment of the water or sewer charges and the Township is so notified in writing, then such charges shall not become a lien against the house, building, and/or premises pursuant to this section 3 of this ordinance after the date of the notice. In the event of the filing of such notice, the

Township shall render no further service to the house, building, and/or premises until a cash deposit in the amount of \$200.00 is made as security for the payment of such charges.

**Section 4. Discontinuation of Water and Sewer Service.** The Charter Township of AuSable may discontinue water and/or sewer service from the house, building, and/or premises against which a lien created by this ordinance has accrued if a person fails to pay the rates, assessments, charges, or rentals for the respective service.

**Section 5. Other Enforcement Methods.** The Charter Township of AuSable, at its option, may institute an action in a court of competent jurisdiction if a person fails to pay the rates, assessments, charges, or rentals for water service or sewer service. However, the Township's attempt to pursue such remedies shall not invalidate or waive the liens created by this ordinance.

**Section 6. Repeal of Ordinance No. 90.** Charter Township of AuSable Ordinance No. 90 is hereby repealed.

**Section 7. Severability.** The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, section, or clause is adjudged to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected by such ruling.

**Section 8. Effective Date; Publication; Recording.** This ordinance shall take effect immediately upon its publication. This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Charter Township of AuSable, and qualified under state law to publish legal notices. The Township Clerk shall immediately record this ordinance in the Township Ordinance Book, and the Township Supervisor and the Township Clerk shall authenticate the record by their official signatures on the record.

**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 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

Date: \_\_\_\_\_

\_\_\_\_\_  
Kelly Graham  
Charter Township of AuSable Clerk