

THE CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NO. 90

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 55, ORDINANCE 34 AND  
ORDINANCE 66 TO REQUIRE A CASH DEPOSIT AS SECURITY FOR  
PAYMENT OF WATER AND/OR SEWER SERVICE.**

Effective May 4, 2005

Amended January 22, 2008-Delinquent at 60 Days

**THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:**

**SECTION ONE**

The Enforcement Section of Section 2 of Ordinance 55 and Section 2 of Ordinance 34 and Ordinance 66 are hereby amended to read 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 ~~three (3) months~~, 60 days-Amended 1/22/08 the Township official in charge, shall employ any one of the following options:

1. Proceed with 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
4. Any other remedy as provided herein

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 \$200.00 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.

## SECTION TWO

If any section, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision, shall not affect any of the other provisions of this ordinance.

## SECTION THREE

All other provisions of Section 2 of 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.

## SECTION FOUR

This ordinance shall be published once, in full, in the Oscoda Press, a newspaper of general circulation within the boundaries of the Township and qualified under State law to publish legal notices promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signature of the Supervisor and the Township Clerk.

## SECTION FIVE

All ordinances, parts of ordinances, or resolutions in conflict herewith are hereby repealed, however such parts not in conflict shall remain in full force and effect.

This Ordinance shall be effective thirty (30) days following adoption.

Moved by Gary, seconded by Beliveau, that the foregoing ordinance be adopted.

YEAS: Mitchell, Reeder, Barnes, Beliveau, Gary, Hayes

NAYS: None

ABSENT: Poland

Ordinance declared adopted.

## CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Township Board in a regular session held on April 4, 2005 and it was published in the Oscoda Press on April 13, 2005. Effective date: May 4, 2005

TOWNSHIP of AuSable

Dated: April 4, 2005

Lynn Mitchell

By: Lynn A. Mitchell

Its: Clerk