

ORDINANCE NO. 12-103(1)

AN ORDINANCE TO PROVIDE FOR THE COLLECTION
OF DELINQUENT WATER AND SEWER CHARGES

THE CITY OF ISHPEMING ORDAINS:

- (1) (a) The City of Ishpeming, for the purpose of supplying water or sewage system services to its inhabitants shall have as security for the collection of water or sewage system rates, or any assessments, charges or rentals due or to become due, respectively, for the use of sewage system services or for the use or consumption of water supplied to any house or other building or any premises, lot or lots, or parcels of land, a lien upon the house or other building and upon the premises, lot or lots, or parcel or parcels of land upon which the house or other building is situated or to which the sewage system service or water was supplied. This lien shall become effective immediately upon the distribution of the water or provision of the sewage system service to the premises or property supplied, but shall not be enforceable more than three (3) years after it becomes effective, and shall not become enforceable in any event unless the City Council adopts a resolution of lien enforcement with respect to said premises.
 - (b) Provided, however, that the above terms of this ordinance imposing a lien against any premises for water or sewer services 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 accruing subsequent to the filing of an affidavit as provided herein. An affidavit with respect to the execution of a lease containing this provision shall be filed with the City Manager in order to obtain the benefit of this exemption, and 20 days written notice shall be given by the lessor to the City Manager of any cancellation, change in, termination, or expiration of the lease. The affidavit shall contain a notation of the expiration date of the lease.
 - (c) Provided further, however, that if more than one (1) house or structure is supplied by a single water line, every house or structure supplied by that water line shall be subject to the terms of this Ordinance imposing a lien, and the exemption from imposition of a lien set forth in Section 1(b) above shall not apply to any such house or structure. Any affidavit filed by a lessor of property under Section 1(b) above shall not apply to any house or structure referred to in this subsection 1(c), and may not be used to create an exemption from lien enforcement.
- (2) The lien created herein may be enforced by the City of Ishpeming in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens, and all such delinquent charges shall be added to the delinquent tax rolls with respect to the real property to which the services were supplied for the year in question after adoption of the resolution of lien enforcement. Upon entry of such delinquent rates and charges upon the delinquent tax rolls, the collection thereof shall in all respects be governed by the provisions of the general laws of the State of Michigan the same as if said delinquent sums were originally assessed as real property taxes.

- (3) The official records of the City shall constitute notice of the amount of said lien, as shall the delinquent tax rolls after said sums have been added to the tax rolls.
- (4) The City of Ishpeming may discontinue water service or sewer service, or both, to a premises whenever any person liable therefor shall fail to pay the rates, assessments, charges or rentals herein referred to in Subsection (1) above, or may institute suit for the collection of same in any court of competent jurisdiction, but no attempt to collect such charges by any process shall in any way invalidate or waive the lien herein created. Water service or sewer service, or both, may be discontinued whenever an account is delinquent (i.e., not paid within twenty-five [25] days after the billing date shown on any bill) in the payment of water or sewer collection charges, irrespective of any lien enforcement proceedings; provided, however, that in the case of a property with respect to which an affidavit has been filed under Section (1) above, water service or sewer service, or both, shall be terminated if the tenant in whose name the account is billed has a delinquency greater than the amount of that tenant's security deposit or has been delinquent for a period of forty-five (45) days or more.
- (5) The lien hereby created shall in all other respects be governed by the provisions of M.C.L.A. Section 123.161, et. seq.
- (6) This Ordinance shall take effect upon legal publication.

Adopted: September 4, 1974
Amended: January 20, 1988
Amended: February 17, 1988
Amended: June 25, 1997
Amended: August 6, 2008
Amended: December 15, 2010
Amended: March 7, 2012
Amended: July 10, 2013
Amended: January 8, 2014