

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

PROPOSED ORDINANCE #04-2018

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 48, (“UTILITIES”), ARTICLE II, (“WATER”), BY THE
REPEAL AND READOPTION OF SECTION 48-34 TO ADD A PROVISION
REGARDING PROCESS FOR LESSEE RESPONSIBILITY FOR WATER BILL**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Section 48-34 Lien for Unpaid Charges, under Chapter 48 “Utilities” be repealed and readopted to hereafter read as follows:

Sec. 48-34. Lien for Unpaid Charges.

- (a) The city shall have, as security for the collection of any water rates or any assessments, charges or rentals due or to become due for the use or consumption of water and/or water related services, as allowed by this chapter, supplied hereunder to any house or other building or any premises, lot or parcel of land, a lien upon such house or other building and upon the premises or lot or parcel of land upon which such house or other building is situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water and/or services to the premises or property supplied but shall not be enforceable for more than three years after it become effective. This lien may be enforced by the city in the manner prescribed by city Charter and the general laws of this state providing for the enforcement of tax liens.
- (b) Notwithstanding the provisions of Section (a) where notice is given, pursuant to Section 21 of Act 94, Public Acts of Michigan, 1933, and Section 5 of PA 1939, No. 178, as amended, that a tenant is responsible for such charges and service as provided by Section 21 and Section 5, a lien shall not be placed against the premises provided the following requirements have been fully satisfied:
 - (1) A lease of the premises shall have been legally executed between the landlord and tenant and filed with the water department; the lease must contain a provision that the lessor shall not be liable for payment of water bills accruing subsequent to compliance with the requirements contained in Section 5 of PA 1939, No. 178; and

- (2) An affidavit in the form provided by the city, it filed with the water department attesting to the execution of a lease containing the provisions required by Section 5 of PA 1939, No. 178; and
 - (3) The affidavit contains notice of the expiration date of the lease; and
 - (4) The affidavit contains a provision whereby the landlord agrees to provide not less than twenty (20) days' notice of any cancellation, changes in or termination of the lease; and
 - (5) A security deposit is an amount sufficient to protect the system from loss in the event that tenant(s) in the lease agreement fail to make timely usage payments. The amount of the required security deposit shall be determined by the director of public works, or his designee, in his or her sole discretion to assure that the system is adequately protected from loss.
 - (6) All landlords seeking relief from the imposition of the lien created by Section 21, No. 94, Public Acts of 1933, as amended, and Section 2, No. 178 of Public Acts of 1939 must comply with each of the requirements set forth in this Section regardless of the term of the lease; and
 - (7) The water department shall keep a log of each affidavit and lease received including the date received, the expiration date of the lease, the amount of deposit received and name of landlord and tenant. A service fee may be charged for maintaining and processing the landlord-tenant agreement.
- (c) The provisions of this section shall not be construed as preventing the city from suing such owner by action in the name of the city for the amount so due it, or from preventing the city from shutting off or disconnecting such water services from the premises at any time the water charges have not been paid.

SECTION 2. Repeal.

All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be deemed invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance deemed invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the ___ day of ___, 2018.

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park