

**AN ORDINANCE TO AMEND SECTION 1044.02 AND 1044.03, AND TO  
REPEAL SECTION 1044.10 OF THE ORDINANCES OF THE VILLAGE OF  
BRECKENRIDGE TO PROVIDE FOR THE ESTABLISHMENT OF WATER RATES AND  
CHARGES BY COUNCIL RESOLUTION AND TO PROVIDE THAT UNPAID CHARGES  
SHALL BECOME A LIEN UPON THE PROPERTY SERVED.**

**The Village of Breckenridge Ordains:**

1. Section 1044.02 of the Ordinances of the Village of Breckenridge is hereby amended to read as follows:

104402            WATER RATES, CHARGES, BILLING, DELINQUENCY.

(a) *Service charges.* Except as herein otherwise provided, water to be furnished by the system to each premises shall be measured by a meter or meters installed and controlled by the village. Charges for water service to each premises within the village connected with the system, together with late charges, penalties for late payment, or interest rates, shall be established by resolution of the village council from time to time adopted. Such resolution shall be adopted after notice and public hearing. The rates established shall consist of the following:

(1) Commodity charge.

(2) Monthly readiness to serve charge to cover ongoing repair, replacement and improvement, and budgeted as part of the annual costs of the system.

The village council shall also, by resolution from time to time adopted, establish connection and shut off charges in the manner as set forth with respect to water rates. The connection charges shall represent a portion of the capital costs of the system previously paid by the village reasonably attributable to each new user. The connection charges shall be payable at the time application is made, pursuant to Section 1044.03, for connection to the system. Shut off charges shall represent the cost to the village in material and man hours to terminate service. With respect to any customer or premises, with respect to which an affidavit has been filed pursuant to subsection (g) of this section, a deposit may be required prior to the provision of services, the amount of which shall be determined by resolution of the village council.

(b) *Billing.* Billing for water charges shall be under the supervision of the village clerk, and all water meters shall be read once in each one-month period. Bills shall be rendered for all premises on the first of the month following the month said meter was read, and shall become due and payable on or before the 15th of such month. If bills are not paid by the due date, a penalty of ten percent shall be added thereto.

(c) *Rates outside corporate limits.* Whenever the system is supplying water to premises located outside the corporate limits of the village, the rates for this service shall not be less than the rates above provided for water furnishing to premises within the corporate limits of the village.

(d) *Special rates.* For nonmetered water services rendered or any other water service furnished or miscellaneous services for which a special rate should be established, such rates shall be fixed by the village council upon recommendation of the village manager.

(e) *Enforcement.* The charges for water service which are under the provisions of Section 21 of Public Act No. 94 of 1933 (MCL 141.121), as amended, are made a lien on all premises served thereby, and are hereby recognized to constitute such lien and whenever any such charge against any piece of property shall be delinquent for six months, the village official or officials in charge of the collection thereof shall certify on or before January 1 of each year to the village assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general village taxes against such premises are collected and the lien thereof enforced. In addition to other remedies provided, the village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due.

(f) *Landlord's affidavit.* The lien created by this section and by Section 21 of Public Act No. 94 of 1933 (MCL 141.121), as amended, shall have 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 system lien created by this section or applicable state law. However, the provisions of this section establishing a lien shall not apply if a lease has been legally executed containing a provision that the lessor shall not be liable for payment of water system bills accruing subsequent to the filing of the affidavit provided by this section. An affidavit with respect to the execution of a lease containing this provision shall be filed with the village clerk within 20 days of the execution of such lease, and 20 days notice shall be given by the lessor of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

2. Section 1044.03 is amended to read as follows:

#### WATER CONNECTION CHARGES.

- (a) Before any connection is made to a village water main, application for a permit to do so shall be made in writing by the owner of the premises or by his authorized representative to the village clerk. The application shall be made on forms provided by the village clerk and shall contain such information as the village manager may require.
- (b) Service shall not be provided until inspection of such connection has occurred, in order to ensure that such connection conforms to the village's specifications.
- (c) Charges for connection permits and inspections shall be established by resolution of the village council from time to time adopted.

3. Section 1044.10 is repealed.

4. *Separability.* If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

5. *Ordinances Repealed.* All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

6. *Effective Date.* This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held January 24, 2012.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 160 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on December 26, 2011, and was thereafter passed at a regular meeting on January 24, 2012. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on February 12, 2012.

Dated at Breckenridge, Michigan, this 24<sup>th</sup> day of January , 2012.

SS\| Charles D. Seeley  
President

SS\| Bridget M. Suhr  
Clerk