

**CHARTER TOWNSHIP OF SOUTH HAVEN
ORDINANCE NO.114**

An Ordinance to empower the Charter Township of South Haven to assist the City of South Haven in providing public utility service, to assist the City of South Haven in the collection of delinquent charges for public utility service, and to provide for the placement of liens on property for which payment is delinquent for public utility services.

THE CHARTER TOWNSHIP OF SOUTH HAVEN ORDAINS:

Section 1. Definition. For the purpose of this Ordinance, "public utility" means all utility services provided by the City of South Haven or a board or department thereof, or by an authority of which the City of South Haven is a constituent member including without limitation, water service, sanitary sewer service and electric service.

Section 2. Purpose. The City of South Haven provides public utility services to many properties in the Township. The purpose of this Ordinance is to assist the City of South Haven in the collection of delinquent payments for public utility services it provides to premises in the Township.

Section 3. Utility Lien.

- A. Except as may be prohibited by law, all rates, fees and charges for public utilities furnished by the City of South Haven to premises in the Township shall be a lien upon the premises served which lien shall become effective immediately upon supplying the public utility service to the premises.
- B. Pursuant to the Revenue Bond Act, 1933 PA 94, as amended, MCL 141.101 *et seq.*, rates fees and charges for any public utility are a lien on the premises served, which when they are delinquent in payment for a period of six (6) months or more, shall be certified by the City of South Haven to the Township Assessor, who shall then enter the lien for such delinquent rates, fees and charges on the next tax roll against the premises to which the public utility services were supplied. The certification for delinquent charges shall identify the premises involved, the public utility (*e.g.*, sewer, water or electricity) for which payment is delinquent, and the delinquent rates, fees and charges. Such certification may be amended to reflect any additions to or reduction in the delinquent amount until the confirmation the final tax roll.
- C. Once the lien is placed upon the tax roll, it shall be enforced and collected in the same manner as real property taxes as provided by law for the collection of property taxes and the enforcement of tax liens.
- D. Once collected, the Township Treasurer shall transmit the collected amounts to the City of South Haven.

Section 4. Validity and Severability. Should any portion of this Ordinance be found

invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Repealer Clause. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall be immediately effective upon publication.

Approved this 8th day of May, 2013.

Brenda Bertorelli
Brenda Bertorelli, Clerk

Ross Stein
Ross Stein, Supervisor