

ORDINANCE NO. 2213

**CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 29, titled “Water Supply and Sewage Disposal Systems,” Article II, titled “Water,” Division 3, titled “Connection and Use,” Section 29-50.1, titled “Lessors requirements to abate lien on property,” by amending subsection (e) therein by providing further clarification as to a property owner/lessor’s obligations to pay for water and sewer services provided to owner/lessor’s tenant, and the penalties for violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS

SECTION 1. AMENDMENT.

That Chapter 29, titled “Water Supply and Sewage Disposal Systems,” Article II, titled “Water,” Division 3, titled “Connection and Use,” and Section 29-50.1, titled “Lessors requirements to abate lien on property,” specifically being Section 29-25.1(e) is hereby amended in its entirety, to read as follows:

Sec. 29-50.1(e) is amended to read as follows:

If a property owner/lessor fails to comply with the requirements of section 29-50.1(a)-(d), any delinquency in the payment of water or sewer charges shall be the responsibility of the property owner/lessor. If a property owner/lessor complies with the requirements of section 29-50.1(a)-(d), the City shall disconnect water and sewer for non-payment and may apply the deposit to any delinquency in the payment of water or sewer charges. In either case, if the balance used to pay the delinquency is not replenished or the delinquent balance due is not paid, the property will not be in compliance with section 29-50.1(a)-(d) and the city may assess a lien against the subject property for the amount of the delinquency or balance due, plus impose a lawful rate of interest on the unpaid delinquency or balance due, and costs incurred by the city in recording the lien. The city may disconnect the water and sewer service for properties complying with section 29-50.1(a)-(d) for non-payment as a violation of section 29-48 of the code by being deemed a failure of all reasonable means of collection.

SECTION 2. REPEALER.

All remaining sections of Section 29-50.1, not otherwise modified herein, shall remain in full force and effect; provided, however, all other ordinances, or parts of ordinances, in conflict with this amendment are repealed only to the extent necessary to give this amendment full force and effect.

SECTION 3. SEVERABILITY

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance, in whole or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. INSPECTION.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.