

VILLAGE COUNCIL
VILLAGE OF NASHVILLE
BARRY COUNTY, MICHIGAN
ORDINANCE 11-22-2005

Council Member Bracy, supported by Council Member Coll, moved the adoption of the following ordinance:

AN ORDINANCE TO AMEND **SECTION 2 & 3**, ORDINANCE NO. 72, ENTITLED "AN ORDINANCE ESTABLISHING RATES, CHARGES AND RULES FOR THE USE, INSTALLATION AND SERVICE OF THE WATER SUPPLY SYSTEM OF THE VILLAGE OF NASHVILLE, COUNTY OF BARRY, MICHIGAN"

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. Amendment of Section 2, Ordinance No. 72. That Section 2, Ordinance No. 72 is amended to read in its entirety as follows:

A. SECTION 2.

A. Bills for the rates and charges established by the Village shall be sent monthly. All bills shall be payable on the 10th of the month, and shall be paid at the office of the Clerk of the Village of Nashville. If any charges for the services of the System are not paid by the 10th of the month in which it shall become due and payable, a delayed payment charge of 10 percent of the amount of the bill shall be added and collected therewith. If any bills for the service of the System remain unpaid 30 days after the due date, the water supply for the premises shall be turned off and shall not be turned on again except upon payment of the full amount then due and owing, plus a turn-off/turn-on charge of \$30.00. Water\sewer bills will remain in the property owner's name in accordance with state law. The Village will not turn water off at the request of a third party but only in accordance with the terms of this Section 2 and state law.

B. Where the Village is properly notified in accordance with state law that a tenant/lessee is responsible for water service charges, no such service shall be commenced or continued to such premises until there has been deposited with the Village Clerk a sum sufficient to cover three times the average monthly bill for such premises. In any other case where, in the discretion of the Village Clerk, the collection of charges for water service may be difficult or uncertain, the clerk may require similar deposits. Such deposits may be applied against any delinquent water service charges and the application thereof shall not affect the right of the Village to turn off the water services on the premises for any delinquency. No such deposit shall bear interest, and such deposit, or any remaining balance thereof, shall be returned to the customer when he or she shall discontinue receiving water service.

SECTION 2. Amendment of Section 3, Ordinance No. 72. That Section 3, Ordinance No. 72 is amended to read in its entirety as follows:

A. SECTION 3. ENFORCEMENT

The Village Clerk is hereby authorized to enforce the payment of charges for water services to any premises by any means allowable by law, including but not limited to, discontinuing the water service to such premises, or by an action of assumpsit to be instituted by the Village against the customer, or by placing a lien on the lot, parcel of land, or premises affected. The Village Clerk may annually certify all unpaid charges for such service furnished to any premises which remain unpaid for a period of six months to the Village Assessor who may place the same on the next tax roll of the Village. Such charges may be collected in the same manner as general Village taxes. The Village may exercise any or all of these remedies simultaneously in its discretion, as allowable by law.

SECTION 3. Effective Date. This Ordinance shall be published in accordance with state law and shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

PASSED and adopted by the Village of Nashville, Michigan on November 22, 2005.

YEAS: Bracy, J. Dunham, Kenyon, Coll, F. Dunham

NAYS: none

ABSENT: Knoll, Shotts

Ordinance No. 11-22-2005 adopted.

Frank Dunham, President

Cathy Lentz, Village Clerk

I, Cathy Lentz, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village Council of the Village of Nashville at a regular meeting held on November 22, 2005.

Cathy Lentz, Village Clerk

Adopted: 11-22-2005

Published: 11-29-2005

Effective: 12-12-2005