

05/09/2013

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTIONS 102-91 & 102-92 OF CHAPTER 102 UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO INCREASE LATE PAYMENT CHARGES, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Sections 102-91 and 102-92 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

**Sec. 102-91. Due date; late payment charge.**

(a) All charges billed monthly to customers of the water and sewage disposal system shall be paid and received by 5:00 p.m. on the due date of payment, which due date shall be stated on the bill. Failure to receive a bill shall not excuse payment.

(b) A late payment charge equal to ~~1 1/2~~two (2%) percent of any balance remaining unpaid on the second city working day following the due date for the preceding monthly bill shall be added to the unpaid balance and charged to the customer.

**Sec. 102-92. Lien on premises.**

(a) *Generally.* The charges for water and/or sewer services and debt service charges which are, under section 21 of Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are recognized to constitute such lien.

(b) *Annual certification.* Whenever any such charge against any piece of property shall be delinquent for six months, the city official in charge of the collection thereof shall certify annually, in September of each year, to the city tax assessing officer, the fact of such delinquency. An additional late payment charge of ~~three~~six (6%) percent of the amount delinquent shall be added and certified to the tax assessing officer for collection.

(c) *Action by tax assessor.* After certification of the delinquency as provided in subsection (b) of this section, such charge shall be, by the tax assessing officer, entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be

severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on July 1, 2013, following its publication in the *Oakland Press* on \_\_\_\_\_, 2013.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2013.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2013.

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Tina Barton, Clerk  
City of Rochester Hills