

**AN ORDINANCE TO AMEND SECTION 1042.04(b) and 1044.04 OF  
THE ORDINANCES OF THE VILLAGE OF BRECKENRIDGE TO  
PROVIDE FOR THE ESTABLISHMENT OF SEWER RATES  
AND CHARGES BY COUNCIL RESOLUTION**

**The Village of Breckenridge Ordains:**

1. Section 1042.04(b) of the Ordinances of the Village of Breckenridge is hereby amended to read as follows:

(b) There are two classes of building sewer permits, as follows:

(1) Residential services; and

(2) Service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application for such permit on a form to be furnished by the village. The permit shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the village manager or his designee. A permit and inspection fees shall be established by the village council from time to time adopted. He

2. Section 1044.04 is amended to read as follows:

(a) *Establishment and levy of charges.* The village council shall, from time to time by resolution, establish the rates to be charged for sewage disposal service and treatment, together with late charges, penalties for late payment, or interest rates. Such rates shall be levied upon each lot or parcel of land, building or premises having any sewer connection to the system, on the basis of the quantity of water used thereon or therein, as the same is measured by the city water meter there in use, and shall be collected at the same time and in the same manner as provided for the payment of water bills. The village council may classify the users of the system according to the quantity used, or on any other reasonable basis of classification, and charge such rates to users in each class. With respect to any customer or premises with respect to which an affidavit has been filed pursuant to subsection (b) below, a deposit may be required prior to the provision of services, the amount of which deposit may be fixed by city commission resolution.

(b) *Enforcement.* The charges for sewage disposal services which are, under Section 21 of Public Act No. 94 1933 (MCL 141.121), as amended, made a lien on all premises served thereby, 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 a lien thereof enforced in the same manner as general village taxes against such premises are collected and the lien thereof enforced. 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 sewage 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' written 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. In addition to all other remedies, the village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of sewage disposal rates when due.

3. 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.

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

5. 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. 159 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