



City of Harper Woods
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Harper Woods, Michigan 48225-2095

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Mayor:
Kenneth A. Poynter

Mayor Pro Tem:
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Valerie J. Kindle
Veronica Paiz
Tom Jenny

City Manager:
Randolph Skotarczyk

City Clerk:
Leslie M. Frank

ORDINANCE NO. 2015-07

**AN ORDINANCE OF THE CITY OF HARPER WOODS,
WAYNE COUNTY MICHIGAN TO AMEND CHAPTER 27,
ARTICLE II - WATER TO ADD SECTION 28-37,
DEPOSIT FOR WATER SERVICE AND NOTIFICATION
NECESSARY TO WAIVE LIEN**

THE CITY OF HARPER WOODS ORDAINS:

SECTION 1. That Chapter 27, Article II, Section 27-37 be added to the Code of Ordinances for the City of Harper Woods to read as follows:

SEC. 27-37 - Deposit for Water Service; refund

(A) Deposit required.

Before any premises may be served with water service a deposit shall be required from all applicants for service when the applicant is NOT the owner of the premises where the service is provided. Such deposit shall not be more than three hundred dollars (\$300.00) payable by cash, money order or certified check.

(B) Notification necessary to waive lien.

When a tenant is responsible for payment of water bills and a lease has been executed containing a provision that the lessor not be liable for water charges, then it shall be the responsibility of the lessor to so notify the City and the City Treasurer's office with an appropriate affidavit obtained from the city offices or website and signed and notarized by both parties requesting a waiver of lien.

The affidavit shall state the expiration date of the lease. Upon receipt of such notification, the City will waive its lien pursuant to Public Act 178 of the Public Acts of the State of Michigan, of 1939, as amended, and the water bills to the lessee within the term of the lease shall not be a lien against the property. Upon expiration of the lease, a new affidavit must be submitted to retain the lien waiver. Without such notification, water bills will be a lien against the property served regardless of any lease provisions between the parties. The water bills shall be in the name of the premises except as provided by this section concerning tenants. A final water billing will be required when a lessee moves out. A city rental inspection will be required before a new tenant moves into the property.

(C) Security deposits in lieu of lien.

When the City has received and approved a request from the property owner for a waiver of lien, then a cash deposit will be required of the lessee as security for payment of all water charges. Said cash deposit shall no be more than three hundred dollars (\$300.00).

Refunds will be made when all bills are paid, and the service to such customer is discontinued.

(D) Guidelines for water escrow accounts:

- a. Final meter reading is required prior to new tenant moving in and all past due amounts must be paid.
- b. Landlord must provide city with a copy of lease containing a provision that indicates that the tenant is responsible for the water and sewer charges. The lease must be signed by lessor and lessee and must contain a notation of the beginning date and expiration date of the lease.
- c. The lessor and lessee must both sign a specific affidavit (provided by the City of Harper Woods) and all signatures must be notarized.
- d. The lessee must deposit \$300.00 with the city which shall be held in escrow.
- e. Failure of the lessee to pay any remaining unpaid water and sewage charges within thirty (30) days after the due date of water and sewer bill shall result in the immediate discontinuance of water service without further notice, regardless of actual amount of remaining unpaid bills.
- f. Water bills that become sixty (60) days delinquent will result in forfeiture and escrow funds and will be put into collection for payment. Lieu of Lien will be voided and will not be renewed until new application is submitted.
- g. The lessor must provide twenty (20) days' notice of any cancellation, change in, or termination of the lease. Failure to do so shall result in revocation of the Lieu of Lien agreement.
- h. Any unauthorized tampering of the "water stop box" may lead to criminal prosecution.

SECTION 2. REPEAL - All Ordinances or parts of ordinances, in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY - If any article, section, subsection, 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 of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 4. EFFECTIVE DATE - The provisions of this ordinance shall take effect ten (10) days after adoption and publication.



Kenneth A. Poynter, Mayor


Leslie M. Frank, City Clerk

INTRODUCED AND FIRST READING: October 5, 2015
SECOND READING AND ADOPTION: November 2, 2015
PUBLISHED: November 26, 2015
EFFECTIVE DATE: November 26, 2015

CERTIFICATION

I, Leslie M. Frank, City Clerk of the City of Harper Woods, Wayne County, State of Michigan, do hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City of Harper Woods City Council at their regular Council meeting on the 2nd day of November 2015.


Leslie M. Frank, City Clerk
City of Harper Woods