

ORDINANCE NO. #13

AN ORDINANCE CREATING A LIEN FOR DELINQUENT WATER CHARGES.

THE VILLAGE OF CLIFFORD ORDAINS.

Section 1.

The Village shall have as security for the collection of any water rates or charges, due or to become due for the use or consumption of water supplied to any house or other building or any premises, lot or lots, parcel or parcels of land, a lien upon such house or other building and upon the premises or lot, or lots, or parcels upon which such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied as aforesaid. The official records of the Village Clerk (or other proper officer, board, commission, or department of the Village having charge of the Village water distribution system) shall constitute notice of the pendency of said lien.

Section 2.

The lien created by this ordinance shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien herein created.

Section 3.

The provisions of this ordinance shall not apply in any instance where a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water bills accruing subsequent to the filing hereinafter provided for: provided that an affidavit with respect to the execution of such a lease shall be filed with the Village Clerk (or other proper officer, board, commission, or department of the Village having charge of the Village water distribution system), and twenty (20) days notice shall be given by the lessor of any cancellation, change in or termination of the lease.

Section 4.

Where such an affidavit has been filed with the Village Clerk (or other proper official or agency of the Village) by any lessor and before the water may be turned on in the premises specified in such affidavit, the lessee shall deposit with the Village Clerk (or other proper official or agency of the Village) a "guarantee deposit" which shall be continuously held by the Village as a guarantee of payment for water used and for the protection of the Village against any damage to the service pipe, service cock, and etc. Provided, however, that whenever the customer shall have promptly paid his water bills for at least two years and has otherwise established satisfactory credit in the municipality, the Council may refund his deposit. The aforementioned procedure shall be applicable to property owners who have had severance of water service due to delinquency of water payments. The amount of the guarantee deposit shall be according to the following schedule:

(Con't)

(Con't)

Single-family dwellings and stores.....\$10.00
Multiple-family dwellings.....\$10.00

Section 5.

For the purpose of making and collecting charges for water used by consumers, the calendar year shall be subdivided and designated as follows: quarterly periods shall begin on the first day of January, April, July, and October respectively, and shall extend to the beginning of the succeeding quarterly period. All water bills for each quarter shall be due and payable on the first day of the succeeding quarter and all rates and charges for water supplied during any quarter shall be paid within the succeeding quarter.

Section 6.

All unpaid water rates or charges which upon the first day of Jan of each year have remained unpaid for a period of three (3) months or more shall be reported by the Village Clerk (or other officer in charge of the accounting of the water department in the particular municipality in question) to the Village Council at the first meeting thereof in the month of Jan. The Village Council shall thereupon order the publication, in a Village circular, of notice to all owners of property within the Village that are unpaid water rates or charges which have remained unpaid for a period of three (3) months or more as of said first day of Jan which have not been paid by the next 31st day of Jan. will be transferred to the tax roll and assessed upon the Village's tax roll against the property to which the water for which the unpaid rates or charges accrued to be collected in the same manner as the lien created by Village taxes on said tax roll.

Section 7.

All unpaid water rates or charges which are reported by the Village Clerk (or other proper Village official) to the Village Council as having been unpaid for a period of three (3) months or more on the first day of Jan of each year which remain unpaid on the following 31st day of Jan shall be transferred to the Village's tax roll, assessed against the property to which the water was supplied or furnished for which the unpaid rates or charges accrued, to be collected with and in the same manner as Village taxes are collected, and if the same shall remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes levied in said roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by Village taxes on delinquent tax roll of one Village.

Section 8.

The Village may discontinue water service from the premises of property against which the lien herein created has accrued and shall not be turned on again to said premises or property or to the occupant of such premises or property who shall have refused or failed to pay such rates or charges until the same have been paid: provided that where an affidavit of lease

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(Con't)

has been filed with the Village Clerk (or other appropriate official or agency of the Village) in accordance with the provisions of Section 3. hereof, the amount of any such unpaid rates or charges shall be deducted from the deposit, provided in Section 4. hereof and where such unpaid rates or charges exceed the amount of said deposit, the Village may discontinue water service from the premises or property leased and as to such lessee individually until the same are paid and the amount of the deposit herein provided for re-established in full: provided further that such discontinuance from any such premises or property shall cease upon the termination of the lease of which affidavit has been given and removal of such lessee from the premises or property.

Section 9.

In all cases where water service has been discontinued as to any premises or property because of non*payment of any water rates or charges, the Village (or the proper agency of the Village) shall charge a "turn-on" fee of \$1.00 at the time the water is turned on.

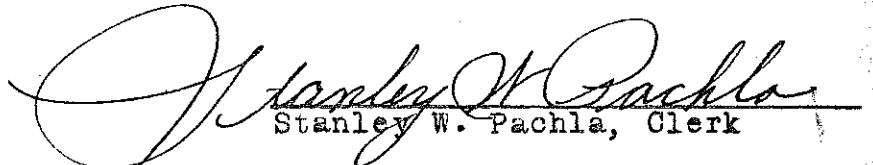
Section 10.

Unpaid water rates or charges may also be collected by suit brought in the name of the Village of Clifford against the owner or occupant of the premises or property, or both.

Made, passed and adopted by the Council of the Village of Clifford on this 18 day of March, A.D. 1955

This ordinance shall take effect on the 14th day of April, 1955


Mr. Lee Brown, President


Stanley W. Pachla, Clerk

Three copies of this ordinance were posted in three of the most public places in the Village of Clifford on March 25, 1955, being within one week after the passage of the same, the three public places being:

Clifford Municipal Hall
Standard Service
Post Office