

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 11-03

AN ORDINANCE TO ADD CHAPTER 22, “ELECTRIC UTILITY RATES AND CHARGES,” TO THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember Ellison, supported by Councilmember LaPonsie, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Addition of Chapter 22. Chapter 22, “Electric Utility Rates and Charges,” is added to the Code of Ordinances of the City of Lowell to read as follows:

CHAPTER 22. ELECTRIC UTILITY RATES AND CHARGES

Sec. 22-1. Billing and enforcement.

(a) *Lien.* Electric service rates and charges, including any late payment penalties, interest and charges, shall constitute a lien on all premises served which lien shall become effective immediately upon the provision of electric service to the premises. Whenever such rates and charges are delinquent and remain unpaid, the rates and charges shall be entered on the next *ad valorem* real property tax roll for the property served and collected in the same manner as *ad valorem* real property taxes. The city treasurer shall on or before March 1 of each year, turn such delinquent and unpaid charges over to the county treasurer in the same fashion as delinquent and unpaid *ad valorem* real property taxes. Provided, however, such charges shall not be a lien on the property served if the owner of that property has leased the property, the owner is not, according to the lease provisions, responsible for such electric service rates and charges, the city is so notified in a writing signed by both the owner and the lessee, and proof of such lease is provided to the city as required by applicable law. Where the owner is not responsible for such charges, the lessee shall, before the commencement of electric service to the premises, cause to be deposited with the city treasurer an amount equal to an estimated three (3) months’ electric service rates and charges and shall cause such deposit to continue at that level throughout the lease term. The city shall apply the funds in that deposit against any and all delinquent charges of the lessee.

(b) *Discontinuance.* Subject to applicable state law, the city shall have the right to shut off and discontinue the supply of electricity to any premises for the nonpayment of electric service rates and charges when due.

(c) *Other remedies.* The remedies provided in this section shall be cumulative together with all other remedies under state or common law and this Code.

Sec. 22-2. Right to Hearing.

The superintendent of light and power may send to a user who has not paid electric service rates and charges, when due, a notice that at the user's request a hearing will be scheduled with the superintendent of light and power. If the city is considering discontinuing the user's electric service, such notice shall be sent giving the user an opportunity to request a hearing with the superintendent of light and power to show cause why such service should not be discontinued. Such hearing shall be informal and the decision of the superintendent of light and power shall be final.

Section 2. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

Section 3. Effective Date. This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption, is published as provided in Section 2 above.

YEAS: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and
Mayor Hodges.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

ORDINANCE DECLARED ADOPTED.

Dated: February 22, 2011

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held February 22, 2011, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on March 2, 2011. I further certify that the above ordinance was entered into the Ordinance Book of the City on February 22, 2011, and was effective March 12, 2011, ten (10) days after publication.

Dated: February 22, 2011

Betty R. Morlock
City Clerk