



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

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**Dated: December 5, 2011**

**ORDER NO. S-122**

**RE:           Discontinuation of Water Service for Non-Payment Ordinance**

**TO:           Sherikia Hawkins, City Clerk**  
**Cortland Overmyer, Acting Director Department of Public Works**  
**David Dupuis, United Water**

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: ~~(dd) [e]xercise solely, for and on behalf of the local government, all other authority~~ and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

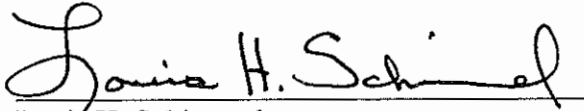
**It is hereby ordered:**

1. That the attached Ordinance No. 2237, amending Section 118-152 of the Code of Ordinances to allow for discontinuation of water service for non-payment, is adopted.
3. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

**The Order shall have immediate effect.**

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.



Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

## Ordinance No. 2237

### An ordinance to amend Section 118-152, of the Pontiac Code of Ordinances, to allow for the discontinuation of water service for non-payment.

The City of Pontiac Ordains:

#### Section 1. Amendments.

Section 118-152 of the Code of Ordinances shall be amended to read as follows:

- a. No free service shall be furnished by the system to any person or entity. Charges for services shall be billed and collected monthly and shall be deemed delinquent if not paid pursuant to section 118-148. A late payment charge of ten percent of the balance due shall be added to all delinquent payments. If the delinquent fees, penalties and charges are not paid within 30 days of the due date, an additional one percent of the total due shall be added each month until paid or entered upon a tax roll. The greater of five percent or twenty dollars (\$20.00) will be added as a fee upon entrance on the tax roll. After 30 days upon entrance on the tax roll, an additional one percent per month penalty shall accrue until all amounts due are paid.
- b. Amounts for security deposits and fees for services rendered by the department shall be established by resolution of the City Council or by order of an Emergency Manager appointed under P.A. 4 of 2011 upon adoption of the annual budget and may be amended from time to time by formal resolution of the City Council or by order of the Emergency Manager.
- c. The City has the sole right and authority to discontinue residential, commercial or industrial customer water service for non-payment. The City Council or Emergency Manager shall adopt a policy that shall specifically address the terms and conditions which would constitute a customer's service to be discontinued for non-payment. The policy shall include: delinquent charges; terms to reinstate service; associated fees; necessary notifications; and request for delay of disconnection procedures. This policy may be modified from time to time at the discretion of the Utility when deemed necessary to best suit the needs of the Utility or City.

#### Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith except as otherwise provided in this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

#### Section 3. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

#### **Section 4. Emergency Declaration**

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect from the time of its adoption and publication as required by law.