

# REDLINE VERSION – § 51.11 BILLING AND ENFORCEMENT

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## § 51.11(A) Responsibility for Payment

### Current:

Except as provided in divisions (C) and (D) of this section, the owner of the premises served by the Water Supply System shall be liable to the village for any charges and fees authorized by this subchapter.

### Revised (Redline):

~~Except as provided in divisions (C) and (D) of this section, the owner of the premises served by the Water Supply System shall be liable to the village for any charges and fees authorized by this subchapter.~~ **The owner of record shall be ultimately responsible for all water service charges, rates, fees, and related costs incurred for the premises, and the Village may pursue collection from the owner, the occupant, or both; however, the owner shall remain liable to the Village for any unpaid amounts.**

## § 51.11(C)(1) Tax Lien

### Current: (summary of your text)

Village may place lien and certify unpaid charges to tax roll after 6 months.

### Revised (Redline):

(1) Tax lien. Under the provisions of Public Act 178 of 1939...**All unpaid water service charges, together with penalties and interest, shall constitute a lien upon the premises served, regardless of whether such charges were incurred by an owner or occupant, except as specifically provided in division (C)(3).**

## § 51.11(C)(2) Certification to Tax Roll

### Current:

Village shall certify unpaid charges annually.

### Revised (Redline):

(2) The village shall annually, on April 1, certify... **Such charges may be assessed against the property and collected in the same manner as general village taxes, and the property owner shall remain liable for such charges.**

## § 51.11(C)(4) Lease Exception → REPLACED

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### Current Language (Problem Area):

Allows landlord to avoid lien if:

- Lease says tenant pays.
  - Affidavit filed.
  - Notice given.
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### REVISED (Redline Replacement):

#### (4) Limited Exception for Tenant Responsibility.

~~Lease exception. Charges for water services... shall not be a lien thereon if all of the following exist:~~

**Water service charges shall not become a lien against the property for charges incurred after compliance with this subsection only if ALL of the following conditions are strictly satisfied:**

(a) ~~A legally executed written lease...~~

**A written lease is in effect which expressly provides that the tenant is responsible for payment of water service charges;**

(b) ~~An affidavit filed by the owner...~~

**The property owner files with the Village Clerk, prior to the accrual of any unpaid charges, a sworn affidavit identifying the tenant, lease term, and acknowledging tenant responsibility;**

~~(c) 20 days' written notice...~~

**The owner provides written notice to the Village within 20 days of any change in tenancy, lease expiration, or termination; and**

~~(d) In the case of multiple tenancies... separate meter...~~

**The premises are separately metered such that the tenant's water usage is independently measurable.**

**(e) The Village has not revoked tenant billing status due to nonpayment or violation of this section.**

**Failure to strictly comply with ANY of the above requirements shall result in the property owner remaining fully liable for all charges, and such charges shall constitute a lien on the property.**

## **ADD NEW SECTION § 51.11(C)(5)**

### **(5) Reservation of Rights.**

The designation of a tenant as responsible for payment shall be considered an administrative convenience only and shall not eliminate the property owner's ultimate responsibility to the Village.

The Village reserves the right to:

- Discontinue water service for nonpayment;
- Assess unpaid charges as a lien against the property;
- Certify such charges to the tax roll; and
- Pursue collection against the property owner, tenant, or both, as permitted by law.

## **What changed?**

**Before:**

- Landlords could escape liability if paperwork existed.
- Enforcement depended on perfect administration.

**Now:**

- **Owner is always on the hook unless they strictly comply.**
- Any mistake = owner pays
- You preserve legal structure → reduces risk of challenge.

