

CITY OF FERTILE

ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING CHAPTER 50 OF THE FERTILE CITY CODE TO CHANGE THE POLICY ON WATER AND SEWER BILLING FOR RENTAL PROPERTIES

The City Council of the City of Fertile hereby ordains as follows:

Chapter 50, Section 50.01 – Liability of landlord for payment of utility services. (Deletions are struck out and additions to the ordinance are underlined):

CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Liability of landlord for payment of utility services

' 50.01 LIABILITY OF LANDLORD FOR PAYMENT OF UTILITY SERVICES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEASE. Any arrangement whereby the owner of a building receives consideration, whether in cash, services, or other form, from the user or occupant of the premises.

LESSOR. Any person or entity who leases space to another in any building owned by the lessor.

OWNER. Any person or entity which has the title to the leased premises, whether the title is subject to mortgage, contract for deed, lien, or other encumbrance.

(B) *Owner liability.* Owners of all rental property located within the city shall be liable for all sums due for sewage, water, refuse, and electrical services provided to the property by the city. All accounts for the services shall be payable on or before the due date of each month.

(C) *Accounts in lessee's lessor's name.*

~~(1) Accounts for services opened in the name or names of lessees of such rental property shall be for the convenience of the lessor only, and no express or implied agreement shall be created thereby which waives the lessor's primary obligation for same or the city's right to take such action as may be necessary to collect same from lessor.~~

~~_____ (2) No account for services shall be opened in the name of any lessee unless request to do so is made in writing by the lessor, and the lessor executes an agreement to assume liability, provided, however, that failure by the city to obtain a request or agreement shall not be construed as a waiver of the city's right to commence action against the lessor as the primary obligor for services.~~

(1) In recognition of the fact that the owners of rental properties are liable for all sums due for sewage and water provided by the City, all accounts for water and sewer services must be opened in the name of the owner of the rental property. In no case will an account for water and sewer services be opened in the name of the lessee.

(D) *Scope.* This section shall apply to all rental property located within the city, whether commercial, industrial, or residential in nature.

(E) *City Administrator's Authority.* The City Administrator shall have authority to execute the Services Agreement on behalf of the city.

All other sections shall remain unchanged.

This Ordinance becomes effective upon its passage and publication according to law.

ADOPTED by the Fertile City Council on this 11th day of June, 2018.

Signed: _____
Daniel Wilkens, Mayor

Attest: _____
Lisa Liden, City Administrator