

— DRAFT —

BILL NO: _____

ORDINANCE NO: _____

An Ordinance: **ESTABLISHING LANDLORD LIABILITY
FOR
UNPAID UTILITY BILLS OF TENANTS**

WHEREAS, the city of Warsaw, Missouri has significant losses in unpaid utility bills,
and

WHEREAS, Missouri state statute specifically allows the city to provide utility service
to landowners only, or to impose liability on landlords for bills incurred by their tenants,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF WARSAW, MISSOURI, AS FOLLOWS:**

Section One. Landlords Responsible for Utility Bills. Every property owner shall be
responsible for any utility charges or fees left unpaid by any tenant of the premises served
by the water or sewer utility. However, when an occupant is delinquent more than ninety
days, the owner shall not be liable for sums due for more than ninety days of service.
Further, where the landlord or property owner fails to pay the utility charges, the city may
refuse to provide any water service to the property with the delinquent charge even in the
name of a subsequent tenant or new owner of the property.

Section Two. Delinquent accounts. When a tenant is delinquent in payment for thirty
days, the city shall make a good faith effort to notify the owner of the premises receiving
such service of the delinquency and the amount thereof. Any notice of termination of
service shall be sent to both the occupant and owner of the premises receiving such
service. When an occupant is delinquent more than ninety days, the owner shall not be
liable for sums due for more than ninety days of service.

Section Three. Penalty; Severability; Effective Date. This ordinance shall be in full
force and effect upon its passage and approval, except that landlords will not be liable for
unpaid delinquent utility bills incurred before the effective date of this ordinance, unless
the utility customer remains a tenant of the landlord for 90 days past the effective date of
this ordinance. The provisions of this ordinance are severable, as provided in Section
1.140 of the Revised Statutes of Missouri. Those provisions of this ordinance which
establish an offense, are subject to the general penalty provisions provided by law, that is
a penalty of \$0 to \$500 or 0 to 90 days in jail or both a fine and a jail sentence.

Section Four. Landlord Options. To assist landlords in determining that their tenants
have responsibly paid their obligations, the city offers property owners the following
options, which a landlord may select provided he does so in writing sent directly to the

city hall. In the absence of a written exercise of any of these options, the city shall continue its present billing and collection practices.

A. Delinquent account. The city normally permits a delinquent utility account to accumulate for weeks or even months past the due date, if it appears that the customer is making a reasonable effort to pay the account. Any landlord may request that any or all of his tenants be immediately disconnected from utility service upon failure to pay an account by the due date. If the city should fail to follow this request, the failure will not relieve the landlord of his obligation to pay the delinquent account. However, the landlord may elect option C below, and determine for himself that the city has followed his direction and notify the city of any failure.

B. Duplicate billing. Normal city practice is to only bill the tenant for the utility service provided. Upon written request the city will send a duplicate bill each month to the landlord, so the landlord can determine to his satisfaction that the bill is paid. It is the responsibility of the landlord to notify the city if this direction is not being followed. In absence of a prior complaint of no duplicate billing, the landlord shall not be excused from liability if the tenant fails to pay.

C. Written introduction of tenants. The city normally accepts oral instructions from a tenant directing that utility service be turned on at a landlord's property. Any landlord may instruct that no utility service will be provided unless the landlord sends with the tenant a written introduction and instruction to turn on the utility service.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF _____, 2018.

Mayor

Attest:

City Clerk