

BROWNTON

Ordinance No. 90

LIABILITY OF LANDLORD FOR PAYMENT OF UTILITY SERVICES ORDINANCE OF THE CITY OF BROWNTON, McLEOD COUNTY, MINNESOTA

The City Council of the City of Brownton ordains:

SECTION 1: Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. 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.
- b. Lessor. Any person or entity who leases space to another in any building owned by the lessor.
- c. 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.

SECTION 2: 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 and such other municipal services as the city may provide from time to time. All accounts for the services shall be payable on or before the tenth day of each month.

SECTION 3: Accounts in Lessee's Name.

- a. 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.
- b. No account for services shall be opened in the name of any lessee unless a 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.

SECTION 4: Scope. This section shall apply to all rental property located within the city, whether commercial, industrial or residential in nature.

SECTION 5: City Administrator's Authority. The City Administrator shall have authority to execute the Services Agreement on behalf of the city.

This ordinance shall be in full force and effect after its passage and publication.

Adopted the 5th day of November 2008.

Mayor

Attest:

City Administrator

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