

Draft dated 05/04/2022

Ordinance _____

An ordinance amending Missoula Municipal Code Chapter 13.02 entitled “Municipal Utility Rates and Charges” to repeal 13.02.090 and establish 13.02.091 to specify the responsibility of the property owner for a tenant’s unpaid City of Missoula utility bills.

Be it ordained that Section 13.02.090 is hereby repealed and 13.02.091 is hereby established.

13.02.090 Utility bills for rental properties. A property owner may allow for utility services to be billed to a tenant upon executing and returning the “Request to Bill Tenant Form” to the Utility Billing Department. Owners will remain liable for unpaid tenant accounts that are closed pursuant to the rules stated in the “Request to Bill Tenant Form.” Tenants may be required to pay a deposit to the Utility Billing Department, depending on their utility payment history. The deposit will be due upon the utilities’ receipt of the “Request to Bill Tenant Form.” (Ord. 3662, 2021)

13.02.091 Responsibility of property owner for utility bills

- A. Property owners are ultimately responsible for the payment of all charges for water, sewer, and stormwater services supplied to their property. Service may be set up in the property owners name, or in the name of a tenant or authorized agent of the owner. However, pursuant to 7-13-4306 and 7-13-4309, MCA, the City may either shut off the water for non-payment of any water, sewer or stormwater charges, or collect past due amounts as a tax against the property. If the tenant has had an outstanding balance of more than \$200 combined for water, wastewater and stormwater services for more than 90 days, the tenant account will be closed, an account will be opened in the name of the property owner and the past due amount will be transferred to the property owner’s account. The City will follow the process prescribed in 7-13-4309, MCA to notify the property owner and the Department of Revenue of the unpaid amounts to be collected as a tax against the lot or parcel of real estate.
- B. The City may require a property owner that wants to allow for utility services to be billed to a tenant to execute and return the City’s “Request to Bill Tenant Form” to the Utility Billing Section. Tenants may be required to pay a deposit to the Utility Billing Section, depending on their utility payment history. The deposit will be due upon the utilities’ receipt of the “Request to Bill Tenant Form.” Executing a Request to Bill Tenant Form does not change the property owner’s responsibility laid out in subsection A. above.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

EFFECTIVE DATE

This ordinance will be effective on July 13, 2022.

First reading and preliminary adoption on the ____ day of _____, 2022, by a vote of ____ ayes; ____ nays; ____ abstaining; and ____ absent.

Second and final reading and adoption on the __ day of _____, 2022 by a vote of __ ayes; __ nays; __ abstentions; and ____ absent.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor