

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA, RELATING TO OBTAINING UTILITY SERVICES WHEN DELINQUENT CHARGES EXIST; TO PROVIDE FOR PUBLICATION; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE

**BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:**

WHEREAS the Village has a legitimate interest in maintaining a financially stable municipal utility by ensuring collection of accounts for utility services; and

WHEREAS by requiring a landlord to guarantee any unpaid utility charges not paid by the tenant, the Village will increase the likelihood that it will be able to collect payment for services, and minimize additional collection costs, even if a tenant moves away and collection efforts from the tenant become impossible or impracticable; and

WHEREAS the Village recognizes that individual residential tenants are not intrinsically less creditworthy, but an individual who rents property may have less available reachable resources than the property owner, in the event of unpaid utilities;

THEREFORE BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:

**Section 1.** New sections 2-121 through 2-122 shall be added to the Village Code under the heading "Article 1 Water Department" as follows:

§ 2-121 PURPOSE.

The purpose of sections 2-121 to 2-122 is to ensure water charges are adequately paid and provide the Village with a remedy for delinquent citizens.

§ 2-122 WATER GENERALLY; LANDLORD CONSENT AND LIABILITY

A. DEFINITIONS.

For the purpose of sections 2-122, the word "delinquent" shall mean an overdue payment that is in violation of the ordinance. "Utility" or "Utilities" shall mean water and sewer services. Actions by the "Municipality" may be undertaken pursuant to the authority of either the Chairperson or the Village Board of Trustees. "Landlord" shall mean the owner of a property whose primary purpose is to be rented out to other persons.

B. METER APPLICATION

Every person desiring water service must make an application therefore to the Village Clerk. No new application for water services will be accepted for any applicant who, at the time of making the application, has unpaid water charges due and owing to the Village. No additional application will be required for a consumer who is relocating and has maintained a water account with the Village which has not been delinquent during the twelve (12) months preceding the application.

### C. APPLICATION BY TENANT

Before a tenant's water application will be accepted, the landlord shall be required to sign an owner's consent form and agree to pay unpaid water charges for their property, not to exceed one hundred dollars (\$100.00) per any individual unit. Any landlord signing the required consent form shall be notified of any delinquent notices in the same manner as the customer.

### D. TERMINATION OF SERVICE BY CONSUMER

A customer relocating and desiring to have a final reading of their water meter shall make the request for such final reading at least three (3) business days in advance thereof or be subject to a service charge of \$50.00 for such service.

**Section 2.** New sections 2-219 through 2-220 shall be added to the Village Code under the heading "Article 2 Sewer Department" as follows:

#### § 2-219 PURPOSE.

The purpose of sections 2-219 to 2-220 is to ensure sewer charges are adequately paid and provide the Village with a remedy for delinquent citizens.

#### § 2-220 SEWER GENERALLY; LANDLORD CONSENT AND LIABILITY

##### A. DEFINITIONS.

For the purpose of sections 2-220, the word "delinquent" shall mean an overdue payment that is in violation of the ordinance. "Utility" or "Utilities" shall mean water and sewer services. Actions by the "Municipality" may be undertaken pursuant to the authority of either the Chairperson or the Village Board of Trustees. "Landlord" shall mean the owner of a property whose primary purpose is to be rented out to other persons.

##### B. METER APPLICATION

Every person desiring sewer service must make an application therefore to the Village Clerk. No new application for sewer services will be accepted for any applicant who, at the time of making the application, has unpaid sewer charges due and owing to the Village. No additional application will be required for a consumer who is relocating and has maintained a sewer account with the Village which has not been delinquent during the twelve (12) months preceding the application.

##### C. APPLICATION BY TENANT

Before a tenant's sewer application will be accepted, the landlord shall be required to sign an owner's consent form and agree to pay unpaid sewer charges for their property, not to exceed one hundred dollars (\$100.00) per any individual unit. Any landlord signing the required consent form shall be notified of any delinquent notices in the same manner as the customer.

##### D. TERMINATION OF SERVICE BY CONSUMER

A customer relocating and desiring to terminate service shall make the request for termination at least three (3) business days in advance thereof.

**Section 3.** The Village Clerk is authorized to create and promulgate application, permit, and other forms in furtherance of this Ordinance without further approval by the Village Board of Trustees.

**Section 4.** All conflicting ordinances are hereby repealed. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SUSPEND  
READINGS  
(3/4 VOTE)

5/9/2023

FIRST READING \_\_\_\_\_

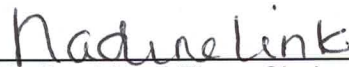
SECOND READING \_\_\_\_\_

THIRD READING \_\_\_\_\_

PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF MAY 2023

  
\_\_\_\_\_  
Jerad Little, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-410 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE 9<sup>th</sup> DAY OF MAY 2023.

  
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Nadine Link, Village Clerk

