

BILL NO. 26-5

ORDINANCE NO. 26-5

AN ORDINANCE OF THE CITY OF FREDERICKTOWN, MISSOURI TO AMEND SECTION 705.060 IN TITLE VII, UTILITIES, CHAPTER 705: BILLING, PAYMENT AND TERMINATION OF SERVICE PROCEDURES RELATING TO INFORMATION IN NOTICE OF TERMINATION; ESTABLISHING THE EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

(Note: Language to be added is underlined. Language to be deleted is ~~stricken~~.)

Section 1. Section 705.060 entitled Termination of Utility Services in Title VII, Utilities, Chapter 705, Billing, Payment and Termination of Service Procedures is hereby repealed and a new Section 705.060 is enacted in lieu thereof to read as follows:

**“Section 705.060. Termination Of Utility Services. <sup>1</sup>**

- A. The department(s) may terminate the utility service to any customer for non-payment of any account subject to the following procedures:
1. General Termination Provisions. Failure of a customer to pay an amount due, even if the subject of a pending dispute pursuant to this Chapter, shall constitute sufficient cause for the termination of utility service(s), except as provided herein.
  2. Termination Procedures. The following procedures shall be strictly adhered to prior to termination of utility services to any customer:
    - a. Subject to the requirements of Section 705.040, the department(s) may terminate utility service to a customer between the hours of 8:00 A.M. and 5:00 P.M. on the date specified on the notice of termination or a reasonable time thereafter. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service or after 3:00 P.M. on the day immediately preceding such a day. Nor shall service be discontinued on any day preceding a day or days of extreme weather condition (as defined hereinafter) during the period of unavailability.
    - b. Utility service shall not be terminated for non-payment of any account within five (5) days after said account becomes delinquent.

<sup>1</sup> State Law Reference: For similar provisions, see §§ 393.108 and 393.109, RSMo., and 20 CSR 4240-13.055.

- c. The department(s) shall not terminate any utility services to any customer unless:
    - (1) Written notice is mailed to the customer by first-class mail at least ten (10) days prior to the date of termination or delivered by personal service at least six (6) days prior.
    - (2) The utility shall maintain accurate written records of the date all termination notices are mailed or personally served.
    - (3) The delinquent account is not subject to a dispute as defined by Section 705.040, providing the customer is not in breach of any installment agreement.
    - (4) If, between November 1 and March 31, there are attempts to contact the customer within ninety-six (96) hours preceding discontinuance of service either by a door hanger or at least two (2) telephone call attempts to the customer.
  - d. Written notice of termination shall contain:
    - (1) The name and address of the customer.
    - (2) A clear and concise statement of the reason(s) for the proposed termination.
    - (3) The exact amount of any delinquent account or charge.
    - ~~(4) From November 1 through March 31, if a residential customer, notice of the availability of financial assistance from the Division of Family Services and social service or charitable organizations that have notified the City that they provide that assistance and the identity of those organizations.~~
    - (5) Other information not inconsistent herewith.
3. Emergency Postponement Of Termination.
- a. Medical Emergency. Notwithstanding any other provisions of this Section, the department(s) shall postpone the termination of utility service for twenty-one (21) days if said termination will aggravate an existing serious medical emergency, chronic or acute, of the customer or other member of the household where service is rendered. Determination of the medical emergency shall be made following the dispute procedures of Section 705.040.
  - b. Extreme Weather Conditions. Notwithstanding any other provisions of this Section, the department(s) shall postpone the termination of any residential utility service for a time not in excess of ten (10) days where it appears that the health and safety of the customer or any resident of the household is endangered due to extreme hot or cold weather conditions and the utility service is necessary to the health and safety of said person. For the purposes of this Section, weather conditions shall be presumed to endanger the health and safety of the residents in the following situations:

- (1) On any day between November 1 through March 31 when the National Weather Service local forecast between 6:00 A.M. to 9:00 A.M. for the following seventy-two (72) hours predicts that the temperature will drop below thirty-two degrees Fahrenheit (32° F.).
- (2) On any day between June 1 and September 30 when the National Weather Service local forecast between 6:00 A.M. and 9:00 P.M. for the following seventy-two (72) hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit (95° F.) or that the heat index shall rise above one hundred five degrees Fahrenheit (105° F.).”

Section 2. It is the intent of the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Fredericktown, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. That this ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen and after its approval and execution by the Mayor.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE having been read by title only the first time on this 9th day of February, 2026, the Board of Aldermen voted as follows:

|        |            |         |               |
|--------|------------|---------|---------------|
| Long   | <u>aye</u> | Brown   | <u>absent</u> |
| Polete | <u>aye</u> | Huckaba | <u>aye</u>    |
| Jones  | <u>aye</u> | Shankle | <u>absent</u> |

THIS ORDINANCE having been read by title only the second time on this 9th day of February, 2026, the Board of Aldermen voted as follows:

Long aye

Brown absent

Polete aye


Huckaba aye

Jones aye


Shankle absent

PASSED AND APPROVED this 9th day of February, 2026, by 4 ayes,  
0 nays, 0 abstentions and 2 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By:   
Travis Parker, Mayor

ATTEST:

  
Theresa Harbison, City Clerk