

BILL NO. 18-15

ORDINANCE NO. 18.15

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE OSAGE BEACH CODE OF ORDINANCES BY REPEALING CHAPTER 615. SECONDHAND GOODS, ARTICLE III. PAWNBROKERS AND RELATED MERCHANTS AND ENACTING A NEW SECTION 615. SECONDHAND GOODS, ARTICLE III. PAWNBROKERS AND RELATED MERCHANTS, IN ITS PLACE.

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

Section 1. That Chapter 615. Secondhand Goods, Article III. Pawnbrokers and Related Merchants is hereby repealed in its entirety.

Section 2. A new Chapter 615. Secondhand Goods, Article III. Pawnbrokers and Related Merchants is hereby enacted to read as follows:

Section 615.230 Definitions.

For the purposes of this Chapter the following terms, phrases, and words shall have the following meanings unless otherwise indicated by context:

CITY CLERK

The person appointed by the Board of the City of Osage Beach to perform the City Clerk duties.

CITY TREASURER

The Treasurer of the City of Osage Beach.

MONTH

Period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last date of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30th) of a month.

NET ASSESTS

The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, bank deposits, merchandise inventory, and loans due from customers, excluding the pawn service charge. Current assets do not include the investments made a fixed asset of real estate, furniture, fixtures, or equipment; investments made in stocks, bonds, or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income, or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not included liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.

PAWNBROKER

Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP

The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON

An individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity however organized.

PERSON OF GOOD MORAL CHARACTER

A person who has not been convicted of any State, Federal, or municipal offense involving drugs or narcotics, robbery, burglary, theft, stealing, receiving stolen property, embezzlement, extortion, forgery, gambling, bribery, perjury, any weapons offense, or any crime of violence.

PLEDGED GOODS

Tangible personal property other than choses in action, securities, or printed evidence of indebtedness, which property is deposited with, or otherwise actually delivered in the possession of a pawnbroker in the course of his/her business in connection with a pawn transaction.

POLICE CHIEF

The Police Chief of the City of Osage Beach.

SECURED PERSONAL CREDIT LOAN

Every loan of money made to this City, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

Section 615.240. Licenses Required

- A. *Licenses Required.* No person shall operate a pawnshop in the City of Osage Beach unless such person obtains a pawnshop license issued by the City in accordance with the general licensing provisions of the Municipal Code and the specific provisions of this Chapter. A license is required for each place where pawn broking business is transacted, and no one shall act as any agent, employee, or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license. It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he/she shall keep posted in a conspicuous place in the place of business, license certificate therefor, and a copy of all ordinances relating pawnbrokers.
- B. *Licensing Year.* All licenses issue under this Chapter are for a period of one (1) year, or a portion of one (1) year, and expire on Midnight of April 30th. The license fee for any license which is issued for a portion of a year shall be prorated by the City Clerk.

C. *Application for New Pawnshop License.* An application for a new pawnshop license shall be under oath and on forms prescribed and provided by the City Clerk and shall contain other relevant information sufficient to inform the City Clerk regarding the qualifications of the applicant for a license as required by the City Clerk. At a minimum, the application shall include:

- a. The full name and address of the applicant, and each prospective pawnshop employee, if known, for the past two (2) years;
- b. The address where the business is to be conducted;
- c. A statement as to whether the applicant, and each prospective pawnshop employee, if known, have ever been convicted of a felony;
- d. The name, address and phone number of at least two (2) persons of good moral character who may be used as character references for the applicant, and each prospective pawnshop employee, if known; and
- e. If the applicant is a partnership, the application shall include the required information for each partner, and whether such partner is a general partner or a limited partner. If the applicant is a corporation or limited liability company, the application shall include the required information for each officer, shareholder, and director.
- f. The application shall be accompanied by:
 - i. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop license, or two hundred fifty dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location, or involves substantially identical principals and owners of a licensed pawnshop at a separate location;
 - ii. Proof of general liability insurance in the amount of five hundred thousand dollars (\$500,000.00);
 - iii. An annual fee of one hundred dollars (\$100.00); and
 - iv. If the applicant is a corporation, a "certificate of good standing" issued by the Missouri Secretary of state.
- g. With each application or application for renewal the applicant shall submit a criminal record check dated within six (6) months preceding the date of the application or renewal application for each individual owner or partner, if a partnership or if an LLC, all members of an LLC must submit such a criminal record check. If applicant is a corporation, the following individuals must submit a criminal record check: the managing officer, each officer and director, and all share holder(s) who own ten percent (10%) or more of the stock of the business. The record check must be issued by the Missouri Criminal Records Division of the Missouri Department of Public Safety or its successors.

D. *Non-Use and Transfer of License.*

1. If a pawnbroker shall not conduct business for any continuous period of ninety (90) days at any time after the issuance of a license, the license shall be null and void.
2. Licenses are personal to the licensee and shall not be transferred to any other person. Any attempt to transfer such license to any other person shall be unlawful for any person to do business, or to attempt to do business under a license transferred to him.

E. *Investigation by City Clerk.* The City Clerk shall investigate the facts contained in an application for a new pawnshop license and shall request the assistance of the Police Chief and any other person who has knowledge of the facts contained in the application or who is authorized to investigate these facts.

F. *Standards For Issuance.* No license shall be issued to any person who:

1. Is not of good moral character, or to any pawnshop employing persons who are not of good moral character;
2. Makes a false statement of material facts in the application for a license or renewal license;
3. Fails to show that the pawnshop will be operated lawfully and fairly within the purposes of the Chapter;
4. Has a felony or misdemeanor conviction which either directly relates to the duties and responsibilities of the occupation of pawnbroker or which otherwise makes the applicant presently unfit for a license;
5. Does not have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business as a pawnshop for each licensed pawnshop; or
6. Does not file with the City Clerk a bond satisfactory to the City Clerk in an amount of five thousand dollars (\$5,000.00) with a surety company qualified to do business in the City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person(s) who may have a cause of action against the obligor of such bond under the provisions of this Chapter. Such bond shall be conditioned that the obligor will comply with the provisions of this Chapter and by all rules and regulations adopted by the City Clerk and will pay to the City and to any such person(s) any and all amounts of money that may become due or owing to the City or to such person(s) from such obligor under and by virtue of the provision of this Chapter or any rules adopted by the City Clerk pursuant to this Chapter during the time such bond is in effect.

If the City Clerk is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop as required by Subparagraph (5) of this Subsection, the City Clerk may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant, that the accountant has reviewed the books and records of the applicant, and that the applicant meets the net assets requirement of this Chapter.

- G. *Exemption From Requirement For New Pawnshop License In The City.* No person who is lawfully operating a pawnshop on the date of the enactment of this Chapter shall be required to obtain a license under this Section in order to continue operating such pawnshop, so long as such person does not violate any other provisions of Sections 367.011 to 367.060, RSMo., or this Chapter. Such persons may continue to operate those pawnshops then in existence, but thereafter must receive annual renewal. Such persons shall be required to pay the one hundred dollars (\$100.00) annual fee prescribed in Subsection (H), but such payment shall be in lieu of any occupational license fee.
- H. *Subsequent License Applications.* Subsequent to the first (1st) year for which a license is issued to a pawnbroker, each pawnbroker shall make a renewal application to the City Clerk. The application shall be filed by May 1st of the current license year, and shall be on the forms, and shall contain such information as the City Clerk may require. The forms shall contain such information as will assist the City Clerk in determining whether conditions have changed and whether a renewal license should be issued for the subsequent licensing year. The City Clerk may request the assistance of the Police Chief or any other City employee or person having knowledge of the truth or falsity of the matters contained in the application, or who is able to investigate those matters. The annual fee for the issuance of a renewal license is one hundred dollars (\$100.00).
- I. *Denial, Suspension Or Revocation Of License.*
1. If the City Clerk believes that any condition prevents issuance of a license or such condition has changed in the case of a renewal of a license such that the licensee would not be eligible to receive a pawnbroker's license, or that the licensee is in violation of this Chapter or any State or municipal law, the City Clerk shall notify the licensee in writing of the intended action and the reasons therefor and remedies as set out in 140.060 of the Osage Beach Municipal Code.

2. If the City Clerk believes that the licensee is capable of remedying the adverse change in conditions, and if the licensee has not previously been in violation of this Chapter or State or municipal law, the City Clerk shall notify the licensee in writing of the intended action and the reasons therefor and remedies as set out in 140.060 of the Osage Beach Municipal Code. If the City Clerk believes that the changed condition(s) are such that, if true, the licensee would not be able to remedy the situation in a reasonable time, or if the licensee has previously been in violation of this Chapter or State or municipal law, then the City Clerk shall notify the licensee in writing of the intended action and the reasons therefor and remedies as set out in 140.060 of the Osage Beach Municipal Code.
3. If the City Clerk believes that the safety, morals, or peace of residents of the City is immediately affected by the change in conditions, the City Clerk may suspend or revoke the license prior to the hearing called for below, but he/she shall afford the licensee an information meeting to determine if the emergency suspension should continue in place and the informal meeting will be within five (5) business days of the suspension or revocation. If the City Clerk believes that the changed condition is not of such imminent hazard to the safety, morals, or peace of the residents of the City, he/she shall notify the licensee in writing of the intended action and the reasons therefor and remedies as set out in 140.060 of the Osage Beach Municipal Code. This procedure shall apply to a hearing as a result of an emergency suspension described above.

J. Issuance of Pawnshop Licenses Prohibited, When.

1. No license shall be issued for the operation of a pawnshop as defined within this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of any church or other building regularly used as a place of religious worship, school, or residentially zoned property. The one-thousand-foot distance provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.
2. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of property on which there is located another pawnshop. The one-thousand-foot distance provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.
3. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of any residence, unless the license shall be provided to the City Clerk written authorization for such operation from the owner of record of such property and each adult resident thereof. The one-thousand-foot distance provided for in this Section shall be measured from the center threshold of the main entrances of such premises by the most direct walking route.

Section 615.250. Record Requirements of Pawnshop Operations.

- A. *Pawn Number.* The pawnbroker shall affix to each item of tangible personal property a tag upon which shall be inscribed a pawn number of legible characters which shall correspond to the number of any pawn ticket or receipt for payment.
- B. *Pawn Ticket for Pledged Property, Contents, Loss of, Effect.* At the time of making the secured personal credit loan, the lender shall execute and deliver to the borrower a pawn ticket for, and describing, the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
 1. The name and address of the pawnshop;

2. The name and address of the pledgor, date of birth, height, weight, sex, race or nationality, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
 3. The date of the transaction;
 4. An identification and description of the pledged goods, including but not limited to serial numbers, if reasonably available, and an estimated value of each item pledged;
 5. The amount of cash advanced or credit extended to the pledgor;
 6. The amount of the pawn service charged;
 7. The total amount which must be paid to redeem the pledged goods on the maturity date;
 8. The maturity date of the pawn transaction;
 9. A statement to the effect that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan; and
 10. A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty (60) days after the specified maturity date.
- C. *Employee Registration.* Every employee of a pawnshop shall, within thirty (30) days from the issuance of any license, register his/her name and address with the Police Department of the City and shall have had his/her thumbprints, fingerprints and photograph taken and filed with the City. The term "employee" means all persons working in a pawnshop, including any owner, any officer, treasurer, or stockholder if the owner is a corporation, any partner or any other person who receives income in any manner from engaging in the operation of said pawnshop.
- D. *Affidavit of Lost Ticket.* If a pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction, or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of pawn tickets lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the Secretary of State pursuant to Section 486.205, RSMO., to perform notarial acts in this State.
- E. *Receipt For Payment To be Furnished.* Upon any payment by a pledgor, or upon the redemption of any pledge, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal, interest and any other charges. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, shall include the date of payment and shall be legibly written so that the figures thereon are clearly discernible.
- F. *Pawn Register.* Each pawnbroker shall keep a register of all items pawned at each pawnshop, which register shall contain the information listed in Subsections (A) and (B) of this section. This record shall be kept in a bound book, or in a continuous sheet of paper or tape, handwritten in ink or typed using a ribbon other than carbon, so that it will be obvious if an entry has been erased, obliterated or defaced. Such information may be made on cards, individual sheets or other pads if each sheet or card is numbered, so that if an entry is removed it will be obvious.
- G. *Monthly.* Each pawnbroker must, before the hour of 5:00 p.m. of end of the last working day of the month, make and deliver to the Police Chief at the Police Department a full, true and detailed copy of the month's pawn register. If no article or thing has been pawned or received during said month, a report must be made to that effect.

The pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in 615.250(B)(1-4) and information contained in Section 367.040(6), RSMo. The pawnbroker may satisfy such requirements by

transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for on-site inspection upon request of any appropriate law enforcement authority.

H. *Photographic Records.*

1. All pawnbrokers shall install a proper camera in operative condition and shall use such equipment to photograph every person and the receipts of pawnshop tickets given to such persons with all loan and with all purchases of item from persons.
2. All pawnbrokers shall display, in a prominent place, a notice to customers that they are required to be photographed when they pawn, sell, or offer as part or full payment, and item to the pawnbroker.
3. All such photographs shall be available for development, and developed by the pawnbroker, upon request by the Police Chief.
 - a. *Retention and use of records.* Each licensee shall keep and maintain the originals of the foregoing records, or an original copy as may be appropriate, for a period of at least two (2) years from the date of the last transaction recorded therein, and each such record shall at all reasonable time be open to inspection by the Police Chief or his/her designee, or at his/her discretion.

Section 615.260 Operational Regulations.

- A. *Interest Rates.* It shall be unlawful for any pawnbroker to charge interest exceeding two percent (2%) per month on any pledge. All pawnbrokers shall display, in a prominent place a notice to customers that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan.
- B. *Safekeeping of Pledges.*
 1. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire or loss by theft. A pawnbroker shall not fail to exercise reasonable care to protect pledged goods from loss or damage.
 2. In the event such pledged goods are lost or damaged as a result of a pawnbroker's negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise. Pawnbrokers shall not be responsible for loss of pledged articles due to acts of God, acts of war, or riots. Each lender shall employ a reputable company for the purpose of fire and theft security.
- C. *Loans Due, When – Return of Collateral, When – Restrictions.*
 1. Every secured personal credit loan shall be due and payable in lump sum thirty (30) days after the date of the loan contract, or if extended, thirty (30) days after the date of the last preceding extension of the loan, and if not so paid when due, it shall, on the next day following, be in default. The pawnbroker shall retain possession of the tangible personal property subjected to the security interest to secure payment of any secured personal credit loan for a period of sixty (60) days next following the date of default. If during the period of sixty (60) days the pledgor shall pay to the pawnbroker the principal sum of the loan, with the loan fee(s), the interest due thereon to the date of payment, the pawnbroker shall thereupon deliver possession of the tangible property to the pledgor. But if the pledgor fails during the period of sixty (60) days to make payment, then the title to the tangible personal property shall, on the day following the expiration of the period of sixty (60) days,

pass to the pawnbroker, without foreclosure, and the right of redemption by the pledgor shall be forever barred.

2. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
3. Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

D. Hold Orders.

1. Whenever any Peace Officer has probable cause to believe that property in possession of a pawn broker licensed by the City is stolen or embezzled, said officer may place a written hold order on the property. A Hold Order required by this Section shall contain the following:
 - a. Name of the pawnbroker;
 - b. Name, title and identification number of the Peace Officer placing the hold order;
 - c. Name and address of the agency to which the Peace Officer is attached and the offense number;
 - d. Complete description of the property to be held, including model number, serial number and transaction number;
 - e. Name of the agency reporting the property to be stolen or embezzled; and
 - f. Mailing address of the pawnshop where the property is held.
2. The pawnbroker or his/her designee shall sign and date a copy of the hold order as evidence of its receipt.
3. While the Hold Order is in effect, the pawnbroker may consent to release, upon written receipt, the stolen or embezzled property to the custody of the law enforcement agency to which the Peace Officer placing the hold order is attached. Such consent shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property.
4. Except as provided in Subparagraph (3) of this subsection, the pawnbroker shall not release or dispose of the property except pursuant to a court order or the termination or expiration date, if any, of the hold order including any extensions thereof.
5. In the event criminal charges have been filed in any Missouri court involving property which is in the possession of a pawnbroker licensed by the City and which may be needed as evidence, the appropriate prosecuting Attorney's office may place a written hold order on the property. Such order shall contain the case number, the style of the case and a description of the property. The pawnbroker shall hold such property until receiving notice of the disposition of the case from the prosecuting Attorney's office. The Prosecuting Attorney's office shall notify the pawnbroker in writing within fifteen (15) days of the disposition of the case.
6. Willful non-compliance by a pawnbroker with a written hold order shall be cause for the pawnbroker's license to be suspended or revoked. A Hold Order may be terminated at any time by written release from the law enforcement agency or Prosecuting Attorney placing the initial hold order.

E. *Embezzled, Stolen Or Encumbered Property – Police Cooperation.*

1. Each pawnbroker shall notify the Police of any article pledged, or attempted to be pledged, if the pawnbroker has reason to believe that said article was stolen or embezzled.
2. A pawnbroker shall have no recourse when a customer has pledged goods for the receipt of money except the pledged goods themselves, unless the pledged goods are found to be stolen, embezzled, mortgaged or otherwise pledged or encumbered. When a customer is notified by a Peace Officer that the goods he/she pledged or sold to a pawnbroker were stolen, embezzled, mortgaged or otherwise pledged or encumbered, the customer shall be liable to repay the pawnbroker the full amount the customer received from the pawn or buy

transaction. A pawnbroker shall not charge any fee relating to the restoration of such property to its rightful owner.

3. Every pawnbroker shall give the Police Chief notice of all pawned goods to be shipped out of town, which notice shall state the name of the pledgee and the destination and date of shipment. Such goods shall not be shipped for at least seven (7) days after delivery of the copy of the register to the Police Chief.
4. Every pawnbroker shall, upon request, show and exhibit to any Peace Officer any article purchased, taken, or received by the pawnbroker if the item is still in the possession of the pawnbroker.

F. *Miscellaneous Regulations.*

1. *Hours of operation.* No pawn shop shall be open for business or receive as pawned, pledged, or purchased, or upon any condition whatsoever, any article of personal property or other valuable thing between the hours of 8:00 p.m. on any day and 7:00 a.m. on the following day.
2. *Keeping items seven (7) days.* No pawnbroker shall destroy, melt down, dispose of, sell or deliver to any other person any item of tangible personal property until seven (7) days have passed from the date the item was received.
3. *Dealing in weapons prohibited, when.* No pawnbroker shall receive as security or otherwise conduct any transaction involving any kind of firearm, revolver, pistol, rifle, bowie knife, spring back knife, razor, metal knuckles, bill, sword, cane, dirk, dagger, or other similar weapon, unless said pawnbroker is otherwise licensed by applicable State and Federal law to purchase and sell such weapons.
4. *Secondhand goods.* A pawnbroker shall not purchase or take in trade used or secondhand personal property unless a record is established that contains:
 - a. The name, address, physical description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller;
 - b. A complete description of the property, including the serial number, if reasonably available, or other identifying characteristic; and
 - c. A signed document from the seller providing that the seller has the right to sell the property.
5. *No barred windows or doors on exterior of building.* No building in which a pawnbroker shall conduct business shall have any bars or similar security features or structures installed on the exterior of any window or door.
6. *Additional restrictions.* A pawnbroker shall not:
 - a. Accept a pledge from a person who is under eighteen (18) years of age;
 - b. Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
 - c. Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Chapter or other law; or
 - d. Fail to exercise reasonable care to protect pledged goods from loss or damage;
 - e. Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction.

Section 615.270 Enactment of Rules and Regulations.

The City Clerk may issue such rules and regulations as he/she deems necessary to implement this Chapter and the policies contained herein.

Section 615.280 Penalty.

Any person operating a pawnshop without a license or otherwise in violation of the standards and requirements provided herein shall be guilty of a violation of this Section and, upon conviction thereof, shall be punished as provided in Section 100.190 of this Code.

Section 2. Severability

The chapter, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. Effective Date.

This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FIRST TIME: March 22, 2018

READ SECOND TIME: April 5, 2018

I hereby certify that the above Ordinance No. 18.15 was duly passed on April 5, 2018 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

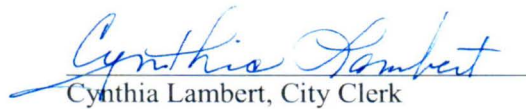
Nays: 0

Abstain: 0

Absent: 2

This Ordinance is hereby transmitted to the Mayor for his signature.

April 6, 2018
Date


Cynthia Lambert, City Clerk

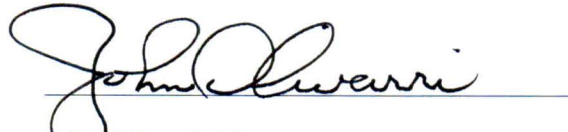
Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 18.15.

April 6, 2018

Date

A handwritten signature in blue ink, reading "John Olivarri", written over a horizontal blue line.

John Olivarri, Mayor

ATTEST:

A handwritten signature in blue ink, reading "Cynthia Lambert", written over a horizontal blue line.

Cynthia Lambert, City Clerk