

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, SETTING OUT THE TERMS OF THE BUILDING CODE BOARD OF APPEALS AS USED BY THE CITY PURSUANT TO THE UNIFORM BUILDING CODES PREVIOUSLY ADOPTED BY THE CITY

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

Section 1. There is hereby enacted within the Code of Ordinances of the City of Osage Beach a new Article IX within Chapter 500 consisting of new Sections 500.260, 500.270, 500.280, 500.290 and 500.300 to read as follows:

Section 500.260 Purpose

The purpose of the Board of Appeals is to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Codes adopted by the City of Osage Beach. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have the authority to waive requirements of the codes.

Section 500.270 Members

The Mayor shall make appointments to the Board of Appeals, with the approval of the majority of the Board of Aldermen. The Board of Appeals will have 5 members and 2 alternates who are qualified by experience and training to pass on matters pertaining to building construction and are not employed by the City of Osage Beach. Expiring terms will be filled during the month of May. Terms shall expire June 1. At the request of the Mayor or Building official an alternate shall serve in the absence of or the disqualification of any regular member. All members and alternates shall be removable for cause by the Board of Alderman upon written charges. Members shall serve a term of five (5) years unless filling an unexpired term. The Mayor shall specify the term expiration date at the time a member is appointed. Expiring terms will be filled during the month of May. Terms shall expire June 1.

Section 500.280 Vacancy's

Whenever a vacancy in membership occurs, the City Building Official shall notify the Mayor and the Board of Aldermen of said vacancy and said vacancy will be filled for the unexpired term by appointment. The Mayor shall fill any vacancy that occurs on the Board of Appeals by the same manner as outlined in section 500.270.

Section 500.290 Meetings

Meetings will be posted and follow Chapter 610, RS Mo. Conduct of the meetings will be guided by the most recent edition Roberts Rules of Order.

The Board of Appeals shall elect its own Chairperson who shall serve for one (1) year. Meetings of the Board shall be held at the call of the City Building Official and at such other times as the Building Official or the Board of Appeals may determine. Such Chairperson, or in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. All testimony, objections thereto and rulings thereon, shall be recorded in the minutes by the Building Department's secretary and filed in the City Clerk's office. A minimum of 4 members must be present to conduct a meeting.

Section 500.300 Role of the Building Official

The Building Official shall be an ex officio of the Board of Appeals but shall not have a vote on any matters before the board. The Building Official shall take immediate action in accordance with the decision of the board.

Section 3. Severability

The chapters, 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 4. 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 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: September 15, 2022 READ SECOND TIME: October 6, 2022

I hereby certify that Ordinance No.22.66 was duly passed on October 6, 2022 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	6	Nays:	0
Abstentions:	0	Absent:	0

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

October 6, 2022

Date

Tara Berreth

Tara Berreth, City Clerk

Approved as to form:

Ed B. Rucker

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22. 66

Michael Harmison

Michael Harmison, Mayor

ATTEST

Tara Berreth

Tara Berreth, City Clerk