

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTIONS 400.020, 400.030 400.110 CONCERNING THE PLANNING COMMISSION AND CREATING TWO NEW SECTIONS 400.035 AND 400.045

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

Section 1. Sections 400.020, 400.030, and 400.110 of the Osage Beach Code of Ordinances are hereby repealed.

Section 2. There is hereby enacted, new Sections 400.020, 400.030, 400.035, 400.045 and 400.110 of all to read as follows:

Section 400.020 Planning Commission — Membership — Terms — Vacancy — Removal.

The Planning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including:

1. The Mayor, if the Mayor chooses to be a member;
2. A member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and
3. Not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. The expiring terms will be filled during the month of May with terms expiration being June 1. Any vacancy in a membership shall be filled for the unexpired term through an appointment by the Mayor and approval of the Board of Alderman. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.030 Officers — Meetings — Records.

A. The Planning Commission shall elect a Chairperson and Secretary from among the citizen members. The term of Chairperson and Secretary shall be for one (1) year with eligibility for re-election. These positions will be filled at the June meeting.

B. The Planning Commission shall hold regular meetings and special meetings as provided by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.

C. The Planning Commission shall appoint employees and staff necessary for its work and may contract with city planners and other professional persons for the services that it requires. The expenditures of the Commission exclusive of grants and gifts shall be within the amounts appropriated for the purpose by the Board of Aldermen.

Section 400.035 Conduct of Meetings

The commission will be guided by Robert's Rules of Order and the Missouri Open Meetings and Records Law, as amended.

Section 400.045 Zoning Officer

Wherever required under Missouri law for a zoning officer the person serving as city-planner pursuant to section 115.010 A 5 shall also be the zoning officer.

Section 400.110 Subdivision Regulations.

- A. Subdivision regulations may include requirements as to the extent and manner in which the streets of a subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities and compliance with all these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board of Aldermen may provide for the tentative approval of the plat before the improvements and installations, but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations before the final approval of a plat, the Board of Aldermen may accept a bond in an amount and with surety and conditions satisfactory to it providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board of Aldermen and expressed in the bond. The Board may enforce the bond by all appropriate, legal, and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations before the final approval of a plat, for an assessment or other method whereby the Board is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of land and open spaces necessary for public uses indicated on the City plan and for appropriate means for providing for the compensation including reasonable charges against the subdivision, if any, and over a period and in a manner as is in the public interest.
- B. Before adoption of its subdivision regulations or any amendment thereof, the Board of Aldermen thereon shall hold a duly advertised public hearing.

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.22.70 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:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22.70 .

Michael Harmison
Michael Harmison, Mayor

October 6, 2022
Date

Tara Berreth
Tara Berreth, City Clerk