

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 405.680 CONCERNING THE BOARD OF ADJUSTMENT WITHIN THE ZONING CODE AND ENACTING IN ITS PLACE FOUR NEW SECTIONS 405.680, 405.681, 405.682 405.683 CONCERNING THE BOARD OF ADJUSTMENT WITHIN THE ZONING CODE

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

Section 1. Section 405.680 of the Osage Beach Code of Ordinances are hereby repealed.

Section 2. There is hereby enacted, new Sections 405.680. 405.681, 405.682, and 405.683 all to read as follows:

Section 405.680 Purpose

The Board of Adjustment shall follow the regulations and restrictions pursuant to Sections 89.010 to 89.140, Revised Statutes of Missouri and Chapter 405 of this Code of Ordinances and may determine and vary their application in harmony with their general purpose and intent, and in accordance with general or specific rules therein contained.

Section 405.681 Members

The Mayor shall make appointments to the of a Board of Adjustment, with the approval of the majority of the Board of Aldermen. 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. The Board of Adjustment shall consist of five (5) members and up to (3) alternates all shall be residents of the City. The membership of the first (1st) Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. At the request of the Mayor or City Planner 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 and after public hearing.

Section 405.682 Vacancy's

Whenever a vacancy in membership occurs, the City Planner shall notify the Mayor and the Board of Aldermen of said vacancy. The Mayor shall fill any vacancy that occurs on the Board of Adjustment by the same manner as outlined in section 405.681. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Section 405.683 Meetings

Meetings will be posted and follow Chapter 610, RS Mo. Conduct of the meetings will be guided by the most recent edition of Roberts Rules of Order. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RS Mo. The Board of Adjustment shall elect its own Chairperson who shall serve for one (1) year. Meetings of the Board shall be held at the call of the Chairperson or City Planner and at such other times as the Board may determine. Such Chairperson, or in his/her absence the Acting ~~Chairman~~ 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 recorder in the minutes by the Planning Departments secretary and filed in the City Clerk's office. The Planning and Zoning Official shall be an ex officio of the Board of Adjustment but shall not have a vote on any matters before the board. The Planning and Zoning Official shall take immediate action in accordance with the decision of the board. Four (4) of the five (5) members appointed to the Osage Beach Board of Adjustment shall constitute a quorum. Appeals must have 4 votes to be accepted.

Section 2. 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 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. 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.22.72 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.22.72.

Michael Harmison
Michael Harmison, Mayor

October 6, 2022
Date

Tara Berreth
Tara Berreth, City Clerk