

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AMENDING CHAPTER 150 IN THE MUNICIPAL CODE ESTABLISHING NEW 45 DAY NOTICE DEADLINES WITHIN THE PROCESS FOR THE CITY'S CONSIDERATION OF REDEVELOPMENT PLANS AND TAX ABATEMENTS PURSUANT TO THE URBAN REDEVELOPMENT CORPORATIONS LAW, CHAPTER 353 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri ("Chapter 353"), allows the City to establish policies and procedures in association with the consideration of development plans and grants of tax abatement; and

WHEREAS, the City in chapter 150 of the municipal code has established policies and procedures for the consideration of development plans and grants of tax abatement pursuant to Chapter 353, including requiring certain information to be included in a development plan and establishing formal notice procedures for public hearings required by Chapter 353; and

WHEREAS, the board desires to require an expansion of the notice period from 15 days to 45 days for consideration of development plans under chapter 150 of the municipal code:

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

Section 1. That Section 150.040 of Chapter 150 be and is hereby repealed.

Section 2. A new Section numbered 150.040 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Section 150.040 Public Hearing Notices. Notices of any public hearing scheduled by the Board of Aldermen pursuant to Section 150.030 shall be given in the following manner:

(a) Independently Owned Property. If the development plan relates to property not currently owned by the applicant, notice of the public hearing shall be given by hand delivery, certified mail or nationally-recognized overnight courier service to the owner or owners of property within the redevelopment area described in the development plan at least forty-five (45) days prior to the public hearing;

(b) Publication. Notice of the public hearing shall be published in a newspaper of general circulation serving the City at least fifteen (15) days prior to the public hearing; and

(c) Notice to Affected Taxing Districts Notice of the public hearing, together with a written statement of the impact on ad valorem real property taxes that the tax abatement described in the development plan will have on political subdivisions affected by the tax abatement, shall be given by hand delivery, certified mail or nationally-recognized overnight courier service, to the political subdivisions affected by the tax

abatement at least forty-five (45) days prior to the public hearing.

(d) First Reading The Public Hearing for any development plan considered by the Board of Aldermen under this section shall be held before the first reading of the ordinance considering a development plan.

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: November 3, 2022 READ SECOND TIME: November 17, 2022

I hereby certify that Ordinance No.22.88 was duly passed on November 17, 2022, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstentions: 0

Absent: 2

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

Nov. 17, 2022
Date

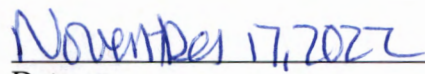
Tara Berreth
Tara Berreth, City Clerk

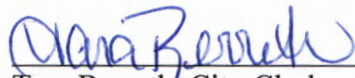
Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22.88


Michael Harmison, Mayor


Date


Tara Berreth, City Clerk