

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 500 BUILDINGS CODES AND BUILDING REGULATIONS, SECTIONS 500.020, 2018 INTERNATIONAL BUILDING CODE — AMENDMENTS. SUBSECTION 103.2, SECTION 500.27 2018 INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS, SUBSECTION 103.2, SECTION 500.260 PURPOSES OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

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

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Chapter 500

Building Codes and Building Regulations

Section 500.020 2018 International Building Code — Amendments.

The 2018 International Building Code is hereby amended as follows:

Section 103.2. The Building Official shall be appointed as provided in Section ~~115.390~~**480** of the Osage Beach Code of Ordinances.

Section 500.027 2018 International Existing Building Code Amendments.

Section 103.2. The Building Official shall be appointed as provided in Section ~~115.390~~**480** of the Osage Beach Code of Ordinances.

Article IX

Board of Appeals

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 ~~B~~building ~~O~~fficial 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 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: April 20, 2023

READ SECOND TIME: May 4, 2023

I hereby certify that Ordinance No.23.33 was duly passed on May 4, 2023, 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.

Date

Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.33.

Michael Harmison, Mayor

Date

Tara Berreth, City Clerk

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 400 PLANNING AND DEVELOPMENT SECTIONS 400.030, OFFICERS – MEETINGS-RECORDS, SECTION 400.045 ZONING OFFICER, SECTION 405.710 ZONING ADMINISTRATOR OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

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

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

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 reelection. 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~~ **advise the Mayor of** 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 400.045 Zoning Officer.

Wherever ~~required under~~ Missouri law **for or this Code requires or refers to a zZoning eOfficer**, the person serving as City Planner, pursuant to Section ~~115.010(A)(5)~~ **420**, shall also be the **zZoning eOfficer**.

Section 405.710 Zoning Administrator.

- A. There is hereby created the position of Zoning Administrator. The **City Planner shall be the** Zoning Administrator ~~shall be any person designated as such by the Board of Aldermen.~~

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: April 20, 2023

READ SECOND TIME: May 4, 2023

I hereby certify that Ordinance No.23.34 was duly passed on May 4, 2023, 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.

May 4, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.34.

Michael Harmison
Michael Harmison, Mayor

May 4, 2023
Date

Tara Berreth
Tara Berreth, City Clerk