

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADDING TO CHAPTER 100 GENERAL PROVISIONS SECTION 100.220 DESIGN GUIDELINES; AMENDING CHAPTER 410: ARTICLE IV DESIGN STANDARDS, SECTION 410.910 - BASIC STANDARDS; ARTICLE VI STORM WATER AND DRAINAGE – SECTION 410.350 – SCOPE; RENUMBERING OF ARTICLE VI STREET LIGHTING TO VII STREET LIGHTING.

BE IT ORDNANIED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH AS FOLLOWS TO WIT:

Section is 1: The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates with amendments as set forth below with new material set out in **red** and deleted material struck as follows:

Chapter 100 – Article V – Design Guidelines

Section 100.220 Design Guidelines.

A certain document, one (1) copy of which is on file in the office of the City Clerk, being marked and designated as the Osage Beach design Guidelines, is hereby adopted as the code of the City of Osage Beach, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement addition to, use or maintenance of various systems and improvements in the city of Osage Beach; and each and all of the regulations, provisions, conditions and terms of such document on file in the office of the City Clerk are hereby referred to adopted to and make apart hereof as if fully set out in the Article.

Chapter 410 – Article VI – Design Standards

Section 410.190 Basic Standards.

~~The basic design standards shall be as provided by the Osage Beach Design Manual that shall be considered a part of this Section and is on file in the City offices.~~

The City of Osage Beach Design Guidelines Section 5 (adopted _____) and Section 6 (adopted _____) are hereby adopted as the basic standards for the City of Osage Beach for roads, road cuts, and the other requirements therein within the City. Each and all of said Design Guidelines are hereby adopted by reference and made a part of this Article as if fully set out herein. One (1) copy of the Osage Beach Design Guidelines is on file in the office of the City Clerk.

Section 410.340 Storm Drainage Management and Sediment Control.

A. ~~The City of Osage Beach hereby establishes a Storm Drainage Management Policy Plan which will assure that, through public instruction, awareness, and the application of Storm Water Best Management Practices, pollution of the Lake of the Ozarks and tributary watersheds within the jurisdictional limits of the City will~~

be limited to the minimum practicable attainable level and that neighboring properties will be protected from damage.

B. ~~All developers/owners/or others developing, redeveloping or renovating a building site, parking area, recreation site or subdivision covering more than two (2) lots or encompassing more than one half (1/2) acre, whichever shall be the smaller, shall conform to the storm drainage management policy of the City of Osage Beach as set forth in these ordinances and as stated or depicted in the City of Osage Beach Design Guideline.~~

1. ~~All construction projects shall require a Sediment Control Plan to be submitted and approved prior to the commencement of clearing or construction on the project site as a part of the building permit process.~~

2. ~~A Storm Drainage Plan shall be submitted and approved as a part of the planning process and shall be approved prior to the approval of the final plat or the issuance of a building permit.~~

Section 410.350 **Sediment Control Plan.**

A. ~~A Sediment Control Plan is required for all new construction sites within the jurisdictional boundaries of the City of Osage Beach in which the construction, or clearing for construction, or modifying the drainage characteristics of the area disturbs an area exceeding two (2) lots or one half (1/2) acre, whichever shall be the smaller.~~

B. ~~The developer/owner shall submit a Sediment Control Plan prepared by a registered professional engineer stating the goals of the plan and depicting the locations and details of construction of all sediment control devices to be employed in the plan. The plan shall clearly set out the contractor's maintenance schedule and requirements for maintaining the integrity of the plan.~~

C. ~~The devices and measures utilized shall follow the recommended "Best Management Practices" (BMP) as described in the publication "Protecting Water Quality" (by and available through MDNR), the City of Osage Beach Design Guidelines, and as directed herein. The specific intent of the sediment control plan shall be: 1) reduce the quantity of runoff, 2) control runoff so as to prevent the pickup of silt, sediments, and debris, 3) assure that no visible sediment leaves the jobsite, and 4) no damage is caused to downstream properties by runoff from the project.~~

As a minimum, the following shall be required:

1. ~~Stabilized earthen berms, straw bale check dams, silt fences, and other BMPs shall be utilized as necessary to prevent runoff from carrying silt, debris, and other debris off the jobsite.~~

- ~~2. On side hill lots or parcels with slopes in excess of ten percent (10%) runoff control devices paralleling the contours shall be erected at not more than one hundred twenty five (125) foot intervals.~~
- ~~3. All drainage channels or ditches, where flow velocities will exceed five (5) feet per second shall be lined with an approved engineering fabric or erosion control matting.~~
- ~~4. All denuded slopes or embankments shall be protected from erosion by the installation of earthen berms, straw bale dikes or other appropriate BMP.~~
- ~~5. Temporary catch basins, drop inlets and storm drains (culverts) shall be utilized as necessary.~~
- ~~6. All denuded slopes shall be reseeded, fertilized and mulched within four (4) weeks of the initial clearing or stripping of vegetation. Slopes steeper than two (2) to one (1) shall be stabilized with jute mesh or other approved erosion control mat.~~
- ~~7. The written Sediment Control Plan shall clearly state that it is the intent of the submitted plan that no visible sediment will be allowed to leave the development site.~~

~~D. The Sediment Control Plan shall be submitted as a part of the building permit process and shall be reviewed and approved by the Public Works Director prior to the start of any on site work including selective clearing, clearing and grubbing, site excavation or embankment construction.~~

~~E. In the event that the plan is deficient or inadequate to prevent sediment escaping the job site or damage to downstream properties occurring, the owner/developer shall immediately take any and all measures necessary to stop and prevent further contamination or damage and to repair the contaminated or damaged areas.~~

~~F. *Certification By The Engineer Of Record.* The Engineer of Record shall certify in writing as a part of the Sediment Control Plan that it will be implemented prior to the beginning of any land disturbance on the site and that all appropriate and necessary BMPs will be established and maintained to assure compliance with the goals of the plan. In the event that the established BMPs are damaged or are found to be inadequate by the Engineer, the owner shall immediately implement corrective action or maintenance to assure the integrity of the system.~~

Section 410.360 Storm Drainage Plan.

~~A. A Storm Drainage Plan is required for all new construction sites within the jurisdictional boundaries of the City of Osage Beach in which the construction, or clearing for construction, disturbs an area exceeding two (2) lots or one-half (1/2) acre, whichever shall be the smaller. Further, a Storm Drainage Plan is required for~~

~~all site improvement projects that will effectively change the drainage characteristics for a site of one (1) acre or more such as paving previous gravel or soil surfaces, etc.~~

- ~~B. The developer/owner shall submit a Storm Drainage Plan prepared by a registered professional engineer, stating the goals of the plan and depicting the locations and details of construction of all sediment and drainage control devices, and BMPs, required to control storm runoff from a 20-year storm or one that produces two and one-half (2½) inches per hour for not less than one (1) hour. The plan shall clearly set out the contractor's maintenance schedule and requirements for maintaining the integrity of the plan.~~
- ~~C. The devices and measures utilized shall follow the recommended "Best Management Practices" as described in the publication "Protecting Water Quality" (by and available through MDNR), the City of Osage Beach Design Guideline, and as directed herein. The goals of the Storm Drainage Plan shall be: 1) to reduce the quantity of storm runoff, 2) to control runoff velocities in order to prevent the pickup and carrying of silt, sediments, and debris, 3) to assure that no visible silt, sediment, or debris leaves the project site, 4) to assure the protection of downstream properties from damage due to runoff from the project, 5) to assure that the minimum practicable amount of sediment and/or pollution is allowed into the Lake of the Ozarks.~~
- ~~D. These goals shall be accomplished through a combination of methodologies as set forth in the MDNR Field Manual for Protecting Water Quality and the City of Osage Beach Design Guidelines.~~

Section 410.370 Storm Drainage Plan—Minimum Technical Requirements.

~~A. As a minimum, the Storm Drainage Plan shall provide:~~

~~1. Required technical data.~~

- ~~a. Provide an engineering drawing clearly depicting the watersheds and drainage areas affecting the project and adjacent properties.~~
- ~~b. Provide engineering computations clearly establishing the theoretical runoff from the original or existing area and the theoretical runoff from the completed project area for a 20-year storm or one that produces a minimum of two and one-half (2½) inches per hour for one (1) hour duration.~~
- ~~c. Devise and provide BMPs in the form of retention, storage, percolation, or other approved method to assure that only flows of less than or equal to the original undisturbed condition are allowed to flow off the site. Excess shall be retained for discharge at later period.~~

~~(1) Project sites discharging via right of way, easement, or land owned by developer to~~

~~the Lake of the Ozarks shall be exempt from this requirement.~~

- ~~d. Establishes the percolation rates for all infiltration, percolation and filtration devices.~~
- ~~e. Determines the anticipated flows and capacities of all channels, culverts and conveyance devices.~~
- ~~f. Clearly identifies areas to receive plantings of grass or scrubs as a part of applied BMP.~~
- ~~g. Clearly identifies and provides flow data for all velocity control and/or energy dissipation devices.~~
- ~~h. Provide documented assurance that all planned BMPs will be maintained by the prospective owners by covenant or other approved legal device.~~

~~2. Minimum required facilities.~~

- ~~a. Provide removal or containment of all silt, sediment and debris carried onto or across the development so as to assure that no silt, sediment or debris is allowed off the developed area.~~
 - ~~b. Assure that all storm runoff is controlled such that no damage will occur to adjacent downstream properties or facilities. Provide approved devices so as to insure that no more than the original runoff rate over time will exit the property at any one given time and shall be in place prior to any occupancy permit being issued.~~
 - ~~c. Where parking areas for more than twenty (20) cars exist, provide for removal of oils, grease, and volatile wastes to the maximum practicable by the use of BMP.~~
 - ~~d. Provide velocity control devices at all discharge points to assure discharge velocities of less than five (5) fps.~~
- ~~(1) These requirements may be accomplished by the use of approved BMPs, infiltration, percolation, filtration devices, retainage and sedimentation collection, filtered drop inlets or manholes, or other devices as approved by the Public Works Director.~~
~~{Ord. No. 13.57 §5, 9-19-2013}~~
- ~~(2) At the completion of the project, the Engineer of Record shall certify in writing to the City that all necessary BMPs are in place, maintained, and functioning so as to assure compliance with the goals of the Storm Drainage Plan.~~

Section 410.380 Maintenance of Storm Drainage Facilities.

Storm drainage facilities, including infiltration areas, filtration devices, conveyance

~~devices and other BMP utilized, shall be maintained by the property owner. All such devices shall be kept free of silt, debris, sediment and other deposits and shall be maintained in a fully operable and functional condition.~~

Article VI Storm Water and Drainage

Section 410.350 Scope.

The provisions of this Article shall obligate any owner, occupant, lessee, mortgagee, agent, person applying for or holding a Site Development Permit, or other person having an interest in or control over the land, site, building, or structure affected. If any of the foregoing is a corporation, company, trust, partnership, or other entity, this Article shall further apply to (1) any owner, partner, or member of such entity, and (2) any officer, director, manager, trustee, receiver, agent, foreman, supervisor, or designee of such entity if such person has any control over the covered action regarding the land, site, building, or structure affected. Each of the foregoing shall be collectively referred to as **“Responsible Parties.”**

Section 410.355 Design Guidelines, compliance, permit.

- A.** The City of Osage Beach Design Guidelines Section 4 (adopted _____) are hereby adopted as the basic standards for the City of Osage Beach for stormwater, erosion, surface drainage, and the other requirements therein within the City. Each and all of said Design Guidelines are hereby adopted by reference and made a part of this Article as if fully set out herein. One (1) copy of the Osage Beach Design Guidelines is on file in the office of the City Clerk.
- B.** All permit holders shall comply with the aforementioned Design Guidelines. All permit holders shall timely file, implement, and update any Plan required by said Design Guidelines, including but not limited to Erosion and Sediment Control Plans and Storm Drainage Plans. All permit holders shall timely implement, maintain, control, and repair any measures required by said Design Guidelines or any Plans required thereby. All Responsible Parties are obligated to ensure that any permit holder acting on their behalf complies with this Article.
- C.** No clearing, grading, borrowing or filling of land requiring a Site Development Permit shall be performed without first obtaining such permit. No Site Development Permit shall issue until the fees required by **Section 510.120** have been paid, the submissions required by **Article II of Chapter 510** have been received and approved, and all other pre-construction plans and submissions have been received and approved by the City as required.

Section 410.360 Limitations on liability.

Floods from stormwater runoff may occur which exceed the capacity of stormwater drainage facilities constructed and maintained under this Article. This Article does not guarantee that property will always be free from stormwater flooding or flood damage.

This Article shall not create a liability on the part of, or cause of action against, the City or any officer or employee thereof for any flood damage. Neither does this Article purport to reduce the need or the necessity for obtaining flood or other insurance.

Section 410.365 Rights of way to be kept clear.

Regardless of the amount of land disturbance at a particular site, it shall be the responsibility of all Responsible Parties to ensure streets, sidewalks, rights of way, and water courses (including Lake of the Ozarks) open to the public surrounding a permitted site are kept free of excessive debris and sediment. Upon notification from the City to any permit holder and/or Responsible Party that a problem exists, the permit holder and/or Responsible Party shall immediately remedy the issue. If the issue is not promptly remedied, the City may temporarily suspend any permit until the problem has been resolved. If a Responsible Party does not address the issue after requested, the City may choose to remedy the situation and bill the permit holder and/or Responsible Parties for any reasonable associated costs. The permit will remain suspended until said bill is paid. Alternatively, the permit holder and/or Responsible Party owner may request a hearing with the City Administrator to contest the abatement costs.

Section 410.370 Interpretations, conflict, severability.

- A. Interpretation. The provisions of this Article shall be the minimum requirements for the protection of the public health, safety and general welfare.
- B. Conflict. Conflict with public and private provisions:
 - 1. Public provisions. Where any provision of this chapter imposes restrictions different from those imposed by any other law or regulation, whichever is more restrictive or imposes a higher standard shall control.
 - 2. Private provisions. This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this chapter are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall remain applicable.
- C. Severability. The provisions and sections of this article shall be deemed to be severable, and the invalidity of any portion of this article shall not affect the validity of the remainder.

Section 410.380 Violations and penalties.

- A. It shall be a violation of this Article to knowingly disobey a command, requirement, or instruction from the Building Official, City Engineer, any of their designees, or any other City employee or agent authorized to make such command, requirement, or instruction.

- B. The City may suspend or revoke any permit associated with the site or any permit associated with the Responsible Parties holding the permit(s) for the site for non-compliance with this Article.
- C. Procedure.
1. Upon discovery of a violation of this Article, the Building Official shall issue a Notice of Violation to any or all responsible parties (owner, developer, contractor, site supervisor, or any other person working on or having control over the site) giving a reasonable time, not to exceed seven days, to remedy the violation. In emergency situations that cause a risk to life, health, property, or public welfare, or where the violation is willful or wanton, the Notice of Violation may dispense with the time to remedy by listing the condition(s) which constitute the emergency or willful/wanton violation.
 2. If the violation has not been remedied within the time frame set forth in the notice, the Building Official may issue a written Stop Work Order suspending the permit(s). Once the violation has been remedied, the suspension will be lifted.
 3. If the violation for which the permit(s) was suspended is not corrected within 30 days, the permit(s) shall be revoked and the violation deemed a nuisance under **Section 215.020**. The Notice of Violation above shall satisfy the notice to abate requirement of **Section 215.030**.
 4. After two suspensions of a permit for the same site, or one emergency suspension of a permit, the Building Official may revoke the permit(s). A permit shall not be re-issued until all applicable procedures in this Code have been followed. Additionally, any remediation or abatement costs may be required to be paid prior to re-issuance.
- D. Any person violating any of the provisions of this Article or any requirement adopted in this Article shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment. In addition, thereto, the violator(s) shall pay all costs and expenses incurred by the City in such case. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article VII **Street Lighting**

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: October 5, 2023

READ SECOND TIME: October 19, 2023

I hereby certify that Ordinance No.23.74 was duly passed on October 19, 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.

Oct. 19, 23
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.74.

Michael Harmison
Michael Harmison, Mayor

Oct. 19, 23
Date

Tara Berreth
Tara Berreth, City Clerk