

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING AND REENACTING SECTION 510.300 OF ARTICLE IV, ROADCUTS AND UTILITY TRENCHES, TO CORRECT A SCRIVENER'S ERROR IN THE RECODIFICATION OF THE CITY CODE AND PROVIDING FOR PERFORMANCE BONDS AND ADDING A REQUIREMENT FOR A CERTIFICATE OF INSURANCE LISTING THE CITY AS A NAMED INSURED.

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

Section 1. That existing Section 510.300 of the Osage Beach Municipal Code be and is hereby repealed.

Section 2. That a new Section 510.300 of the Osage Beach Municipal Code be and is hereby enacted to read as follows:

Section 510.300. Liability Insurance and Performance Bond

- A. No person shall be issued a permit under this Article without first registering with the City proof that there is being maintained and carried liability insurance covering personal injury and property damage which may arise from or out of the performance of the proposed work
- B. Such insurance for personal injury shall be an amount not less than one million dollars (\$1,000,000.00) for each person and not less than one million dollars (\$1,000,000.00) for each accident and for property damage shall be in an amount not less than one million dollars (\$1,000,000.00) and not less than one million dollars (\$1,000,000.00) for all accidents. Such certificate of insurance shall also be accompanied by a two thousand (\$2,000) dollar certified performance bond or in such other higher amount as deemed necessary by the Building Official. In lieu of submission of the evidence and documents hereinabove provided in Subsection (A) of this Section, a person proceeding under this Article may submit to the City evidence that he or it qualifies as a self insurer and has the financial ability to meet liabilities of the type and in the amounts hereinabove specified.
- C. Each person, firm, corporation, partnership or other entity of any kind which apply for a permit under this article, including Section 510.250, shall provide to the City a Certificate of Insurance listing the City as a named insured in the amounts set forth in Section 510.300 B above.

Section 3. Severability

The chapter, 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. This Ordinance shall be in full force and effect upon the date of passage and approval by the Mayor.

READ FIRST TIME: May 3, 2018

READ SECOND TIME: May 17, 2018

I hereby certify that the above Ordinance No. 18.22 was duly passed on May 17, 2018, 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 17, 2018
Date



Cynthia Lambert, City Clerk

Approved as to form:



Edward B. Rucker, City Attorney

I hereby APPROVE the above ordinance 18.22.

May 17, 2018
Date


John Olivarri, Mayor

ATTEST:


Cynthia Lambert, City Clerk