

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A PRO TEM MUNICIPAL JUDGE TO SERVE IN THE EVENT THE DULY APPOINTED MUNICIPAL JUDGE IS UNAVAILABLE OR TEMPORARILY UNABLE TO SERVE.

**WHEREAS**, the Board of Aldermen desires to create the position of Municipal Judge Pro Tem, to serve in the Osage Beach Municipal Division of the 26<sup>th</sup> Judicial Circuit Court in the event the designated municipal judge is unavailable or temporarily unable to serve:

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

Section 1 A new Section 130.070 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Section 130.070. Appointment of Municipal Judge Pro Tem.

- A. The Mayor, with the advice and consent of the Board of Aldermen, shall appoint a suitable person as Municipal Judge Pro Tem, who shall hold office at the pleasure of the Board of Aldermen and until a successor is appointed and qualified. Such individual shall have and hold all the qualifications as the duly appointed Municipal Judge for the Osage Beach Municipal Division.
- B. The Municipal Judge Pro Tem shall serve only upon the request of the Municipal Judge or the Presiding Judge of the 26<sup>th</sup> Judicial Circuit Court, in the event the Municipal Judge is unavailable or temporarily unable to serve.
- C. Appointments shall be for a term of two (2) years commencing July first (1st) of each even-numbered year.
- D. Appointments to complete a portion of a term shall be for the remainder of the original term and an additional two (2) year period.

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Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until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.

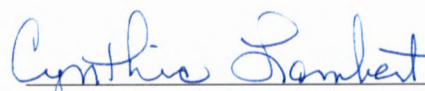
READ FIRST TIME: September 6, 2018    READ SECOND TIME: September 20, 2018

I hereby certify that Ordinance No.18.46. was duly passed on September 20, 2018, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:


Ayes:	5	Nays:	0
Abstentions:	0	Absent:	1

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

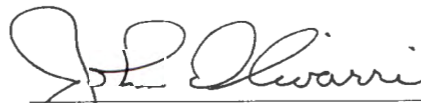
September 21, 2018  
Date

  
Cynthia Lambert, City Clerk

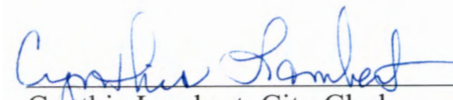
Approved as to form:

  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.18.46 .

  
John Olivarri, Mayor

September 21, 2018  
Date

  
Cynthia Lambert, City Clerk