

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 210.420. FAILURE TO OBEY, OBSTRUCTING, RESISTING, ETC., CITY OFFICIALS, AND ESTABLISHING IN LIEU THEREOF A NEW SECTION SEC. 210.420 – HINDERING INTERFERING RESISTING OR OBSTRUCTING A CITY OFFICER.

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

Section 1. That Section 210.420, of the Osage Beach Code of Ordinances be and is hereby repealed.

Section 2. That a new Section 210.420, of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Sec. 210.420 – Hindering Interfering Resisting or Obstructing a City Officer.

No person shall:

A. Resist or obstruct a city officer making an arrest or serving any legal writ, warrant or process or executing or attempting to execute any other duty imposed upon him or her by law.

B. Resist lawful detention.

C. Enter a crime scene which is established by a physical barrier, verbal directions from a law enforcement officer, or signage.

D. Engage in conduct which a person knows or should know would prevent an officer from completing an investigation or performing any other lawful duty.

E. Refuse to comply with a lawful order of an officer when a person knows or should know such refusal prevents the officer from completing an investigation or performing any other lawful duty.

F. Hinder, delay, interfere with or obstruct any officer in the performance of any such officer's duty.

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Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly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: December 19, 2019    READ SECOND TIME: January 2, 2020

I hereby certify that Ordinance No.19.93. was duly passed on January 2, 2020, 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.

January 2, 2020  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.19.93.

John Olivarri  
John Olivarri, Mayor

January 2, 2020  
Date

Tara Berreth  
Tara Berreth, City Clerk