

**BILL NO. 2011-12**

**ORDINANCE NO. 2011-12**

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**AN ORDINANCE FOR THE CITY OF OSBORN, CLINTON AND  
DEKALB COUNTIES, MISSOURI APPROVING BUDGET  
ADJUSTMENT NUMBER 1 FOR THE BUDGET YEAR OF  
APRIL 1, 2011 TO MARCH 31, 2012.**

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**WHERE AS**, RSMo 67.030 authorized the governing body to revise budget limits as the need arises.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSBORN, MISSOURI THAT:** the limits for revenues and expenses of various City funds will be adjusted as per the attached appropriation schedule.

These schedules are attached hereto and incorporated herein by this reference and are hereby approved and adopted.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 13<sup>th</sup> day of December, 2011.

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Mayor, Jennifer Burwell

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

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Mayor, Jennifer Burwell

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

**BILL NO. 2011-04**

**ORDINANCE NO. 2011-04**

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**AN ORDINANCE ADOPTING PROPOSED BUDGET FOR THE  
FISCAL YEAR 2011-2012.**

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**WHERE AS**, adoption of the proposed Budget for the Fiscal Year 2011-2012; and

**WHERE AS**, authorization of expenditures from general uncommitted tax funds of the City in accordance with the budget so adopted

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSBORN, MISSOURI THAT:**

**SECTION 1.** This ordinance shall be in full force and effect for Fiscal Year April 01, 2011 – March 31, 2012 after its passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 11<sup>th</sup> day of May, 2011.

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Mayor, Jennifer Burwell

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

**BILL NO. 2011-04**

**ORDINANCE NO. 2011-04**

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**AN ORDINANCE ADOPTING PROPOSED BUDGET FOR THE  
FISCAL YEAR 2011-2012.**

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**WHERE AS**, adoption of the proposed Budget for the Fiscal Year 2011-2012; and

**WHERE AS**, authorization of expenditures from general uncommitted tax funds of the City in accordance with the budget so adopted

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSBORN, MISSOURI THAT:**

**SECTION 1.** This ordinance shall be in full force and effect for Fiscal Year April 01, 2011 – March 31, 2012 after its passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 11<sup>th</sup> day of May, 2011.

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Mayor, Jennifer Burwell

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

**AN ORDINANCE REPEALING ORDINANCE NUMBER 247, AND ENACTING AN ORDINANCE ESTABLISHING RULES FOR THE REASONABLE CONTROL OF DOGS WITHIN THE CITY OF OSBORN, MISSOURI.**

Be it ordained by the Board of Alderman of the City of Osborn, Missouri that:

WHEREAS, it shall be unlawful for the owner of any dog to let such dog run-at-large at any time, within the City of Osborn, Missouri; and any dog or dogs found to be running-at-large shall be impounded by a city official and taken to a humane shelter:

- a) For the purpose of this section, the term “at large” is defined to be and mean, off the premises of the owner, and not under the reasonable control of owner, or member of his immediate family.
- b) “Reasonable Control” as used herein is deemed to be when such dog is on the premises of its owner, or when such dog is not on the owner’s premises with and under the control of its owner, his agent or some member of the owner’s family.
- c) “Not Under Reasonable Control”—A dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of its owner, if not with, or under the control of its owner, the owner’s agent, or some member of the owner’s family, or when such dog commits damage to the person or property of anyone other than its owner, except when the dog is in defense of its owner, his family or property.

**SECTION 1.** Any dog found running-at-large shall be impounded by a city official and taken to a humane shelter. A description of said animal shall be placed in the City Hall of Osborn. If said animal is not claimed within 5 days from the notice, and impoundment fees and expenses paid, the

animal may be destroyed. Said notice shall contain a description of the animal, when it may be retrieved, and any expenses that may be charged.

**SECTION 2.** Any person or persons being in violation of any previous section of this ordinance shall, upon conviction of said violation, be fined not less than \$10.00 nor more than \$100.00 in addition to any fees associated with impoundment, or court costs.

**SECTION 3.** This ordinance shall be effective from and after the date of its passage.

**Prior Ordinances Repealed:** Ordinance number 247 is hereby repealed in its entirety.

**PASSED AND APPROVED** this 10th day of August, 2011.

\_\_\_\_\_  
Jennifer Burwell, Mayor

ATTEST: \_\_\_\_\_  
Jody Barlow, City Clerk

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Jennifer Burwell, Mayor

ATTEST: \_\_\_\_\_  
Jody Barlow, City Clerk

**FY2011 APPLICATION: FORM P – EXCESSIVE FORCE RESOLUTION**

**EXCESSIVE FORCE RESOLUTION**

A resolution establishing rules and regulations regarding the use of excessive force during non-violent civil rights demonstrations, including physically barring access to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof. In the City of Osborn, Missouri, as follows:

**ARTICLE I**

Section 1: The City of Osborn hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The City of Osborn also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws in this regard.

**ARTICLE II**

Section 1: Any person charged with a violation of any provision of this resolution will be served by the City of Osborn with written notice stating the nature of the violation.

Section 2: Any person convicted of this violation shall be guilty of a misdemeanor, and shall be fined an amount not to exceed one hundred (100) dollars for each violation. Each day on which such violation occurs shall be deemed to be a separate offense.

Section 3: Any person violating any of the provisions of this resolution shall become liable to the City of Osborn for any expense, loss, or damage occasioned the City of Osborn by reason of such violation.

**ARTICLE III**

Passed and adopted by the Board of Alderman of the City of Osborn, State of Missouri, on April 21, 2011.

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*Mayor*

Attest:

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*City Clerk*

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**ARTICLE III**

Passed and adopted by the Board of Alderman of the City of Osborn, State of Missouri, on April 21, 2011.

\_\_\_\_\_  
*Mayor*

Attest:

\_\_\_\_\_  
*City Clerk*

**FY2011 APPLICATION: FORM O (a) – FAIR HOUSING ORDINANCE FOR CITIES**

BILL NO. 2011-03 \_\_\_\_\_ ORDINANCE NO. 2011-03 \_\_\_\_\_

**AN ORDINANCE PROVIDING "FAIR HOUSING" FOR THE CITY OF OSBORN, MISSOURI.  
DEFINES DISCRIMINATORY HOUSING PRACTICES, AND CREATES A FAIR HOUSING COMMITTEE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSBORN, MISSOURI, AS  
FOLLOWS:

**SECTION 1. - Declaration of Policy**

The City Council of the City of Osborn hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of Osborn for the protection of the public welfare, prosperity, health, and peace of the people of Osborn, Missouri.

**SECTION 2. - Definitions**

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

- a. Person shall include any individual, firm, partnership, or corporation.
- b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Osborn, Missouri.
- c. Discriminate shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

**SECTION 3. - Discriminatory Practices**

It shall be a discriminatory practice and a violation of the ordinance for any person to:

- a. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin of any person.
- b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, or national origin.
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- d. Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- f. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.
- g. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g. Section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

**SECTION 4. - Discrimination in the Financing of a House**

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, color, religion, sex, handicap, familial status, or national origin of such person, or of any person therein associated in connection with such financing.

**SECTION 5. - Administration**

- a. There is hereby created a Fair Housing Committee whose membership shall consist of five members, the Mayor and the four Aldermen.
- b. Every complaint of a violation of this ordinance shall be referred to a Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.
- d. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development, as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable state statutes.

**SECTION 6. - Enforcement**

- a. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of (not more than) \$500.00, or by confinement in the City jail for (not more than) 0 days, or both such fine and imprisonment.
- b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

**SECTION 7. - Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 8. - Savings Clause**

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Osborn existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Read the third time and passed, approved, and adopted by the City Council of the City of Osborn, Missouri, this 21<sup>st</sup> day of April 2011.

MAYOR \_\_\_\_\_

SEAL

ATTEST

\_\_\_\_\_  
CITY CLERK

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- b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

**SECTION 7. - Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 8. - Savings Clause**

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Osborn existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Read the third time and passed, approved, and adopted by the City Council of the City of Osborn, Missouri, this 21<sup>st</sup> day of April 2011.

MAYOR \_\_\_\_\_

SEAL

ATTEST

\_\_\_\_\_  
CITY CLERK

# CITY OF OSBORN, INC.

## CITY 5% BY DRINK LIQUOR LICENSE

STATE OF MISSOURI  
COUNTY OF CLINTON/DEKALB  
CITY OF OSBORN, INC.

**LICENSEE:**

**THE OSBORN FIREFIGHTERS  
EAST WELLS STREET  
OSBORN, MO 64474**

KNOWN BY ALL PRESENT THAT:

THE CITY OF OSBORN, DEKALB AND CLINTON COUNTIES, MISSOURI PRUSUANT TO ORDINANCES DOES HEREBY GRANT THE OSBORN FIREFIGHTERS, A LICENSE, TO SELL AT RETAIL, 5% BY DRINK LIQUOR AT THE OSBORN BALL FIELD, LOCATED AT EAST WELLS STREET WITHIN THE CITY LIMITS OF THE CITY OF OSBORN, MISSOURI DURING THE ADULT T-BALL TOURNAMENT FUNDRAISER SEPTEMBER 9 THROUGH SEPTEMBER 11, 2011. THE LICENSEE HERIN DOES AGREE TO COMPLY WITH ALL THE PROVISIONS OF ORDINANCE 2011-08 OF THE CITY OF OSBORN, MISSOURI, AND THE STATUTES OF THE STATE OF MISSOURI PERTAINING TO THE SCALE OF INTOXICATING BEVERAGES.

THIS LICENSE MUST BE PROMINENTLY DISPLAYED IN THE PLACE OF BUSINESS.

ANNUAL FEE: WAIVED

DATES OF USE: SEPTEMBER 9<sup>TH</sup>, 10<sup>TH</sup>, AND 11<sup>TH</sup> 2011

DATED THIS 13<sup>TH</sup> DAY OF JULY, 2011

ATTEST:

\_\_\_\_\_  
CITY CLERK, JODY BARLOW

\_\_\_\_\_  
MAYOR, JENNIFER BURWELL

**Sample Lawn Watering Ordinance**

**RESOLUTION ESTABLISHING LAWN WATERING RESTRICTIONS**

**WHEREAS**, the \_\_\_\_\_ Public Utilities municipal water supply system may reach critical levels due to summer peak usage; and

**WHEREAS**, a possibility of water shortage is made more critical by hot and dry weather conditions; and

**WHEREAS**, lack of adequate water pressure could cause serious fire protection problems; and

**WHEREAS**, it has been determined that a watering ban must be implemented in order to assure the safety and well being of the residents of the City of \_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of \_\_\_\_\_, hereby establishes restrictions for all residential, commercial and industrial users of the Utilities' water system;

1. The Superintendent of Public Works shall be given the authority to implement emergency restrictions to restrict water use during emergency periods. The Superintendent of Public Works shall notify municipal system users of a watering ban by publishing notice in the \_\_\_\_\_ (newspaper) and on \_\_\_\_\_ (local television station).
2. Residents with an odd house number shall water lawns or wash cars when necessary only on odd-numbered calendar days, and those with even-numbered addresses shall water lawns or wash cars only on even-numbered days. Lawns shall not be watered between the hours of 10:00 am and 6:00 pm.
3. An exception may be granted for recently established lawns. Those lawns may be watered daily for up to one month after installation, but only during the hours listed above.
4. In extreme emergency cases, the Superintendent of Public Works shall have the authority to issue a total watering ban until such time that the emergency situation ceases to exist.
5. The penalty for violating the Utilities' watering ban shall be a warning for the first day of violation, a \$25.00 per day fine for the second violation, and a \$50.00 per day fine for the third violation.

Adopted by the City of \_\_\_\_\_, this date \_\_\_\_\_.

ATTEST: \_\_\_\_\_

**Bill No.: 2011-09**

**Ordinance No.: 2011-09**

**An Ordinance approving the Public Tax Levy Rate for 2011.**

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSBORN, MISSOURI THAT:

The levy for the year 2011 shall be in the sum of 0.7456 (seventy-five) cents per one hundred dollar valuation. The Levy proceeds going to the general fund.

**PASSED, SIGNED, AND APPROVED THIS 30<sup>th</sup> DAY OF AUGUST, 2011.**

---

Jennifer Burwell, Mayor

Attest:

---

Jody Barlow, City Clerk

**Bill No.: 2011-09**

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**PASSED, SIGNED, AND APPROVED THIS 30<sup>th</sup> DAY OF AUGUST, 2011.**

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Jennifer Burwell, Mayor

Attest:

---

Jody Barlow, City Clerk

**AN ORDINANCE PROVIDING FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF OSBORN, MISSOURI; PROVIDING FOR THE MANDATORY COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF SOLID WASTE, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, INCLUDING THE IMPROPER DISPOSAL OF SOLID WASTE**

WHEREAS, THE CITY OF OSBORN, MISSOURI, is charged with the responsibility of promoting the health, welfare and safety of its residence by regulating all threats to the comfort, safety and welfare of the populous; and

WHEREAS, the preservation of the public health is recognized as the goal of the highest priority; and

WHEREAS, the accumulation of solid waste, trash, garbage, and other refuse, is a serious threat to the public health and well-being of all residents of the City of Osborn, Missouri;

WHEREAS, it is the intent of this Ordinance to remove solid waste from the community not only as a convenience to its residents, but more importantly to protect the public health by regulating the collection and disposal of solid waste thereby eliminating a source of filth, menace and disease.

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

**SECTION 1. DEFINITIONS:**

For the purposes of this ordinance the following terms shall be deemed to have the meaning indicated below:

**BULKY RUBBISH** – non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

**CITY** – The City of Osborn, Missouri.

**COLLECTION** – The collection, removal and transportation of all solid waste from its place of storage and transporting it to its place of processing or disposal.

**DEMOLITION AND CONSTRUCTION WASTE** – waste materials from the construction or destruction of residential, industrial or commercial structures.

DISPOSABLE SOLID WASTE CONTAINER – disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

DWELLING UNIT – any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE – any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms (subsection 260.36 (9) of the Missouri Hazardous Waste Management Law).

OCCUPANT – any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON – any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING – incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE – unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

a) Commercial solid waste – solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

b) Residential solid waste – solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE COLLECTOR – a person, firm, or corporation who has satisfied the permit requirements of this article in order to collect, transport and dispose of solid waste.

SOLID WASTE CONTAINER – receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL – the process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT – the entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE – keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION – the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES – grass clippings, leaves, tree trimmings.

## **SECTION 2. SOLID WASTE STORAGE:**

SECTION 2.1 – The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 2.2 – The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

SECTION 2.3 – Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Council may also be used for storage of residential solid waste.

SECTION 2.4 – Commercial solid waste shall be stored in solid waste containers as approved by the Council. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.

SECTION 2.5 – Tree limbs less than 4” in diameter and brush shall be securely tied in bundles not larger than 48” long and 18” in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.

SECTION 2.6 – Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

Section 2.7 – Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

### **SECTION 3. COLLECTION OF SOLID WASTE:**

SECTION 3.1 – The City shall provide for the collection of solid waste as follows:

1. Effective January 1, 2012, the City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
2. No person except the City's Principal Contractor, shall engage in the business of collecting, transporting, processing or disposing of solid residential waste within the corporate limits of the City.
3. Every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall seek collection of solid waste from a contractor of their choosing. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

SECTION 3.2 – All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Council.

SECTION 3.3 – Tree limbs and yard wastes, as described in Sections 2.5 and 2.6 respectively, shall be placed at the curb for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day, or the evening before.

SECTION 3.4 – Bulky rubbish shall be collected at least once annually. The Council shall establish the procedure for collecting bulky rubbish.

SECTION 3.5 – Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste

collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

SECTION 3.6 – The following collection frequencies shall apply to collections of solid waste within the city:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least forty-eight (48) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Council or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

SECTION 3.7 – Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

SECTION 3.8 – Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 3.9 – All solid waste generated from premises in the City shall be collected by the solid waste collector, subject to such rules and regulations of the director, or subject to such rules and regulations of the solid waste collector as approved by the Council. All solid waste shall, upon being placed at the area of collection, become the property of the solid waste collector.

#### **SECTION 4. TRANSPORTATION OF SOLID WASTE:**

SECTION 4.1 – All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof, shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 4.2 – Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 4.3 – Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

**SECTION 5. DISPOSAL OF SOLID WASTE:**

SECTION 5.1 – Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., or any subsequent law, and the rules and regulations adopted thereunder, or any applicable law of state where the processing facility or disposal area is located, and any applicable federal law, rule or regulation.

SECTION 5.2 – Hazardous wastes under provisions will require special handling and shall be disposed of only a manner authorized by State regulations.

**SECTION 6. RULES AND REGULATIONS:**

The City Council or authorized representative shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- b) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- c) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- e) Storage of solid waste in solid waste containers.
- f) Sanitation, maintenance and replacement of solid waste containers.
- g) Schedules of and routes for collection and transportation of solid waste.
- h) Collection points of solid waste containers.
- i) Collection, transportation, processing and disposal of solid waste.
- j) Processing facilities and fees for the use thereof.
- k) Disposal facilities and fees for the use thereof.
- l) Records of quantity and type of wastes received at processing and/or disposal facilities.
- m) Handling of special wastes such as sludge's, ashes, agricultural, construction, bulky items, tires, automobiles, oils, greases, etc.
- n) Size limitations of collection vehicles.

The City Clerk or such other City official, who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

### **SECTION 7. PROHIBITED PRACTICES:**

It shall be unlawful for any person to:

- 1) deposit solid waste in any solid waste container of any other person, with the intent of avoiding payment of any contractor's fee or charge;
- 2) interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of a solid waste collection agency operating under contract with the City or under contract with any other person;
- 3) burn household generated solid waste;
- 4) fail to have solid waste collected as provided in this ordinance;
- 5) dispose of solid waste at any facility or location which is not approved by the Missouri Division of Health;
- 6) engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked,
- 7) or fail to otherwise comply with the provisions of this Ordinance.

### **SECTION 8. SERVICE CHARGE:**

The City shall enter into a contract or contracts, for residential services, for a period not to exceed two years with one solid waste hauler, to provide uniform waste hauling services to City residents, which contract or contracts shall in all respects otherwise comply with the requirements of this Ordinance.

A monthly billing of service charge will be included with billings of water charges and payable under the same conditions as the water charges.

With respect to the collection of residential solid waste, the waste hauler shall be entitled to a separate service charge for each residential dwelling unit. It shall be presumed for purposes of this ordinance that every City non-commercial water meter services an individual residential dwelling unit unless the owner thereof can establish otherwise to the satisfaction of the City Clerk. Payment of the aforesaid service charge shall be the responsibility of the occupant of the residential dwelling unit in whose name the said water meter is registered. The City Clerk shall be responsible for ensuring one service charge is collected for the collection of residential solid waste from each residential dwelling unit producing the same, including from those units not using metered City water. The City Clerk may from time to time make necessary adjustments in billing to reach that end.

Any waste collection service and service charge for residential solid waste collection shall be terminated upon presentation of satisfactory proof to the City Clerk that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

**SECTION 9. NOTIFICATION TO OWNER OF SUBSTITUTE COLLECTION:**

If the city approved collector of solid waste notifies the City it is no longer collecting said solid waste, then the City shall notify the owner and resident of the location where said solid waste has ceased to be collected and to provide within forty-eight (48) hours verification that they are causing said solid waste to be collected and disposed in a manner consistent with this ordinance, and failure to do so shall be a violation of this ordinance permissible by penalties herein provided.

**SECTION 10. PENALTIES:**

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Five (\$5.00) Dollars nor more than Five Hundred (\$500.00) Dollars; provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

**SECTION 11. BONDS:**

No permit shall be issued until the contractor has filed with the City a certificate check, performance bond or other security payable to the City of Osborn in the amount of (\$5,000.00) Dollars conditioned that he will observe the provisions of this chapter and all ordinances of the City and pay all taxes, licenses, fees and fines, penalties and forfeitures that may be adjudged against him under the ordinances of the City.

**SECTION 12. SEVERABILITY CLAUSE:**

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon November 9, 2011.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF OSBORN, MISSOURI THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2011.

\_\_\_\_\_  
MAYOR, Jennifer Burwell

ATTEST:

\_\_\_\_\_  
CITY CLERK, Jody Barlow

**AN ORDINANCE PROVIDING FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF OSBORN, MISSOURI; PROVIDING FOR THE MANDATORY COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF SOLID WASTE, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, INCLUDING THE IMPROPER DISPOSAL OF SOLID WASTE**

WHEREAS, THE CITY OF OSBORN, MISSOURI, is charged with the responsibility of promoting the health, welfare and safety of its residence by regulating all threats to the comfort, safety and welfare of the populous; and

WHEREAS, the preservation of the public health is recognized as the goal of the highest priority; and

WHEREAS, the accumulation of solid waste, trash, garbage, and other refuse, is a serious threat to the public health and well-being of all residents of the City of Osborn, Missouri;

WHEREAS, it is the intent of this Ordinance to remove solid waste from the community not only as a convenience to its residents, but more importantly to protect the public health by regulating the collection and disposal of solid waste thereby eliminating a source of filth, menace and disease.

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

**SECTION 1. DEFINITIONS:**

For the purposes of this ordinance the following terms shall be deemed to have the meaning indicated below:

**BULKY RUBBISH** – non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

**CITY** – The City of Osborn, Missouri.

**COLLECTION** – The collection, removal and transportation of all solid waste from its place of storage and transporting it to its place of processing or disposal.

**DEMOLITION AND CONSTRUCTION WASTE** – waste materials from the construction or destruction of residential, industrial or commercial structures.

DISPOSABLE SOLID WASTE CONTAINER – disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

DWELLING UNIT – any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE – any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms (subsection 260.36 (9) of the Missouri Hazardous Waste Management Law).

OCCUPANT – any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON – any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING – incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE – unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

a) Commercial solid waste – solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

b) Residential solid waste – solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE COLLECTOR – a person, firm, or corporation who has satisfied the permit requirements of this article in order to collect, transport and dispose of solid waste.

SOLID WASTE CONTAINER – receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL – the process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT – the entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE – keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION – the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES – grass clippings, leaves, tree trimmings.

## **SECTION 2. SOLID WASTE STORAGE:**

SECTION 2.1 – The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 2.2 – The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

SECTION 2.3 – Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Council may also be used for storage of residential solid waste.

SECTION 2.4 – Commercial solid waste shall be stored in solid waste containers as approved by the Council. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.

SECTION 2.5 – Tree limbs less than 4” in diameter and brush shall be securely tied in bundles not larger than 48” long and 18” in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.

SECTION 2.6 – Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

Section 2.7 – Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

### **SECTION 3. COLLECTION OF SOLID WASTE:**

SECTION 3.1 – The City shall provide for the collection of solid waste as follows:

1. Effective January 1, 2012, the City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
2. No person except the City's Principal Contractor, shall engage in the business of collecting, transporting, processing or disposing of solid residential waste within the corporate limits of the City.
3. Every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall seek collection of solid waste from a contractor of their choosing. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

SECTION 3.2 – All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Council.

SECTION 3.3 – Tree limbs and yard wastes, as described in Sections 2.5 and 2.6 respectively, shall be placed at the curb for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day, or the evening before.

SECTION 3.4 – Bulky rubbish shall be collected at least once annually. The Council shall establish the procedure for collecting bulky rubbish.

SECTION 3.5 – Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste

collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

SECTION 3.6 – The following collection frequencies shall apply to collections of solid waste within the city:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least forty-eight (48) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Council or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

SECTION 3.7 – Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

SECTION 3.8 – Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 3.9 – All solid waste generated from premises in the City shall be collected by the solid waste collector, subject to such rules and regulations of the director, or subject to such rules and regulations of the solid waste collector as approved by the Council. All solid waste shall, upon being placed at the area of collection, become the property of the solid waste collector.

#### **SECTION 4. TRANSPORTATION OF SOLID WASTE:**

SECTION 4.1 – All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof, shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 4.2 – Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 4.3 – Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

#### **SECTION 5. DISPOSAL OF SOLID WASTE:**

SECTION 5.1 – Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., or any subsequent law, and the rules and regulations adopted thereunder, or any applicable law of state where the processing facility or disposal area is located, and any applicable federal law, rule or regulation.

SECTION 5.2 – Hazardous wastes under provisions will require special handling and shall be disposed of only a manner authorized by State regulations.

#### **SECTION 6. RULES AND REGULATIONS:**

The City Council or authorized representative shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- b) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- c) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- e) Storage of solid waste in solid waste containers.
- f) Sanitation, maintenance and replacement of solid waste containers.
- g) Schedules of and routes for collection and transportation of solid waste.
- h) Collection points of solid waste containers.
- i) Collection, transportation, processing and disposal of solid waste.
- j) Processing facilities and fees for the use thereof.
- k) Disposal facilities and fees for the use thereof.
- l) Records of quantity and type of wastes received at processing and/or disposal facilities.
- m) Handling of special wastes such as sludge's, ashes, agricultural, construction, bulky items, tires, automobiles, oils, greases, etc.
- n) Size limitations of collection vehicles.

The City Clerk or such other City official, who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

#### **SECTION 7. PROHIBITED PRACTICES:**

It shall be unlawful for any person to:

- 1) deposit solid waste in any solid waste container of any other person, with the intent of avoiding payment of any contractor's fee or charge;
- 2) interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of a solid waste collection agency operating under contract with the City or under contract with any other person;
- 3) burn household generated solid waste;
- 4) fail to have solid waste collected as provided in this ordinance;
- 5) dispose of solid waste at any facility or location which is not approved by the Missouri Division of Health;
- 6) engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked,
- 7) or fail to otherwise comply with the provisions of this Ordinance.

#### **SECTION 8. SERVICE CHARGE:**

The City shall enter into a contract or contracts, for residential services, for a period not to exceed two years with one solid waste hauler, to provide uniform waste hauling services to City residents, which contract or contracts shall in all respects otherwise comply with the requirements of this Ordinance.

A monthly billing of service charge will be included with billings of water charges and payable under the same conditions as the water charges.

With respect to the collection of residential solid waste, the waste hauler shall be entitled to a separate service charge for each residential dwelling unit. It shall be presumed for purposes of this ordinance that every City non-commercial water meter services an individual residential dwelling unit unless the owner thereof can establish otherwise to the satisfaction of the City Clerk. Payment of the aforesaid service charge shall be the responsibility of the occupant of the residential dwelling unit in whose name the said water meter is registered. The City Clerk shall be responsible for ensuring one service charge is collected for the collection of residential solid waste from each residential dwelling unit producing the same, including from those units not using metered City water. The City Clerk may from time to time make necessary adjustments in billing to reach that end.

Any waste collection service and service charge for residential solid waste collection shall be terminated upon presentation of satisfactory proof to the City Clerk that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

**SECTION 9. NOTIFICATION TO OWNER OF SUBSTITUTE COLLECTION:**

If the city approved collector of solid waste notifies the City it is no longer collecting said solid waste, then the City shall notify the owner and resident of the location where said solid waste has ceased to be collected and to provide within forty-eight (48) hours verification that they are causing said solid waste to be collected and disposed in a manner consistent with this ordinance, and failure to do so shall be a violation of this ordinance permissible by penalties herein provided.

**SECTION 10. PENALTIES:**

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Five (\$5.00) Dollars nor more than Five Hundred (\$500.00) Dollars; provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

**SECTION 11. BONDS:**

No permit shall be issued until the contractor has filed with the City a certificate check, performance bond or other security payable to the City of Osborn in the amount of (\$5,000.00) Dollars conditioned that he will observe the provisions of this chapter and all ordinances of the City and pay all taxes, licenses, fees and fines, penalties and forfeitures that may be adjudged against him under the ordinances of the City.

**SECTION 12. SEVERABILITY CLAUSE:**

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon November 9, 2011.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF OSBORN,  
MISSOURI THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2011.

---

MAYOR, Jennifer Burwell

ATTEST:

---

CITY CLERK, Jody Barlow

---

**AN ORDINANCE REPEALING ALL OTHER ORDINANCES, ALCOHOLIC BEVERAGES, LICENSES AND BUSINESS REGULATIONS WITH RESPECT TO PUBLIC SALE AND CONSUMPTION OF NON-INTOXICATING BEER, MALT LIQUOR AND WINE WITHIN THE CITY OF OSBORN, MISSOURI AND ENACTING A NEW TEMPORARY ORDINANCE THEREIN**

---

**WHERE AS**, an adult t-ball tournament fundraiser will be held in the City of Osborn from September 9 through September 11, 2011; and

**WHERE AS**, the Osborn Fire Fighters duly licensed and authorized, intend to establish defined venues for public sale and consumption of non-intoxicating beer, malt liquor, and wine; and

**WHERE AS**, the City of Osborn recognized the necessity of limiting public sale and consumption of alcoholic beverages of all types to a well-defined area.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSBORN, DEKALB AND CLINTON COUNTIES, MISSOURI, AS FOLLOWS:**

**SECTION 1.** A new ordinance shall be enacted as follows:

**Drinking in public allowed.**

During the adult t-ball tournament fundraiser, September 9 – September 11, 2011, non-intoxicating beer, malt liquor, and wine may be sold and consumed during the hours of opening and closing of premises established by the Osborn Firefighters, licensed vendors, at the following public location, where sale and consumption shall not constitute a violation of Drinking in Public Ordinances:

Location: The Osborn Ball Field premises located at East Wells Street, Osborn, Missouri.

Operation of a “beer garden” on said premises shall not constitute a violation of drinking in public of which said ordinance shall otherwise remain in full force and effect but for the afore described location and dates.

**SECTION 2.** The Mayor is authorized to sign this Ordinance.

**SECTION 3.** The City Clerk is directed to attest to the Mayor’s signature.

**SECTION 4.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times, **PASSED** and **APPROVED** by the Board of Alderman this 13<sup>th</sup> day of  
July, 2011

\_\_\_\_\_  
Jennifer Burwell, Mayor

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION AND THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATION THEREOF; IN THE CITY OF OSBORN, COUNTY OF DEKALB AND CLINTON, STATE OF MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSBORN, MISSOURI, AS FOLLOWS:

**ARTICLE I**

**SECTION 1.** The following Rules and Regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. All such changes must be approved by the State Director of the Rural Development, United States Department of Agriculture, or his successor, so long as the municipality has unpaid obligations which are held by or insured by the United States of America. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

**ARTICLE II**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

**SECTION 1** “BOD” (denoting Biochemical Oxygen-Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

**SECTION 2** “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**SECTION 3** “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

**SECTION 4** “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

SECTION 5 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

SECTION 6 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

SECTION 7 “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

SECTION 8 “Person” shall mean any individual, firm, company, association, society, corporation or group.

SECTION 9 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SECTION 10 “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

SECTION 11 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SECTION 12 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SECTION 13 “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SECTION 14 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

SECTION 15 “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 16 “Sewer” shall mean a pipe or conduit for carrying sewage.

SECTION 17 “Shall” is mandatory; “May” is permissive.

SECTION 18 “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SECTION 19 “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SECTION 20 “Superintendent” shall mean the Superintendent of the Municipal Sewer Works of the City of Osborn, Missouri, or his authorized deputy, agent or representative.

SECTION 21 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

SECTION 22 “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 23 “Municipality” shall mean the City of Osborn, Missouri.

SECTION 24 “State Director” shall mean the State Director of Rural Development for Missouri, United States Department of Agriculture, or his successor.

SECTION 25 “Applicant” shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

SECTION 26 “Board” shall mean the Board of Alderman of the City of Osborn, Missouri.

SECTION 27 “Inspector” shall mean the person or persons duly authorized by the Board of Alderman to inspect and approve the installation of building sewers and their connection to the public sewer system.

### **ARTICLE III**

SECTION 1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Osborn, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

SECTION 2 It shall be unlawful to discharge to any natural outlet within the City of Osborn, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

SECTION 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

SECTION 4 The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

## ARTICLE IV

SECTION 1 Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

SECTION 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Inspector. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid to the City at the time the application is filed.

SECTION 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the Inspector if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.

SECTION 4 The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 5 At such times a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IV, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

SECTION 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.

SECTION 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## ARTICLE V

SECTION 1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Inspector.

SECTION 2 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of twenty-five Dollars (\$25.00) for a residential or commercial building sewer permit and fifty Dollars (\$50.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

SECTION 3 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear or another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.

SECTION 6 The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions, utilization of industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance will apply.

SECTION 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 8 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 9 The connection of the building sewer into the public sewer shall conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the City or, in the absence of code provisions, utilize industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

SECTION 10 The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

SECTION 11 All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard, streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

## ARTICLE VI

SECTION 1 No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer or natural outlet.

SECTION 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight or (2) containing more than 350 parts per million by weight of suspended solids or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 4 No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)<sup>o</sup> F (65<sup>o</sup>C).
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150)<sup>o</sup> F (0 and 65<sup>o</sup> C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector.
- (d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Inspector for such materials.
- (f) Any waters or wastes containing phenols or other taste – or odor – producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having pH in excess of 9.5.
- (i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
  3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment work.
  4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article and, which in the judgment of the Inspector, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Inspector may:

- (a) Reject the wastes
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers
- (c) Require control over the quantities and rates of discharge and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

If the inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Inspector and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6 Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**SECTION 8** When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**SECTION 9** All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

**SECTION 10** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

## **ARTICLE VII**

**SECTION 1** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## **ARTICLE VIII**

**SECTION 1** The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 2 While performing the necessary work on private properties referred to in Article VIII, Section 1 above, the Inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 8.

SECTION 3 The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE IX**

SECTION 1 Any person found to be violating any provision of this ordinance except Article VII shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2 Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding One Hundred (\$100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offence.

SECTION 3 Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City- by reason of such violation.

## **ARTICLE X**

SECTION 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2 The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## **ARTICLE XI**

SECTION 1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as by law provided.

SECTION 2 Passed and approved by the Board of Alderman of the City of Osborn, Missouri on the 9th day of February, 2011 by the following vote:

AYES: 4;      Namely      Deanna Bradford  
   Norman Baumgarden  
   Dale Stinson  
   Mallory Hamann

NAYS: 0      Namely

APPROVED this 20th day of January, 2011

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Mayor

Scott McKay, Mayor

ATTEST:

---

Clerk

Jody Barlow, City Clerk

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**AN ORDINANCE REPEALING ALL OTHER ORDINANCES, ALCOHOLIC BEVERAGES, LICENSES AND BUSINESS REGULATIONS WITH RESPECT TO PUBLIC SALE AND CONSUMPTION OF NON-INTOXICATING BEER, MALT LIQUOR AND WINE WITHIN THE CITY OF OSBORN, MISSOURI AND ENACTING A NEW TEMPORARY ORDINANCE THEREIN**

---

**WHERE AS**, an adult t-ball tournament fundraiser will be held in the City of Osborn from September 9 through September 11, 2011; and

**WHERE AS**, the Osborn Fire Fighters duly licensed and authorized, intend to establish defined venues for public sale and consumption of non-intoxicating beer, malt liquor, and wine; and

**WHERE AS**, the City of Osborn recognized the necessity of limiting public sale and consumption of alcoholic beverages of all types to a well-defined area.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSBORN, DEKALB AND CLINTON COUNTIES, MISSOURI, AS FOLLOWS:**

**SECTION 1.** A new ordinance shall be enacted as follows:

**Drinking in public allowed.**

During the adult t-ball tournament fundraiser, September 9 – September 11, 2011, non-intoxicating beer, malt liquor, and wine may be sold and consumed during the hours of opening and closing of premises established by the Osborn Firefighters, licensed vendors, at the following public location, where sale and consumption shall not constitute a violation of Drinking in Public Ordinances:

Location: The Osborn Ball Field premises located at East Wells Street, Osborn, Missouri.

Operation of a “beer garden” on said premises shall not constitute a violation of drinking in public of which said ordinance shall otherwise remain in full force and effect but for the afore described location and dates.

**SECTION 2.** The Mayor is authorized to sign this Ordinance.

**SECTION 3.** The City Clerk is directed to attest to the Mayor’s signature.

**SECTION 4.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times, **PASSED** and **APPROVED** by the Board of Alderman this 13<sup>th</sup> day of  
July, 2011

---

Jennifer Burwell, Mayor

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

---

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During the adult t-ball tournament fundraiser, September 9 – September 11, 2011, non-intoxicating beer, malt liquor, and wine may be sold and consumed during the hours of opening and closing of premises established by the Osborn Firefighters, licensed vendors, at the following public location, where sale and consumption shall not constitute a violation of Drinking in Public Ordinances:

Location: The Osborn Ball Field premises located at East Wells Street, Osborn, Missouri.

Operation of a “beer garden” on said premises shall not constitute a violation of drinking in public of which said ordinance shall otherwise remain in full force and effect but for the afore described location and dates.

**SECTION 2.** The Mayor is authorized to sign this Ordinance.

**SECTION 3.** The City Clerk is directed to attest to the Mayor’s signature.

**SECTION 4.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times, **PASSED** and **APPROVED** by the Board of Alderman this 13<sup>th</sup> day of  
July, 2011

\_\_\_\_\_  
Jennifer Burwell, Mayor

Attest: \_\_\_\_\_  
City Clerk, Jody Barlow

**BILL NO. 2011-11**

**ORDINANCE NO. 2011-11**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRASH  
CONTRACT BETWEEN THE CITY OF OSBORN, MISSOURI AND  
R&W CONTAINER LLC.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OSBORN, MISSOURI, THAT:**

**SECTION 1.** The agreement attached hereto as Exhibit “A” and incorporated herein by reference is approved as a contractual obligation of the City of Osborn, Missouri.

**SECTION 2.** The Mayor and the City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Osborn, Missouri, and to affix the municipal seal thereto and attest the same.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Osborn, Missouri, this 13<sup>th</sup> day of December, 2011.

---

Mayor, Jennifer Burwell

(seal)  
ATTEST:

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City Clerk, Jody Barlow

**BILL NO. 2011-11**

**ORDINANCE NO. 2011-11**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRASH CONTRACT BETWEEN THE CITY OF OSBORN, MISSOURI AND R&W CONTAINER LLC.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSBORN, MISSOURI, THAT:**

**SECTION 1.** The agreement attached hereto as Exhibit “A” and incorporated herein by reference is approved as a contractual obligation of the City of Osborn, Missouri.

**SECTION 2.** The Mayor and the City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Osborn, Missouri, and to affix the municipal seal thereto and attest the same.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Osborn, Missouri, this 13<sup>th</sup> day of December, 2011.

---

Mayor, Jennifer Burwell

(seal)  
ATTEST:

---

City Clerk, Jody Barlow

**PUBLISHING FINANCIAL STATEMENTS RESOLUTION**

**Whereas, Section 79.160 Missouri Revised Statutes requires fourth class cities to set the publication dates of their six month financial statements;**

**Therefore let it be resolved that the City of Osborn, Missouri will publish the city's six month financial statements during the first week in May and the first week in November.**

**Passed and adopted by the Board of Alderman of the City of Osborn, State of Missouri, on October 12, 2011.**

---

*Mayor, Jennifer Burwell*

Attest:

---

*City Clerk, Jody Barlow*

**PUBLISHING FINANCIAL STATEMENTS RESOLUTION**

**Whereas, Section 79.160 Missouri Revised Statutes requires fourth class cities to set the publication dates of their six month financial statements;**

**Therefore let it be resolved that the City of Osborn, Missouri will publish the city's six month financial statements during the first week in May and the first week in November.**

**Passed and adopted by the Board of Alderman of the City of Osborn, State of Missouri, on October 12, 2011.**

\_\_\_\_\_  
*Mayor, Jennifer Burwell*

Attest:

\_\_\_\_\_  
*City Clerk, Jody Barlow*

**AN ORDINANCE TO PROHIBIT THE PARKING OF ROAD TRACTORS AND OTHER TRUCKS ON THE STREETS AND ALLEYWAYS OF THE CITY OF OSBORN, MISSOURI ASSESSING THE PENALTY THEREFORE AND ESTABLISHING THE EFFECTIVE DATE HEREOF.**

Be it Ordained by the Board of Aldermen of the City of Osborn, Missouri As Follows:

- Section 1.** It is hereby declared a misdemeanor for any person, firm or corporation to park any Road Tractor or any straight truck with a licensed gross weight capacity of 30,000 pounds or more upon the streets and alleyways, including Clinton Ave and the right of way, of the City of Osborn, Missouri for a period of time in excess of one (1) hour except for unloading merchandise or cargo.
- Section 2.** Upon conviction for violation of this ordinance the person, firm or corporation shall be fined not less than \$10.00 nor more than \$500.00.
- Section 3.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE IS PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF March 2011.

\_\_\_\_\_  
Scott McKay, Mayor

ATTEST:

\_\_\_\_\_  
Jody Barlow, City Clerk

**AN ORDINANCE TO PROHIBIT THE PARKING OF ROAD TRACTORS AND OTHER TRUCKS ON THE STREETS AND ALLEYWAYS OF THE CITY OF OSBORN, MISSOURI ASSESSING THE PENALTY THEREFORE AND ESTABLISHING THE EFFECTIVE DATE HEREOF.**

Be it Ordained by the Board of Aldermen of the City of Osborn, Missouri As Follows:

- Section 1.** It is hereby declared a misdemeanor for any person, firm or corporation to park any Road Tractor or any straight truck with a licensed gross weight capacity of 30,000 pounds or more upon the streets and alleyways, including Clinton Ave and the right of way, of the City of Osborn, Missouri for a period of time in excess of one (1) hour except for unloading merchandise or cargo.
- Section 2.** Upon conviction for violation of this ordinance the person, firm or corporation shall be fined not less than \$10.00 nor more than \$500.00.
- Section 3.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE IS PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF March 2011.

\_\_\_\_\_  
Scott McKay, Mayor

ATTEST:

\_\_\_\_\_  
Jody Barlow, City Clerk

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**AN ORDINANCE AMENDING ARTICLE IV SECTION 3 OF ORDINANCE 198 – SEWERAGE SYSTEM; OF THE CODE OF ORDINANCES OF THE CITY OF OSBORN, MISSOURI BY ESTABLISHING WASTEWATER RATES TO BE CHARGED BY THE CITY OF OSBORN, TO RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WASTEWATER CUSTOMERS.**

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**WHERE AS**, the City operates and maintains wastewater treatment works for the provision of a municipal wastewater system; and

**WHERE AS**, the City must pay the operation and maintenance expenses associated with said wastewater treatment system and must charge the users of such treatment works accordingly; and

**WHERE AS**, the board of Alderman have determined and declared it to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges for all users of the City’s sewer system; and

**WHERE AS**, the proceeds derived from such charges will be used for the purpose of operating and maintaining said sewer system;

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

**SECTION 1. Sewer rates established.**

(a.) The following rates and charges for the use and services of the sewerage system of the City based on the amount of water billed, are hereby, established for meter readings taken at the regular scheduled time during the month of April 2011 until otherwise voted by the Board of Aldermen of the City of Osborn. The City will review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of Operation and Maintenance. The City of Osborn shall have and receive, each month, as compensation for sewer services as follows:

MONTHLY SEWER RATE SCHEDULE  
RESIDENTAL, COMMERCIAL, AND INDUSTRIAL  
Beginning April 2011

<u>VOLUME OF WATER USED</u>	<u>RATES TO BE CHARGED</u>
0 to 1,000 gallons	\$ 12.09
1,001 to 2,000 gallons	\$ 4.76 per 1,000 gallons
2,001 to 5,000 gallons	\$ 4.76 per 1,000 gallons
5,001 to 10,000 gallons	\$ 4.76 per 1,000 gallons
10,001 to 20,000 gallons	\$ 4.76 per 1,000 gallons
20,001 to 100,000 gallons	\$ 4.76 per 1,000 gallons
100,001 and over gallons	\$ 4.76 per 1,000 gallons

**SECTION 2. Charge for sewerage service only; or where water is not metered.**

Whenever any charge for a sewerage service is made to any lot, parcel of land, or premises which is not supplied with water, or where there is no water meter, the monthly charge shall be \$ 32.13 for all residential customers as determined by the City.

**SECTION 3.** Ordinance 2010-04, adopted on March 31, 2010, is hereby repealed.

**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 5.** The forgoing changes are the only modifications or amendments of Ordinance 198, intended by this action of the board of Aldermen and in all other respects Ordinance 198 shall remain in full force and effect as enacted and heretofore amended.

**SECTION 6.** This Ordinance shall be in full force and effect from and after the date of passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Scott McKay, Mayor

Attest: \_\_\_\_\_  
Jody Barlow, City Clerk

---

**AN ORDINANCE AMENDING ARTICLE IV SECTION 3 OF ORDINANCE 198 – SEWERAGE SYSTEM; OF THE CODE OF ORDINANCES OF THE CITY OF OSBORN, MISSOURI BY ESTABLISHING WASTEWATER RATES TO BE CHARGED BY THE CITY OF OSBORN, TO RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WASTEWATER CUSTOMERS.**

---

**WHERE AS**, the City operates and maintains wastewater treatment works for the provision of a municipal wastewater system; and

**WHERE AS**, the City must pay the operation and maintenance expenses associated with said wastewater treatment system and must charge the users of such treatment works accordingly; and

**WHERE AS**, the board of Alderman have determined and declared it to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges for all users of the City's sewer system; and

**WHERE AS**, the proceeds derived from such charges will be used for the purpose of operating and maintaining said sewer system;

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

**SECTION 1. Sewer rates established.**

(a.) The following rates and charges for the use and services of the sewerage system of the City based on the amount of water billed, are hereby, established for meter readings taken at the regular scheduled time during the month of April 2011 until otherwise voted by the Board of Aldermen of the City of Osborn. The City will review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of Operation and Maintenance. The City of Osborn shall have and receive, each month, as compensation for sewer services as follows:

MONTHLY SEWER RATE SCHEDULE  
RESIDENTAL, COMMERCIAL, AND INDUSTRIAL  
Beginning April 2011

<u>VOLUME OF WATER USED</u>	<u>RATES TO BE CHARGED</u>
0 to 1,000 gallons	\$ 12.09
1,001 to 2,000 gallons	\$ 4.76 per 1,000 gallons
2,001 to 5,000 gallons	\$ 4.76 per 1,000 gallons
5,001 to 10,000 gallons	\$ 4.76 per 1,000 gallons
10,001 to 20,000 gallons	\$ 4.76 per 1,000 gallons
20,001 to 100,000 gallons	\$ 4.76 per 1,000 gallons
100,001 and over gallons	\$ 4.76 per 1,000 gallons

**SECTION 2. Charge for sewerage service only; or where water is not metered.**

Whenever any charge for a sewerage service is made to any lot, parcel of land, or premises which is not supplied with water, or where there is no water meter, the monthly charge shall be \$ 32.13 for all residential customers as determined by the City.

**SECTION 3.** Ordinance 2010-04, adopted on March 31, 2010, is hereby repealed.

**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 5.** The forgoing changes are the only modifications or amendments of Ordinance 198, intended by this action of the board of Aldermen and in all other respects Ordinance 198 shall remain in full force and effect as enacted and heretofore amended.

**SECTION 6.** This Ordinance shall be in full force and effect from and after the date of passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Scott McKay, Mayor

Attest: \_\_\_\_\_  
Jody Barlow, City Clerk

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**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE WW1970-2 WATER SYSTEM RATES; OF THE CODE OF ORDINANCES OF THE CITY OF OSBORN, MISSOURI BY ESTABLISHING WATER RATES TO BE CHARGED BY THE CITY OF OSBORN, TO RESIDENTIAL , COMMERCIAL, AND INDUSTRIAL WATER CUSTOMERS.**

---

**WHERE AS**, the City operates and maintains waterworks for the provision of a municipal water system; and

**WHERE AS**, the City must pay the operation and maintenance expenses associated with said waterworks system and must charge the users of such water accordingly; and

**WHERE AS**, the board of Alderman have determined and declared it to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges for all users of the City's water system; and

**WHERE AS**, the proceeds derived from such charges will be used for the purpose of operating and maintaining said water system;

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

**SECTION 1. Water rates established.**

The following rates and charges for the use and services of the waterworks system of the City based on the amount of water billed, are hereby, established for meter readings taken at the regular scheduled time during the month of April 2011 until otherwise voted by the Board of Aldermen of the City of Osborn. The City will review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of Operation and Maintenance. The City of Osborn shall have and receive, each month, as compensation for water services as follows:

MONTHLY WATER RATE SCHEDULE  
RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL  
Beginning April 2011

<u>VOLUME OF WATER USED</u>	<u>RATES TO BE CHARGED</u>
0 to 1,000 gallons	\$ 19.52
1,001 to 2,000 gallons	\$ 7.96 per 1,000 gallons
2,001 to 5,000 gallons	\$ 7.96 per 1,000 gallons
5,001 to 10,000 gallons	\$ 7.96 per 1,000 gallons
10,001 to 20,000 gallons	\$ 7.96 per 1,000 gallons
20,001 to 100,000 gallons	\$ 7.96 per 1,000 gallons
100,001 and over gallons	\$ 7.96 per 1,000 gallons

**SECTION 2.** Ordinance 2010-05, adopted on March 31, 2010, is hereby repealed.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4.** The forgoing changes are the only modifications or amendments of Ordinance WW1970-2, intended by this action of the board of Aldermen and in all other respects Ordinance WW1970-2, shall remain in full force and effect as enacted and heretofore amended.

**SECTION 5.** This Ordinance shall be in full force and effect from and after the date of passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Scott McKay, Mayor

Attest: \_\_\_\_\_  
Jody Barlow, City Clerk

---

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE WW1970-2 WATER SYSTEM RATES; OF THE CODE OF ORDINANCES OF THE CITY OF OSBORN, MISSOURI BY ESTABLISHING WATER RATES TO BE CHARGED BY THE CITY OF OSBORN, TO RESIDENTIAL , COMMERCIAL, AND INDUSTRIAL WATER CUSTOMERS.**

---

**WHERE AS**, the City operates and maintains waterworks for the provision of a municipal water system; and

**WHERE AS**, the City must pay the operation and maintenance expenses associated with said waterworks system and must charge the users of such water accordingly; and

**WHERE AS**, the board of Alderman have determined and declared it to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges for all users of the City's water system; and

**WHERE AS**, the proceeds derived from such charges will be used for the purpose of operating and maintaining said water system;

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

**SECTION 1. Water rates established.**

The following rates and charges for the use and services of the waterworks system of the City based on the amount of water billed, are hereby, established for meter readings taken at the regular scheduled time during the month of April 2011 until otherwise voted by the Board of Aldermen of the City of Osborn. The City will review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of Operation and Maintenance. The City of Osborn shall have and receive, each month, as compensation for water services as follows:

MONTHLY WATER RATE SCHEDULE  
RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL  
Beginning April 2011

<u>VOLUME OF WATER USED</u>	<u>RATES TO BE CHARGED</u>
0 to 1,000 gallons	\$ 19.52
1,001 to 2,000 gallons	\$ 7.96 per 1,000 gallons
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100,001 and over gallons	\$ 7.96 per 1,000 gallons

**SECTION 2.** Ordinance 2010-05, adopted on March 31, 2010, is hereby repealed.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4.** The forgoing changes are the only modifications or amendments of Ordinance WW1970-2, intended by this action of the board of Aldermen and in all other respects Ordinance WW1970-2, shall remain in full force and effect as enacted and heretofore amended.

**SECTION 5.** This Ordinance shall be in full force and effect from and after the date of passage and approval.

**PASSED** by the Board of Aldermen and **APPROVED** by the Mayor this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Scott McKay, Mayor

Attest: \_\_\_\_\_  
Jody Barlow, City Clerk