

Town of Carrollton

Office of Planning and Zoning

Date: November 25, 2024

Christopher Larsen
216 E. Benton
Carrollton, MO. 64633

RE: Property at: 216 E. Benton Carrollton, MO. 64633

NOTICE OF VIOLATION AND ORDER TO ABATE NUISANCE

This notice is to inform you that the property listed above, which you own or reside upon, is in violation of a City Ordinance under the provisions of:

Ordinance 2024-1487 Section 1
ECode 360 Section 405.1330 Special Fences
<https://ecode360.com/31004636#31004641>

Nuisance Described: Unauthorized fence material.

Abatement instructions: You need to apply for a fence permit and use the proper material authorized by the Town of Carrollton. Enclosed is the Ordinances that this violation pertains to.

It shall be the responsibility of the property owner or occupant to abate this violation in a legal manner. You have **10 days** from the date of this notice to abate this violation.

Ecode360 is a website used by the Town of Carrollton to access the Town of Carrollton Municipal Ordinances.

Right to a Hearing

During the time period above, you are entitled to a hearing. If you wish to request a hearing, contact this office. At said hearing, you will need to explain your reason for any delay or progress with the abatement process.

If the above violation has not been addressed following the above allotted time, the Town may take action to abate the violation. All costs incurred by the Town in the abatement shall be assessed against you. In addition to the possibility of a lien on the property, you may face other enforcement action, including fines and court costs.

If you have already remedied the nuisance as described above, or received this notice in error, please disregard this notice and no further action is needed upon your part.

Respectfully,



Richard Mounts
Planning & Zoning Administrator
660-542-0400
tocplanzone@gmail.com

Town of Carrollton, MO
Monday, November 25, 2024

Chapter 405. Zoning Regulations

Article XVI. Fence Regulations For All Residential Districts

Section 405.1110. Permits Required.

[Ord. No. 2015-1169 § 1, 7-6-2015]

It shall be unlawful to erect any fence over three and one-half (3 1/2) feet in height (excepting temporary garden protection fences within the lot interior) in the Town of Carrollton without first having filed, with the Carrollton Zoning Administrator, an application for a fence permit together with a sketch or diagram of the type of fencing, design, height, and its location and having obtained a permit approved by the Carrollton Zoning Administrator for its erection. There will be a fee of ten dollars (\$10.00) for such permit.

Section 405.1120. General Regulations.

[Ord. No. 2015-1169 § 1, 7-6-2015]

- A. No private fence shall be erected, permitted or maintained in any residential zoning district within the dedicated street right-of-way, or on any publicly traversed right-of-way. Fences over dedicated public drainage or on utility easements may be installed with written permissions from the Carrollton Zoning Administrator. Fences so permitted shall not deny or impede necessary official ingress or egress to the easement area.
- B. Every fence which creates a wholly enclosed area and adjoins an existing or proposed street right-of-way shall include a gate to provide access to the right-of-way.
- C. Fences may be located on or within the property lot lines in rear yards, side yards, and front yards unless prohibited by subdivision or deed restrictions.
- D. Rear Yard. Fences not exceeding eight (8) feet in height may be erected in the rear yard of any lot.
- E. Side Yard; Interior Lots. Fences not exceeding eight (8) feet in height may be erected in the side yard of any lot. Side yard fences, except on corner lots, may not extend forward past the front building line.
- F. Side Yard; Corner Lots. Side yard fences on corner building lots may be extended beyond that portion of the front building line abutting a side street to the front property line or right-of-way. Fence construction must comply with ordinances regarding sight lines at intersections.
- G. Front Yard. Front yard fences cannot exceed four (4) feet in height. Front yard fences on corner lots must comply with Section **405.010**, the definition of "sight triangle."
- H. Except for special fences as noted in Section **405.1130(A)** and (B) of this Article, fences shall be constructed of commonly used residential type fencing. Commonly used fence materials include wood, brick, stone, concrete, chain-link, ornamental iron work and extruded rigid vinyl. Rigid vinyl fences shall be constructed in accordance with the manufacturer's specific guidelines for installation. All fences shall be constructed with the finished surface facing neighboring property

BILL NO. 2024-13

ORDINANCE NO. 2024-1487

AN ORDINANCE APPROVING AMENDMENTS TO SECTION 405.1120 OF THE CITY CODE RELATING TO FENCE MATERIALS.

WHEREAS, the Town proposed a change in its fence regulations; and

WHEREAS, after due notice of a public hearing was given, the Planning and Zoning Commission held a public hearing on the proposed change on April 10, 2024, and the Planning and Zoning Commission recommended approval of the proposed change; and

WHEREAS, the Town Council, after due notice, held a public hearing to consider the petition on May 6, 2024, at 6:00 p.m. at which interested persons were offered an opportunity to speak; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CARROLLTON as follows:

Section 1: That after proper notice in accordance with the ordinances of the Town and applicable laws of the State of Missouri, a public hearing was held with regard to the proposed amendments to Section 405.1120.H and I, pursuant to the Municipal Code of the Town of Carrollton, Missouri, which amendments read as follows:

405.1120.H. - Except for special fences as noted in Section 405.1130(A) and (B) of this Article, fences shall be constructed of commonly used residential type fencing. Commonly used fence materials include wood, brick, stone, concrete, chain-link, welded wire (4/5 gauge), ornamental iron work and extruded rigid vinyl. Rigid vinyl fences shall be constructed in accordance with the manufacturer's specific guidelines for installation. All fences shall be constructed with the finished surface facing neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design which enhances the aesthetic appearance of the fence.

405.1120.I. - Fences constructed of poultry wire, rabbit wire, barbed wire, razor wire, concertina wire, bamboo or other similar material, railroad ties, plywood, snow fence (both wire/wood and flexible plastic), sheet metal, wood pallets, tires, T-posts, branches, rubble or salvaged material, or materials originally intended for other purposes are prohibited.

Section 2: The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Zoning Ordinance, and all other Town of Carrollton ordinances, rules, and regulations, as may be amended from time to time, and the conditions of this ordinance, except as may be modified herein.

Section 3: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City

Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other Ordinance of the Town or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Council and this bill was read by title in the open meeting two times prior to its final passage.

PASSED AND APPROVED THIS 6th DAY OF May, 2024.

TOWN OF CARROLLTON, MISSOURI

Susan Bliss
Susan Bliss, Mayor

ATTEST: Dana L. Reimer
Dana Reimer, City Clerk