

V I L L A G E O F C A R Y T O W N

BOARD OF TRUSTEES BILL NO. 1 ✓

ORDINANCE NO. 1

AN ORDINANCE DEFINING, PROHIBITING, RESTRICTING,
AND REGULATING NUISANCES AND PROVIDING FOR ITS
ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE
VIOLATION OF ITS PROVISIONS

WHEREAS, THE BOARD OF TRUSTEES OF THE VILLAGE OF CARYTOWN,
MISSOURI, deems it necessary for the purpose of promoting the health,
safety, morals, comfort, general welfare, and conserving the values
of property throughout the village,

This ordinance is hereby enacted and adopted under authority
of Chapter 80 R.S.Mo., and Amendments thereto, comprising orders,
powers, limitations, definitions, controls, requirements and standards
with respect to and governing nuisances,

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
VILLAGE OF CARYTOWN AS FOLLOWS:

SECTION 1.1 GENERAL DEFINITION.

Whatever is dangerous to human life or health; whatever
is not sufficiently sewered, drained, lighted, or cleaned; and
whatever renders soil, air, water or food impure or unwholesome; or
the placing or leaving of any litter or filth, garbage or trash, or
other matter which may cause disease, be unsightly, or make offensive
odor is hereby declared to be a nuisance.

SECTION 1.2 UNLAWFUL TO MAINTAIN.

It shall be unlawful for any person to keep, carry on,
permit or maintain, or allow to be maintained or committed any of
the acts, things or conditions declared or defined by this ordinance
or by the laws of the State of Missouri or the United States of

America to be nuisances.

SECTION 1.3 PARTIAL ENUMERATION.

The following are hereby declared to be nuisances:

- (1) Substances emitting foul odors. All substances which emit or cause any foul, noxious, unhealthful or disagreeable odor or effluvia.
- (2) Carcasses. All carcasses of animals remaining exposed after death except such animals as are killed for use as food.
- (3) Foul liquids generally. All slop, foul, or dirty water, liquor, beer or saloon washings, all filth, refuse or offal discharged through drains or spouts or otherwise thrown, swept or deposited in or upon any street, avenue, sidewalk, alley, lot, park, public or private enclosure.
- (4) Odoriferous matter. All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.
- (5) Annoying, etc., articles, etc. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, or annoyance of the public or of any neighborhood.
- (6) Refuse, garbage, and ashes--Generally. All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, oyster shells, cans, dust, paper, trash, rubbish, manure, refuse and offal, waste water, chamber lye, fish, putrid meat, entrails, decayed fruit and vegetables, broken ware, rags, old iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals, or other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by anyone in or upon any street, avenue, alley, sidewalk, park, public or private enclosures, lot, vacant or occupied or pond or pool of water.

(7) Same--Permitting refuse accumulations. The accumulation on any lot or piece of ground in the city of any refuse matter, in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(8) Defecating or urinating in public view. Defecating or urinating upon the streets, alleys, public grounds, parks, or upon any premises, or in any place that may be seen from a private residence or other building, or by any person passing along a public thoroughfare, or where any such act may be in view of the public.

(9) Burning certain materials. The burning within the city limits of any animal, vegetable or other substance, the burning of which creates or generates any disagreeable, noxious or unwholesome smell or odor.

(10) Boxes, barrels, etc. All boxes, barrels, kegs, crates, boards or broken ware thrown, left or deposited, or caused to be thrown, left or deposited by anyone in or upon any sidewalk, curbstone or gutter or in front or alongside of any building.

(11) Disturbing, etc., noises and activities. The making of any unusual and unnecessary noise and the maintenance thereof, or the carrying on of any business or amusement in such manner as to annoy, inconvenience or disturb any person or persons or neighborhood or impair the health or comfortable enjoyment of home or property of any person.

(12) Water--Obstructing course. The placing or maintaining of any obstruction of any kind in any natural or living water course of the city so as to impede the natural flow of water therein.

(13) Same--Polluting supply. The doing of any act which shall tend to pollute or contaminate the water supply of the city.

(14) Same--Offensive, etc. Any lot or piece of ground

within the limits of the city, on which there is a pond or pool of unwholesome, stagnant, impure or offensive water.

(15) Same--Certain cisterns and wells. Any well or cistern on any property within the limits of the city, whenever a chemical analysis shows that the water therein is of an impure or unwholesome nature.

(16) Airborne matter. Sieving, agitating, handling or exposing lime, ashes, coal, dry sand, hair, feathers, dust or other substances liable to be blown by the wind to the injury, annoyance or inconvenience of the public or of any neighborhood.

(17) Toilets. Any toilet in such a condition as to be offensive, annoying or disagreeable.

(18) Buildings--Insanitary. Any building or part thereof which by reason of its insanitary condition or of its being infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants of this city, or which otherwise endangers the public health.

(19) Same--Leased dwellings. Any premises leased for occupancy or any part thereof which is not sufficiently lighted, or ventilated, and provided with fresh water, and kept in a cleanly and sanitary condition, or of which the strength, ventilation, light or sewerage of any part is in any manner, shape or form, dangerous, insufficient, or prejudicial to life or health, or which is not provided with adequate and properly constructed privies or water closets.

The word "leased dwelling" shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the house, home or residence of more than three families, living independently of one another and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water closets, or privies, or some of them.

It shall also be taken to mean and include any house or building or portion thereof in which persons are harbored or received or lodged for hire for a single night or for less than one week at a time, or any part of which is let to any person to sleep in for any term less than one week.

The phrase "boardinghouse" shall be held to include every building and every story and portion thereof which is at any time or usually used, leased or occupied or intended so to be, by any number of persons exceeding six, as boarders thereat.

A "cellar" shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

SECTION 1.4 COMMON LAW AND STATUTORY NUISANCES.

In all cases where no provisions are herein made defining what are nuisances and how the same may be removed, abated, or prevented in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of this state as nuisances may, in case the same exists within the village limits, be treated as such, and proceeded against as in this ordinance provided, or in accordance with any other provision of law.

SECTION 1.5 NONCOMPLIANCE WITH ORDINANCE AS TO NUISANCES. JUDICIAL ORDERS AS TO ABATEMENT AND COSTS THEREOF; PENALTY FOR MAINTAINING, ETC.

Any person violating any of the provisions of this ordinance, or who shall fail, neglect or refuse to comply with any of the provisions of common law or state law wherein a nuisance is defined and prohibited, shall be guilty of a misdemeanor.

Each day such offense continues shall be considered a new and separate offense.

The violation of any provision of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment in the Village jail not exceeding sixty days, or by both such fine and imprisonment.

In addition to the penalties provided for the punishment for a misdemeanor in the preceding paragraphs, the police judge, or other judge of a court of competent jurisdiction, trying the case, may, if lawful, upon conviction as a part of judgment, order the Village Marshal or other law enforcement officer to abate such nuisance, and the costs of abating the same be made a part of the judgment.

SECTION 1.6 SUMMARY ABATEMENT.

Whenever a nuisance clearly exists in the village, the continuance of which in the judgment of the Chairman of the Board of Trustees will be dangerous to public health and welfare, the chairman of the board of trustees may declare the same to be such a nuisance and dangerous in its continuance, and enter such declaration in the records of the village clerk, and shall then immediately abate such nuisance, without notice.

SECTION 1.7 RIGHT OF ENTRY FOR ABATEMENT PURPOSES.

The Chairman of the Village Board of Trustees and the Village Marshal and other law enforcement officers, are hereby authorized and required to go in the daytime in and upon any house, place, lot, or premises, public or private, for the purpose of removing or abating any nuisance defined herein.

SECTION 1.8 CONSTRUCTION OF THIS ORDINANCE.

Nothing in this ordinance shall be so construed as to interfere with the powers and duties of the Chairman of the Board of Trustees, the Village Marshal, and other law enforcement officers

in the condemnation and abatement of all matters defined by law as nuisances.

SECTION 1.9 INVALIDITY OF A PART.

In case any section, clause, sentence, or paragraph, or part of this ordinance shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 1.10 THE EMERGENCY CLAUSE.

This ordinance shall take effect and be in force immediately after its passage by the Board of Trustees and immediately after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

Passed by the Board of Trustees of the Village of Carytown this 8 day of September, 1971.

Norman A. Frost
Chairman

Attest:

Joyce S. Ingate
City Clerk

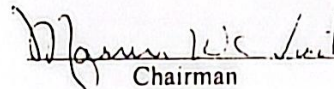
Approved as to Form:

Robert W. Richart
Robert W. Richart
Village Attorney

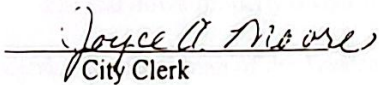
SECTION 1.11 FOWL PRODUCTION

The construction and/or operations of any structure to be used for the production of chickens, turkeys, and/or other fowl operations for commercial purposes within the boundaries of the Village of Carytown is prohibited.

Passed by the Board of Trustees of the Village of Carytown
this 21 day of June, 1988.


Chairman

Attest:


City Clerk

SECTION 1.12 ANIMAL PRODUCTION

The number of cattle, sheep, and hogs is limited to 500 head of any age and weight per 160 acres. The number of dogs is limited to 10 over the age of 3 months per household

SECTION 1.13 RESIDENTIAL DWELLINGS

A residential dwelling is to reside on no less than 10 acres of land. Present tracts smaller than 10 acres are grandfathered in.

SECTION 1.14 VARIANCE PROCEDURE

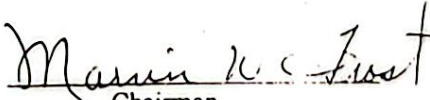
The Carytown property owner will send a written request for a variance to the City Clerk. The Chairman of the Trustees will call a variance hearing within thirty days of receipt of the variance request.

All property owners and residents adjoining the property where the variance is to take place and property owners and residents within 2000 feet of the variance site will be notified 15 days prior to the variance hearing in writing.

All negative comments will be required to be in writing and presented at the time of the variance hearing.

A decision will be made by the trustees at the variance hearing.

Passed by the Board of Trustees of the Village of Carytown
this 20 day of October, 1997.


Chairman

Attest:


City Clerk

COUNCIL BILL NO. One ORDINANCE NO. 1-15

**COUNCIL BILL/ORDINANCE REGULATING NONCONFORMING USES AND
AUTHORIZING SPECIAL USES WITHIN THE
CITY LIMITS OF THE VILLAGE OF CARYTOWN, MISSOURI**

WHEREAS, in order to provide for the public welfare and safety of the citizens of the Village of Carytown, Missouri, it has been determined that it is in the best interests of the Village to regulate nonconforming uses and special uses within the city limits.

BE IT ORDAINED BY THE TRUSTEES OF THE VILLAGE OF CARYTOWN, MISSOURI, THAT:

City Code Chapter is hereby amended to include the revised Code Sections as set forth below.

Section 1. Authority

(A) The Board of Trustees of the Village of Carytown is empowered to enact ordinance "for the purpose of promoting health, safety, morals, or the general welfare of the community..." (RSMo 89.020)

(B) "Such regulations shall be... designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers: to promote health and general welfare: to provide adequate light and air: to prevent the overcrowding of land: to avoid undue concentration of population: to preserve features of historical significance: to facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements. Such regulations shall be made with... a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality." (RSMo 89.040)

Section 2. General provisions.

(A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of any regulations may be continued subject to the following conditions:

- (1) if such use is discontinued for ninety consecutive days, any future use of the building or premises shall conform to the ordinance: and.
- (2) uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

(B) In interpreting and applying to provisions of this ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent of this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulation, except that, if this ordinance imposes a greater restriction, or higher standard, this ordinance shall control.

Section 3. Special uses.

(A) Special use permit. Any use requested may be located in the Village by special use permit from the Board of Trustees, after public hearing, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of the regulations. Any building or structure placed thereon which is not otherwise permitted shall conform to the ordinance upon the date of expiration of the special use permit. Any such permit shall be valid for the length of time determined by the Board of Trustees.

(B) Use review. Requests for such shall be made to the Board of Trustees by written application filed with the City Clerk. Such request shall be forwarded by the City Clerk to the Board of Trustees and shall be heard by the Board at the next practicable regularly scheduled meeting.

(C) Application may be made by any person, or his agent, who owns the land, or who is purchasing said land under written contract with the owner. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made in letter form describing the use, along with map and exhibits identifying the property, to the City Clerk.

(D) Applications for a special use permit, may be made by any interested person, in letter form describing the same to the City Clerk.

(E) The applicant shall pay the cost of publication and certified mail, if any.

(F) All such applications shall be set down for hearing before the Board of Trustees. Any such hearing, for good cause, at the request of the applicant or in the discretion of the Board, may be continued. At least five days and not more than fifteen days notice of the time and place of such hearing shall be published in The Carthage Press newspaper. All property owners within one thousand feet of the subject land shall be notified by certified mail, stating the purpose of and date of the public hearing. In addition, the applicant shall post notice of said hearing and the reasons therefor by placing a sign on the subject premises.

(G) Upon the final hearing of such application, the Board shall approve or deny the same and the Board shall make a report of such action, together with a recommendation for final approval or denial, to the applicant.

(H) The Board of Trustees shall not approve any request unless it finds the special use:

(1) complies with all applicable provisions of this ordinance;

(2) at the specific location will contribute to and promote the community welfare or convenience; and

(3) will not cause substantial injury to the value of neighboring property.

(I) In approving such application, the Board may recommend such conditions and restrictions that are in conformity with the ordinances and may be necessary to assure that the general intent of these regulations is carried out.

(J) No special use permit granted by the Board of Trustees shall be valid for more than one year.

(K) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED BY THE TRUSTEES OF THE VILLAGE OF CARYTOWN, MISSOURI, this

6th day of Nov., 2000.

Maria W. Shovel
CHAIRMAN

ATTEST:

Joyce A. Moore
CITY CLERK

FIRST READING: Aug. 28, 2000

SECOND READING: Sept. 18, 2000

THIRD READING: Oct. 23, 2000

ATTEST:

Cary Town
City Clerk

State of Missouri)
)
County of Jasper)

I, Joyce Moore, City Clerk of said City hereby certify that the foregoing is a true and correct copy of Ordinance No. 1, Section 1.15, adopted by the Council of said City at a meeting held according to law at said City on the 4th day of November, 2000, as same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I place my signature, as said City has no corporate seal, this 6th day of November, 2000.

Joyce A. Moore
City Clerk
Village of Carytown
State of Missouri

023487

STATE OF MISSOURI
COUNTY OF JASPER
RECORDER'S CERTIFICATION
BOOK 1160 PAGE 189-
192
00 DEC 18 AM 10 59

Leah Reid
RECORDER OF DEEDS



\$13
14
\$27 CASH
(38850)

CITY OF CARYTOWN
15930 NUTMEG ROAD
CARTHAGE MO 64836

4/5/2005 10:25:49 AM



BOOK 1918

PAGE 900-903

05-07134

STATE OF MISSOURI
COUNTY OF JASPER
RECORDER'S CERTIFICATION



Donna Grove

RECORDER OF DEEDS

**RECORDER OF DEEDS CERTIFICATE
JASPER COUNTY, MISSOURI
EXEMPT DOCUMENT**

This document has been recorded under exempt status pursuant to RSMo 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.

DONNA GROVE
Jasper County Recorder of Deeds
116 W Second St
PO Box 387
Carthage, MO 64836
(417) 358-0431

THIS PAGE HAS BEEN ADDED AS THE FIRST PAGE OF YOUR DOCUMENT--DO NOT REMOVE THIS PAGE

COUNCIL BILL NO. 1 ORDINANCE NO. 1.16

COUNCIL BILL/ORDINANCE REGULATING THE APPLICATION OF SEWAGE OR ANIMAL WASTE WITHIN THE VILLAGE OF CARYTOWN, MISSOURI

WHEREAS, in order to provide for the public welfare and safety of the citizens of the Village of Carytown, Missouri, it has been determined that it is in the best interests of the Village to regulate the application of sewage or animal waste within the village.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CARYTOWN, MISSOURI, AS FOLLOWS:

Section 1. Authority

(A) The Board of Trustees of the Village of Carytown is empowered to enact ordinances "to prevent and remove nuisances." (RSMo 80.090)

(B) Such regulations should be designed to promote health and general welfare; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. Such regulations should be made with view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality. (RSMo 89.040)

Section 2. General provisions.

(A) Any sewage, livestock waste, litter, or manure applied to ground within the village must be incorporated into the soil either by tillage or by subsurface injection within twenty-four (24) hours of its application.

(B) The penalty for violating this section shall be a fine of up to \$500.00. Each day said violation continues will constitute a separate offense.

(C) It is not the intent of this ordinance to interfere with or abrogate or annul any other statute, local ordinance or regulation, except that, if this ordinance imposes a greater restriction or higher standard, this ordinance shall control. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED BY THE TRUSTEES OF THE VILLAGE OF CARYTOWN, MISSOURI, this

21st day of March, 2005

Cy Knight
ACTING CHAIRMAN, CY KNIGHT

ATTEST:

Joyce A. Moore
CITY CLERK, JOYCE MOORE

FIRST READING: 24 January 2005

SECOND READING: 28 February 2005

THIRD READING: 21 March 2005

Recorded in Jasper County, Missouri



Recording Date/Time: 07/27/2020 at 03:36:16 PM

Book: 2550 Page: 116

Instr #: 2020010974

Type: AMEND

Pages: 4

Fee: \$30.00 E 2020010495



Charlotte Pickering
Recorder of Deeds

**RECORDER OF DEEDS CERTIFICATE
JASPER COUNTY, MISSOURI
EXEMPT DOCUMENT**

This document has been recorded under exempt status pursuant to RSMo 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.

CHARLOTTE PICKERING
Jasper County Recorder of Deeds
116 W. Second Street
P. O. Box 387
Carthage, MO 64836
417-358-0431

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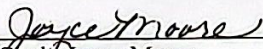
ATTEST

CITY CLERK, JOYCE MOORE

State of Missouri)
)
County of Jasper)

I, Joyce Moore, City Clerk of said City hereby certify that the foregoing is a true and correct copy of Amendment No. 1, adopted by the Trustees of said City at a meeting held according to law at said City on the 27th day of April, 2020, as same appears on file and. Of record in this office.

IN TESTIMONY WHEREOF, I place my signature, as said City has no corporate seal, this 27th day of April 2020.



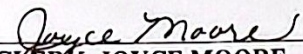
City Clerk, Joyce Moore
Village of Carytown
State of Missouri

AMENDMENT NO. 1 PASSED BY THE TRUSTEES OF THE VILLAGE OF
CARYTOWN, MISSOURI, this 27 day of April, 2020



CHAIRMAN, RONALD MOORE

ATTEST



CITY CLERK, JOYCE MOORE

FIRST READING: 28 October 2019

SECOND READING: 1 January 2020

THIRD READING: 27 APRIL 2020

VILLAGE OF CARYTOWN

BOARD OF TRUSTEES AMENDMENT NO. 1

WHEREAS, THE BOARD OF TRUSTEES OF THE VILLAGE OF CARYTOWN, MISSOURI, deems it necessary to amend its by-laws to reflect a change in the manner in which the public is notified of hearings concerning special uses permits.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CARYTOWN THAT COUNCIL BILL NO 1, ORDINANCE NO. 1-15, SECTION 3. SPECIAL USES (F) BE AMENDED AS FOLLOWS:

(F) On line 4, after "published in" delete "The Carthage Press Newspaper" and insert "a local newspaper".

Recorded in Jasper County, Missouri



Recording Date/Time: 11/30/2023 at 12:15:36 PM

Book: 2701 Page: 498

Instr #: 2023016097

Type: ORDER

Pages: 7

Fee: \$39.00 E 20230015568



Charlotte Pickering
Recorder of Deeds

**RECORDER OF DEEDS CERTIFICATE
JASPER COUNTY, MISSOURI
EXEMPT DOCUMENT**

This document has been recorded under exempt status pursuant to RSMo 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.

CHARLOTTE PICKERING
Jasper County Recorder of Deeds
116 W. Second Street
P. O. Box 387
Carthage, MO 64836
417-358-0431

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E-7

VILLAGE OF CARYTOWN

Bill No. 1

Ordinance No. 1.17

COUNCIL BILL/ORDINANCE REGULATING THE TYPE AND DIMENSIONS OF
WIND ENERGY CONVERSION SYSTEMS (WECS) WITHIN THE VILLAGE OF
CARYTOWN, MISSOURI

WHEREAS, property owners within the Village desire to preserve the natural beauty of their community' and

WHEREAS, in order to ensure the citizens of the Village continue to be free of nuisances such as aviation obstruction lighting and high decibels.

NOW THEREFORE, BE IT ORDAINED, by the board of trustees of the Village of Carytown, Missouri, as follows:

“Wind Energy Conversion Systems (WECS).

1. General Provisions. The Village of Carytown finds and declares that wind energy is an abundant, renewable and non-polluting energy resource of the Village and that its conversion to electricity will reduce our dependence on non-renewable energy sources and decreases the air and water pollution that results from the use of conventional energy sources.
 - a. The Village of Carytown further finds and declares that:
 - (1) Wind turbines that convert wind energy to electricity are currently available on a commercial basis from many manufacturers.
 - (2) The generation of electricity from properly sited wind turbines can be cost effective and, in many cases, exiting power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users.
 - (3) Regulation of the location and installation of wind turbines is necessary for the purpose of protecting the health and safety of neighboring property owners and the general public.
 - b. Windmills used for the production of electric current or wind energy conversion systems (WECS) are permitted subject to the following general conditions:
 - (1) The primary purpose of the WECS device must be to provide power for the principal use of the property on which it is located and shall not be for the generation of power for commercial purposes. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time.
 - (2) The WECS and its location on the property involved shall be designed in such a

manner as to eliminate any nuisances to surrounding properties and to limit any noise from said WECS from being heard beyond the boundaries of the property where said WECS is located.

- (3) No variance shall be granted in connection with a proposed WECS to permit a height greater than allowed in this Chapter for each district. The height of the device shall be defined as the distance between the base of the tower and the highest point of the wind energy conversion system. For a horizontal axis wind turbine, the highest point shall be the highest vertical point of the swept rotor arc. No device may be located so close to a property line or building as to result in any portion of the device at any time, whether erect or in the event that the device should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
- (4) The minimum distance between the ground and any rotor shall be twenty (20) feet.
- (5) No WECS shall be located in any required front yard area.
- (6) No WECS device shall be permitted which causes interference with the reception of television, radio or other communications signals for adjoining properties.
- (7) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- (8) All electrical wires associated with a wind energy system shall be located underground except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.
- (9) No television, radio, or other communication antenna may be affixed or otherwise made a part of a WECS.
- (10) Only monopole non-commercial WECS are permitted.
- (11) Only one (1) WECS is allowed per lot.
- (12) No WECS is allowed to exceed a height of 50 feet tall.

c. Installation And Operation. Installation of all wind energy conversion systems shall comply with the following requirements:

- (1) Compliance with National Electrical Code, International Building Code, and International Residential Code.
 - (a) Where the electrical components of an installation vary from the standard design

or specifications, the proposed modifications shall be reviewed and certified by a registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

- (2) Rotor Safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory.
- (3) Tower Access. Towers should have either:
 - (a) Tower-climbing apparatus located no closer than twelve (12) feet from the ground;
 - (b) A locked anti-climb device installed on the tower; or
 - (c) The tower shall be completely enclosed by a locked, protective fence at least six (6) feet high. A fence permit must be obtained if constructing a new fence to meet this requirement.
- (4) Noise. The WECS shall meet the requirements of any existing noise ordinance of the Village of Carytown.
- (5) Electromagnetic Interference. The wind energy conversion system shall be operated in a manner such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a Village Inspector that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.
- (6) Signs. At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage. Systems shall not be used as signs or used to support signage. Exceptions include appropriate warning signage and reasonable identification of the manufacturer, installer, or operator.
- (7) Setbacks.
 - (a) The WECS shall be set back from any property line, aboveground utility line or other WECS a distance greater than two (2) times its overall height, including blades, to property lines, and three (3) times its overall height to any structures.

- (b) Contiguous property owners may construct a WECS for use in common, provided that the required setback is maintained relative to the property lines of non-participant owners.
- (8) Structural Integrity. The applicant must submit a written certification from a Missouri-licensed structural engineer providing details of the weight of the WECS, certifying that the supporting structure has the structural integrity to carry the weight and wind loads of the WECS.
- (9) Abatement. The Village reserves the right to perform an inspection periodically to verify the system is being maintained. If a wind energy conversion system or systems are not maintained in operational condition for a period of six (6) months and/or pose a potential nuisance or safety hazard, the owner or operator shall take expeditious action to remedy the situation. The Village reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the Village determines that the WECS has been abandoned and/or poses a nuisance or safety hazard, the system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.
- (10) Lighting Of The Tower. Lighting of the tower for aircraft and helicopter will conform with FAA standards for wattage and color.
- (11) Environmental Impact. The project must be viewed for visual pollution and for a possible environmental impact statement. Systems shall be a neutral, non-reflective color designed to blend with the surrounding environment.
- (12) Shadow Flicker. No WECS shall be installed and operated in a manner that causes shadow flicker to fall on or in any residential dwelling existing at the time of application to install a WECS is received by the Village. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses, either through siting or mitigation. Shadow flicker expected to fall on an adjacent parcel or roadway may be acceptable if the flicker does not exceed thirty (30) hours per calendar year. If such flicker is likely, the applicant shall, at the applicant's sole expense, furnish a flicker study for Village review.

Section 2. This ordinance shall be effective become effective upon adoption by the Village of Carytown Board of Trustees.

FIRST READING Oct. 23, 2023

SECOND READING Nov. 6, 2023

Passed and approved by the Board of Trustees of the Village of Carytown, Missouri, this 6th day of Nov., 2023.

Ronald J Moore
Ronald Moore, Chairman, Board of Trustees

ATTEST:

Joyce Moore
Joyce Moore, Village Clerk

Subscribed and sworn before me this 29th day of November, 2023

Kalista Dale Schooling

KALISTA DALE SCHOOLING
Notary Public - Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires: October 7, 2024
Commission #: 20678142

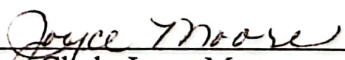
ATTEST

VILLAGE CLERK, JOYCE MOORE

State of Missouri)
)
County of Jasper)

I, Joyce Moore, City Clerk of said City hereby certify that the foregoing is a true and correct copy of Ordinance No. 1, Section 1.7, adopted by the Trustees of said City at a meeting held according to law at said City on the 6th day of November 2023, as same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I place my signature, as said Village has no corporate seal, this 30th day of November 2023.



Village Clerk, Joyce Moore
Village of Carytown
State of Missouri