

Bond Case Briefs

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MUNICIPAL ORDINANCE - MISSOURI (entirely different state than Kansas)

City of Bellefontaine Neighbors v. Carroll

Missouri Court of Appeals, Eastern District, Division Two - January 14, 2020 - S.W.3d - 2020 WL 202097

After a bench trial, landowner was found guilty in the Circuit Court of violating two municipal property and zoning ordinances by allowing bare dirt in his rear yard and by having enclosure for chickens closer than 150 feet from his property's lot line. Landowner appealed.

The Court of Appeals held that:

- Judgment finding landowner guilty of charge city had abandoned during trial was reversed and amended;
- Landowner failed to show prejudice based on defects in information and violation notice that charged him with violating zoning ordinances;
- Information charging landowner with municipal zoning ordinance violation set forth the elements of the offense and adequately apprised landowner of the charge against him;
- City building inspector had authority under city zoning ordinance to enforce landowner's alleged violation of ordinance; and
- City legitimately exercised its police power and did not act outside the scope of authority delegated to it in enacting zoning ordinance.