

CITIES OF FOURTH CLASS:

May vote on bond issue for establishing and maintaining a fire department.

July 24, 1939 7/27



Honorable L. Cunningham, Jr.
Prosecuting Attorney
Camden County
Camdenton, Missouri

Dear Sir:

We desire to acknowledge your request for an opinion on July 21, which is as follows:

"The Board of Aldermen of the City of Camdenton have requested me to obtain an opinion from your office concerning the following question.

"The City of Camdenton is without any fire fighting equipment and is desirous of purchasing the same, however, it has no money in the treasury for such expenditures and it will be necessary for the City to vote bond to purchase the fire equipment if it be purchased. The assessed valuation of the City is sufficient to allow the City to vote bond in the amount of \$10,000.00 or \$15,000.00. The fire equipment will only cost around \$4,000.00. The Board of Aldermen meet on the first day of August and I will appreciate your opinion on the legality of such a bond issue before that date if it is possible for your office to render such an opinion."

We have been advised by the Prosecuting Attorney of your county that your city is a city of the fourth class. Section 7030 of the Revised Statutes of Missouri for 1929 is as follows:

"Bonds may be issued for erection or purchase of public buildings, bridges, waterworks, electric light plants and ice plants, public parks, and other improvements, and for establishing and maintaining a fire department. The board of aldermen shall have power to borrow money and issue bonds for the payment thereof, within the limits prescribed by the Constitution, for the purpose of erecting waterworks, electric light works, public parks and ice plants, or acquire the same by purchase; also a city hall and other public buildings and improvements and for furnishing the same, and for the erection of public bridges across streams dividing counties, if located within one mile of its corporate limits, the expense of building said bridges to be borne in part by the counties, as provided for by section 7903, R. S. 1929, but bonds for the purpose aforesaid shall not be issued until two-thirds (2/3) of the legal voters of such city, voting at an election held for that purpose, have assented thereto, in accordance with article 10, chapter 38, R. S. 1929. (Underscoring ours.)

Section 7217, Article 10, Chapter 138 R. S. Mo. 1929 is as follows:

"The various cities, towns and villages in this state, whether organized by special charter or under the general laws of the state, may contract a debt or debts in excess of the annual income and revenue for any such year, for any purpose authorized in the charter of such city, town or village, or by any general law of the state, upon the assent of two-thirds of the legal voters of such city, town or village voting at an election held

for that purpose: Provided, such indebtedness so to be contracted shall not, with the existing indebtedness of such city, town or village exceed in the aggregate five per cent on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness; and provided further, that the proper authorities of every such city, town or village incurring such indebtedness shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting same. (Underscoring ours.)

Section 7218 provides that the proper city officials shall order an election and give notice thereof, which said notice shall be signed by the clerk and published.

Section 7219 provides for ballots and the form thereof. Section 7220 provides for the issuance of bonds, payable in not more than 20 years and the terms thereof. Section 7221 provides the scope of the provisions of the four preceding sections.

CONCLUSION

Therefore, it is the opinion of this department that a city of the fourth class may vote bonds for establishing and maintaining a fire department in a sum which shall not, with the existing indebtedness of such city, town or village exceed in the aggregate 5% on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes, when 2/3 of the legal

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voters of such city, town or village, voting to an election held for that purpose have assented thereto.

Respectfully submitted,

S. V. MEDLING
Assistant Attorney-General

APPROVED:

COVELL R. HEWITT
(Acting) Attorney-General

SVM/ww