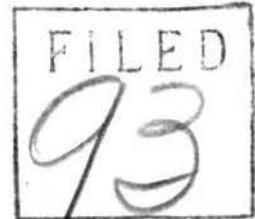


BUILDING PERMIT S: Assessor may not revoke a building permit issued under and by virtue of Article 2, Chapter 112 R. S. Mo. 1929

March 16, 1939.

Honorable Stanley Wallach  
Prosecuting Attorney  
St. Louis County  
Clayton, Missouri



Dear Mr. Wallach:

I desire to acknowledge your request for an opinion on March 8, 1939, which is as follows:

"We would greatly appreciate it if you would be kind enough to have your office furnish us an opinion on the following matter:

Can the Assessor of the County whose duty it is to issue building permits, revoke the permit for any reason after it has been issued?

If the Assessor should for any cause revoke the permit, would he be liable on his bond?

"This information is requested because some taxpayers of St. Louis County have requested that the building permit for the erection of the Lucas & Hunt Tenement Project be revoked on the theory that the building does not conform with State laws.

"Thanking you, we are"

Article 2, Chapter 112 R. S. Mo. 1929 and Section 13749 thereof, is as follows:

"In every county in this state that now has or may hereafter have an assessed valuation of all taxable property therein of thirty-five million dollars, or more, and adjoining cities which now have or may hereafter have a population of three hundred thousand inhabitants, or more, the county court shall, by an order of record, have power to order the issuance of building permits by the assessor of such county, to the owner or duly authorized agent of any building or buildings of whatsoever kind, to be erected, constructed, enlarged, altered, or repaired within such county, and no work (except minor repairs) shall be done upon any structure, building or buildings, of whatsoever kind, by any person, corporation, association, or copartnership of persons, without a permit first obtained from the assessor of such county." (Underscoring ours)

Section 13750 is, in part, as follows:

"Whenever any person, corporation, association, or copartnership of persons, after the county court has made the order specified in the foregoing section, shall erect, construct, enlarge, alter or repair any building or buildings, before proceeding therewith, the owner, or authorized agent thereof, shall make application to the assessor of such county, at his office, and obtain from him a permit for that purpose; \* \* \*"

Section 13751 is, in part, as follows:

"Applications for permits shall be made in writing by the owner or duly authorized agent, upon forms or blanks to be furnished by the assessor, at the expense of the county, and shall clearly and fully state the contemplated work to be done; \* \* \* the owner thereof, or duly authorized agent, shall be required to furnish the assessor, if demanded by him, for his examination and inspection, the plans and specifications and general drawings of such building or buildings, and the assessor shall have the power to require the production of evidence in support thereof; which said application shall remain on file in the assessor's office, and shall be used and referred to by the assessor in arriving at the true value to be assessed on the real estate, upon which such building or buildings are to be erected, constructed, enlarged, altered or repaired."

Section 13755 R. S. Mo. 1929, is as follows:

"It shall be the duty of the assessor, after the applicant has furnished the assessor all the necessary information required hereunder, to issue a permit to the applicant, and file the application, required to be made, in his office, and use and refer to the same in making his assessment, as provided in section 13751."

Honorable Stanley Wallach

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March 16, 1939.

Under the provisions of Section 13755, supra, the assessor has the duty, after the applicant has furnished the assessor all the necessary information required thereunder, to issue a permit to the applicant, but we are unable to find any provision in said Article 2, supra, giving to such assessor an express or implied power to revoke such permit.

CONCLUSION

Therefore, it is the opinion of this department that an assessor may not revoke a building permit issued under and by virtue of Article 2, Chapter 112 R. S. Mo. 1929.

Respectfully submitted,

S. V. MEDLING  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney-General

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