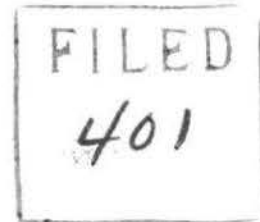


June 30, 1970



The Honorable R. J. King, Jr.
State Representative
District 39
816 South Hanley Road
Clayton, Missouri 63105

Dear Representative King:

This letter is in response to your request for opinion which is stated as follows:

"In view of the definition of the word 'community' as contained in Section 99.320--Definitions, subsection 6, R.S.Mo 1959, does a constitutional charter city having less than 75,000 population have to submit the proposition of accepting the provisions of the Land Clearance For Redevelopment Authority Law to the qualified voters at an election as provided by law for the incurring of an indebtedness and having a majority voting at the election in favor of such a proposition; or can the Council of any constitutional charter city enact ordinances providing for the clearance, replanning, etc. as provided in Article 6, Section 21 of the Constitution without the necessity of a vote thereon as required by statute."

We further understand that your question does not ask whether such a constitutional charter city can come under the provisions of the Land Clearance For Redevelopment Law without approval by the voters, but whether the legislature has restricted the authority of such a city to enact proper ordinances on the subject.

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Section 99.300 RSMo et seq., relates to the Land Clearance For Redevelopment Authority Law. Section 99.320 RSMo Supp 1967 contains a definition defining "community" as follows:

"(6) 'Community', any county or municipality, except that such term shall not include any municipality containing less than seventy-five thousand inhabitants until the governing body thereof shall have submitted the proposition of accepting the provisions of this law to the qualified voters therein at an election called and held as provided by law for the incurring of indebtedness by such municipality, and a majority of the voters voting at the election shall have voted in favor of such proposition;"

Section 21, Article VI of the Missouri Constitution provides:

"§ 21. Reclamation of blighted, substandard or insanitary areas

Section 21. Laws may be enacted, and any city or county operating under a constitutional charter may enact ordinances, providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incidental or appurtenant thereto, and for taking or permitting the taking, by eminent domain, of property for such purposes, and when so taken the fee simple title to the property shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest."

In our view it is clear that the above constitutional provision expressly provides that a constitutional charter city may enact ordinances for the purposes therein provided and that this provision is self-enforcing and requires no implementation by the legislature. Likewise, the provisions of the Land Clearance For

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Redevelopment Authority Law do not restrict the authority of such a city to enact such ordinances.

Very truly yours,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General