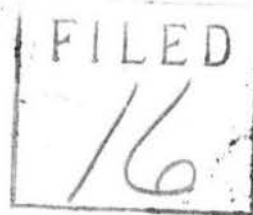


INCORPORATED CITIES: May enact zoning ordinances.

May 1, 1936.

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Dr. J. G. Christy, Speaker  
House of Representatives  
Festus, Missouri

Dear Doctor Christy:

We acknowledge receipt of your letter requesting an official opinion, which reads as follows:

"One of the aldermen from Crystal City asked me to write you.

"He wishes to know if they are allowed to pass a zoning ordinance for a certain area of their city. Crystal City is a city of the 4th class. Seems they wish to restrict certain shacks that are being erected."

Crystal City is an incorporated city and also a city of the fourth class. Article XI, Chapter 38, R. S. Mo. 1929, pertains to building zones or districts in certain cities. Section 7270 of the above Article and Chapter provides:

"That the provisions of this article shall apply to all incorporated cities, towns and villages in this state: Provided, that nothing in this article shall apply to any county now having or may hereafter have a population of not exceeding 15,000 inhabitants."

The purpose of this law is found in Section 7259 R. S. Mo. 1929, which reads:

"For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of all incorporated cities, towns and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings

Dr. J. G. Christy

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and other structures, the percentage of lot that may be occupied the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes."

The statutory provisions and regulations to be considered and followed in enacting any zoning law may be found in Article XI, Chapter 38, R. S. Mo. 1929. We assume that you have a copy of the above Statutes available and are therefore not copying the whole of this Article.

CONCLUSION.

It is the opinion of this department, from the foregoing, that Crystal City, Missouri, being an incorporated city, may enact ordinances creating certain zoning districts in accordance with Article XI, Chapter 38, R. S. Mo. 1929.

Respectfully submitted

WM. ORR SAWYERS  
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.  
(Acting) Attorney General.

ARH:H