

MUNICIPAL CORPORATIONS: }

CITIES, TOWNS & VILLAGES: }

Board of Aldermen in Cities of
Fourth Class has authority to
divide city into wards.

September 30, 1936.



Dr. J. G. Christy
Festus, Missouri

Dear Dr. Christy:

This is to acknowledge receipt of your letter of recent date in which you requested the opinion of this Department. Your letter of request is as follows:

"One of the Aldermen of Crystal City is in my office, and wishes to know the procedure they must go thro to create another Ward in that City.

"That city was formed many years ago. Due to the growth of the Plate Glass Factory they have increased a great deal in population. Still they have only two Wards and really need another.

"It seems that they are unable to obtain the desired information on the correct procedure, so asked that I write your office."

Supplementing the above letter, you state that Crystal City is a city of the Fourth Class. Section 6963, R. S. Mo. 1929, Vol. 8, Missouri Annotated Statutes, page 5722, provides the method for dividing a city of the Fourth Class into wards, and is as follows:

"The board of aldermen shall, by ordinance, divide the city into not less than two wards, and two aldermen shall be elected from each ward by the qualified voters thereof, at the first election for aldermen in cities adopting the provisions of this article. At such election for aldermen, the person receiving the highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one alderman, who shall hold his office for two years."

It will be noted by said section that the Board of Aldermen in cities of the Fourth Class are authorized by ordinance to divide such cities into not less than two wards. The above section of our statutes is cited in State ex rel. Brown v. McMillan, 108 Mo. 153, and State ex rel. Brown v. Town of Westport, 116 Mo. 582.

The board of aldermen should by its ordinance set out with particularity, by metes and bounds, the description of the proposed newly created ward.

It is therefore our opinion that the Board of Aldermen of Crystal City may, by ordinance, proceed to divide said city into wards; of course, not less than two. The ordinance should be passed and adopted in the usual and customary way as provided in the statutes in cities of the Fourth Class.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

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