

CITIES, TOWNS AND
VILLAGES:
COUNTIES:

Section 67.400, RSMo 1969, authorizes the governing body of any city, town or village to enact ordinances that provide for the demolition of buildings

and structures within the corporate limits of such city, town or village which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance.

OPINION NO. 491

November 19, 1970

Honorable Harold F. Reisch
State Representative
District No. 119
1013 Falcon Drive
Columbia, Missouri 65201



Dear Representative Reisch:

This is in response to your request for an official opinion on the question whether House Bill No. 60, Seventy-fifth General Assembly (Section 67.400, RSMo 1969) is applicable to all cities, towns and villages or only to cities, towns and villages having a charter.

In construing a statute to determine the legislative intent in case of ambiguity, resort may be had to the history of the statute. Whitehead v. Farmers' Fire & Lightning Mut. Ins. Co., 60 S.W.2d 65 (1933). Therefore, we shall look to the history of this statute from the time it was introduced until it was finally passed for aid in its construction.

As first introduced, Section 1 of House Bill No. 60 disclosed an express legislative intent to have the provisions of the bill apply to any city, town or village as follows:

"The governing body of any city, town or village may enact ordinances to provide for vacation and the mandatory demolition of buildings and structures or mandatory repair and maintenance of buildings or structures within the corporate limits of the city, town or vil-

Honorable Harold F. Reisch

lage which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance."

During the course of its enactment, the bill was amended by broadening its scope to include any county having a charter form of government. Section 1 of the perfected version of the bill, which was enacted into law and now is Section 67.400, RSMo 1969 is as follows:

"The governing body of any city, town, village, or county having a charter form of government may enact ordinances to provide for vacation and the mandatory demolition of buildings and structures or mandatory repair and maintenance of buildings or structures within the corporate limits of the city, town or village which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance."

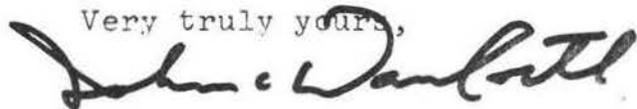
A comparison of the wording of the original draft with the language of the statute as finally enacted shows the construction placed on the bill from the time it was introduced until its enactment as the present statute. Both the original draft and the perfected version of the bill authorize the governing body of any city, town or village to enact ordinances for the purpose stated in the bill. The amendment confers this authority also on counties that have a charter form of government. The perfected version of the bill clearly expresses the legislative intent that the bill applies to all cities, towns and villages but to counties only having a charter form of government.

CONCLUSION

It is the opinion of this office that Section 67.400, RSMo 1969, authorizes the governing body of any city, town or village to enact ordinances that provide for the demolition of buildings and structures within the corporate limits of such city, town or village which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, L. J. Gardner.

Very truly yours,



JOHN C. DANFORTH
Attorney General