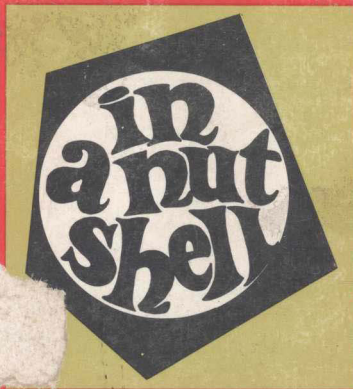


Local Government Law



DAVID J. McCARTHY, JR.

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TO MY WIFE

v

PREFACE

This text is intended to aid students who seek to learn Local Government Law. It is hoped that it will also be of assistance to practicing attorneys who seek an overview of all or part of the subject matter. The relationships between local governments, their citizens, their states and the federal government are so pervasive that choices of emphasis must of necessity be made in a text of this size. Because Local Government Law tends to overlap some other law school courses, the choice herein was to address at least as many areas as could accurately convey the scope of these relationships and to treat in greater detail areas which are not likely to be pursued in such detail in the core courses common to all law school curricula.

The vast scope of the subject inevitably means that individual authors and editors will approach it with differing views of the most interesting and instructive theme and focus. Witness the various casebooks presently available. The choice of this text has been the central theme of delegated power and the limitations imposed upon its exercise. Such limitations may derive from restrictions imposed by the people upon all exercises of power in the state, restrictions imposed in furtherance both of the cession of powers to the federal govern-

PREFACE

ment and of the protection of individual rights, restrictions accompanying the delegations of local powers, and the restrictions resulting from political realities and the limitations upon the local ability to raise and spend revenues. The text attempts to interweave concepts of practical reality in presenting this most practical of subjects.

Occasionally, throughout the text, comments and queries will be addressed in attempts to provoke reader reaction (agreement or disagreement) to the status or trend of particular legal principles and of local government policies. Frequently, illustrations will be used to assist in understanding the text. Many of the illustrations are drawn from actual cases. One of the strengths of the nutshell concept is the designedly uninterrupted text. Nevertheless, the reader may wish to refer to citations from which illustrations have been drawn or to pursue more fully aspects touched upon in the text. Accordingly, there appears at the end of this book a table of authorities containing under the specific chapter, section and subsection designations citations to cases or materials quoted or principally relied upon (in italics) and to additional sources which may be of interest to the reader.

Permit me to express my gratitude to some of the people whose assistance and efforts have contributed to this book: to Georgetown Law Center Dean (1969-75) Adrian S. Fisher who has been more than cooperative in giving me the encourage-

PREFACE

ment, time and assistance to complete the text; to my respected colleague, Professor Chester J. Antieau, whose contributions to my knowledge and this text began when he taught me Local Government Law, and have continued to the suggestion and offering of materials assisting all aspects of the research; to my research assistants, Laura Farrand, Steven Sarfatti, Neal Tonken, Robert Varney and L Mark Winston, whose efforts during the periods of initial and final research and writing have been major factors without which the book would not have been completed; and to the Law Center secretaries, particularly Mary Denise Smallwood, for their indispensable assistance.

DAVID J. MCCARTHY, JR.

Washington, D. C.
June, 1975

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OUTLINE

Preface	Page VII
----------------------	---------------------------

CHAPTER I—LOCAL GOVERNING POWER: GENERAL ASPECTS, LIMITATIONS, RESOLUTION OF POWER CONFLICTS AND CHALLENGES

A. Introduction	1
Sec.	
1. Basic Questions and Terms	1
2. Focus and Approach	6
3. Local Governing Entities	7
4. An Illustration	10
5. Comment	12
B. Sources of Local Governing Powers	14
1. Dillon's Rule	14
2. Express Grants of Authority	14
3. Interpretation and Implication ...	17
4. Comment	22
C. Limitations on State Power Over Municipal Corporations	23
1. "Plenary" Power	23
2. State Constitutional Provisions, Generally	24
3. Provisions Limiting Expenditures	26
4. Provisions Insuring Local Accountability	27
5. Provisions Protecting Local Autonomy	28

OUTLINE

	Page
D. Resolution of Competing Power Considerations -----	35
Sec.	
1. Two Views of Predominance -----	35
2. Competing Federal Power Considerations -----	37
3. Competing State Power Considerations -----	38
4. Competing Local Power Considerations -----	40
5. Federal and State Constitutional Predominance -----	40
CHAPTER II—FORMATION OF THE LOCAL GOVERNMENT, ALTERATION, BOUNDARY CHANGES; SOME PROBLEMS OF ORGANIZATION AND OPERATION: OFFICERS, EMPLOYEES, ALLOCATION AND DELEGATION OF FUNCTIONS, ELECTIONS	
A. Some Aspects of Organization and Alteration Choices -----	43
1. Introduction: Choices for Unincorporated Areas -----	43
2. Introduction: Choices for Incorporated Areas -----	45
B. Considerations Common to Statutory Incorporation or Alteration Procedures -----	47
1. Specific Provisions -----	47
2. Mandatory and Directory -----	50

OUTLINE

	Page
C. Formation of the Local Governing Unit	51
Sec.	
1. Incorporation of the Local General Government	51
2. Formation of Special Districts	53
3. Comment on the Special District and Other Forms of Decentralization	54
D. Alteration, Boundary Changes	56
1. Extraterritorial Exercise of Power	56
2. Annexation	57
3. Dissolution, Division and Detachment	62
4. Political Realities and Constitutional Implications	64
5. Cross-Boundary Cooperation: Consolidation and Federation	71
E. Some Problems of Organization and Operation: Officers, Employees, Allocation and Delegation of Functions, Elections and Referenda	75
1. Introduction	75
2. Employee Profile	76
3. Officers	77
4. Devices to Protect Against Conflicts of Duty and Interest	78
5. Residency Requirements	83
6. Discriminatory Employment Practices	84
7. Public Employee Unions	86

OUTLINE

E. Some Problems of Organization and Operation: Officers, Employees, Allocation and Delegation of Functions, Elections and Referenda—Continued

Sec.		Page
8.	Restrictions on the Exercise of Executive, Administrative, Legislative and Judicial Functions -----	88
9.	Delegation of Implementation Authority -----	94
10.	Elections and the Fourteenth Amendment -----	97
11.	Referenda and the Fourteenth Amendment -----	101

CHAPTER III—REGULATION OF CONDUCT AND THE USE OF LAND

A.	The Police Power -----	104
1.	Relation to Zoning Power -----	104
2.	Challenges to Police-Power Exercise -----	105
3.	Appropriate Objects for Police-Power Exercise -----	109
4.	Relation of Means to Object -----	112
5.	Specific Constitutional Limitations -----	114
6.	Regulation and Prohibition -----	119
7.	Licenses, Permits, Fees -----	120
8.	Nuisances -----	121
9.	Investigation, Enforcement and Penalties -----	123
10.	Discriminatory Enforcement -----	126
11.	Estoppel -----	126

OUTLINE

	Page
B. Regulation of Land Use -----	128
Sec.	
1. Functional Components in the Land Regulatory Process -----	128
2. The Role of Planning -----	131
3. "Plans" and "Maps" -----	133
4. Techniques of Plan Implementa- tion: Official Maps, Master Plans, Subdivision Control, and Other Devices -----	135
5. Zoning -----	141
6. Rezoning -----	144
7. Zoning Devices: Euclidean, Float- ing, Conditional, Contract and Cluster, Planned Unit Develop- ment -----	145
8. Flexibility Devices: Exemptions, Accessory Uses, Special Excep- tions, Variances, Non-Conform- ing Uses, and Cumulative Zon- ing -----	149
9. Enforcement -----	157
10. Accompanying Land Use Regula- tions -----	157
11. "Exclusionary" Zoning -----	162

CHAPTER IV—ACQUISITION, LIMITA- TIONS ON USE, AND DISPOSI- TION OF GOODS, SERVICES AND PROPERTY

A. Acquisition by Contract -----	168
1. Introduction -----	168
2. Authority to Contract -----	171

OUTLINE

A. Acquisition by Contract—Continued

Sec.	Page
3. Conflict of Interest	172
4. Other Contracts Against Public Policy	174
5. Bidding Requirements	178
6. Limitations to Assure Citizen Vigilance	183
7. Agency	184
8. A Note on Some Common Municipal Contract Clauses	185
9. Relief and Restitution	186

B. Other Methods of Property Acquisition: Gift, Dedication, Adverse Possession, Prescription and User ..

1. Public Purpose and Methods of Acquisition	188
2. Illustration	190
3. Estate Obtained: The Fee (Directly or by Implication); Acquisition with Conditions	190
4. Estate Obtained: Easement	192
5. Effect of Estate Obtained and Method of Acquisition upon Municipal Flexibility	193

C. Acquisition Under Eminent Domain

1. Authority	195
2. Some Interests Subject to Eminent Domain	195
3. Necessity and Public Use or Purpose Requirements	199
4. Excess Condemnation	201

OUTLINE

C. Acquisition Under Eminent Domain —Continued

Sec.	Page
5. Quick Condemnation	203
6. Some Aspects of Just Compensation: Fair Market Value, Methods of Appraisal, Apportionment, Highest-and-Best-Use Factors, and Substitution	204
7. Consequential and Severance Damages, Offsetting Benefits	208
8. Comment on Extent of Just Compensation	211

D. Some Limitations on Municipal Use of Acquired Property	212
1. Nuisances	212
2. Inconsistent Private Uses	212
3. Constitutional Limitations	213
4. Holding City to Present Use	213
5. Change of Use of Property Held in Fee	215

E. Disposition and Loss of Municipal Property	216
1. Abandonment	216
2. Lease	217
3. Franchises	218
4. Vacation of Streets	220
5. Gift, Pledge, Mortgage	221
6. Sale	221
7. Adverse Possession, Estoppel to Claim Title	222
8. Reversion	223