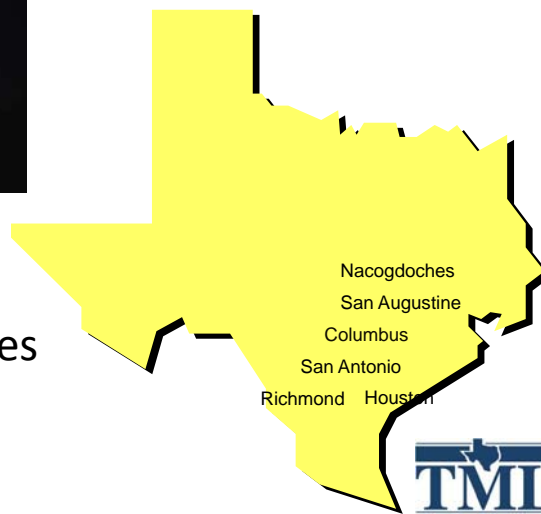


Types of City Government

Riley Fletcher 2014
Heather Mahurin
Legal Counsel, TML



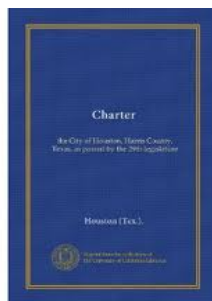
Birth of Texas Cities



General Law Cities Type A, B, or C?



Home Rule Cities



Home Rule Authority

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law; A general law city has no charter and may *only* exercise those powers that are specifically granted or implied by statute.



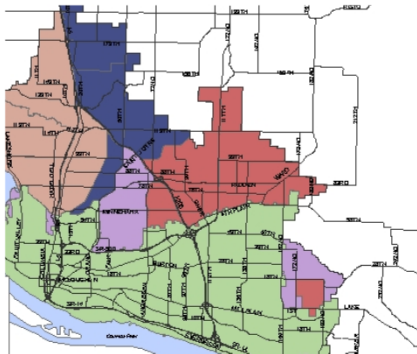
**How do I know what type of city
I represent?!**



What are some differences in general law and home rule cities?



Annexation



Home Rule: unilateral annexation with state rules

General Law: mostly requested annexations with rules



Initiative, Referendum, and Recall

- Only home rule cities possess these powers
- Home Rule Charter gives authority
- Initiative: Citizens want an ordinance
- Referendum: Citizens want to repeal an ordinance
- Recall: Citizens want to remove one or more members of governing body



Sex Offender Residency Restrictions

Texas Attorney General Opinion GA-0526

Sec. 51.012. ORDINANCES AND REGULATIONS. The municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic



Changing City Type

Changing to a Type A City

1. Affirmative vote of 2/3 of city council;
2. Record taken and signed by mayor; and
3. Record filed and recorded in county clerk's office.

Changing to Home Rule

1. City council may order an election to create a charter commission, with 2/3 vote of council; or
2. Council must order an election if presented with a petition signed by at least 10 percent of the qualified voters



State Preemption of Local Authority



Transportation Code

Sec. 545.425

State-level

misdemeanor to drive
in a school zone while
talking on a cell phone

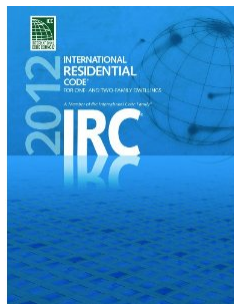


Dangerous Dogs

- Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:
 - (1) are not specific to one breed or several breeds of dogs; and
 - (2) are more stringent than restrictions provided by this subchapter.



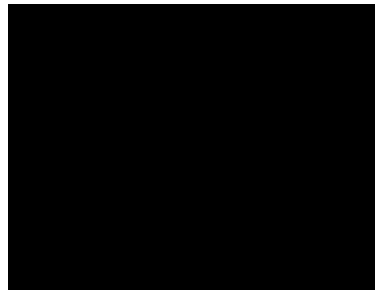
Fire Sprinklers



Firearms

A city may not adopt regulations on:

1. Transfer, ownership, transportation, licensing, or registration of firearms or firearm supplies
2. Discharge of firearm or at a sport shooting range



Texas Loc. Govt. Code §229.001



Questions?

Great resources are available on our website:

<http://www.tml.org/> → “Legal Research”

Feel free to contact me:

heather@tml.org

512-231-7400

