

Types of City Government: Understanding the Fundamental Differences

2013 Riley Fletcher Municipal Law Seminar


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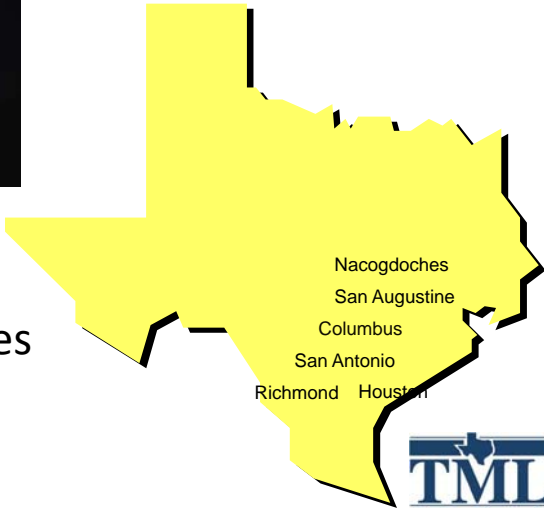


- ❖ Introduction and Brief History
- ❖ Types of Cities
- ❖ Differences
- ❖ Preemption and Specific Authorizations
- ❖ Resources and Questions









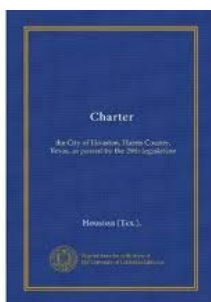
Birth of Texas Cities



General Law Cities Type A, B, or C?



Home Rule Cities



Home Rule Authority

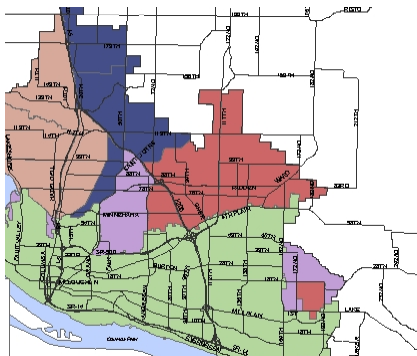
A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law; A general law city has no charter and may *only* exercise those powers that are specifically granted or implied by statute.



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 on 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



State Preemption of Local Authority



- 2009 bill made it a State-level misdemeanor to drive in a school zone while talking on a cell phone

Transportation Code
Sec. 545.425

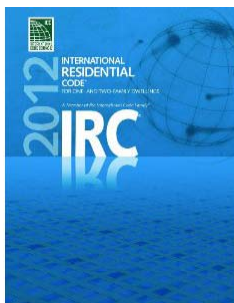


Dangerous Dogs

- 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



Streets: Closing, Speed Limits, and Red Light Cameras

Authority and Closing: Texas Transportation Code Chapter 311

Speed Limits: Texas Transportation Code Chapter 545

Red Light Cameras: Texas Transportation Code Chapter 707



Nuisance

Issue	Home Rule	Type A	Type B	Type C
General Nuisance Authority	May define and abate in city limits and up to 5,000 feet outside city limits LGC 217.042	May regulate and abate nuisances LGC 217.002	May regulate and prevent nuisances and charge expense to landowner LGC 217.022	See powers of Type A or Type B depending on population
Disorderly Conduct; Noise	LGC 271.003	LGC 271.003	LGC 271.003	LGC 271.003
Dangerous Buildings	LGC 214.001	LGC 214.001	LGC 214.001	LGC 214.001
Dangerous Buildings: Assess Costs	LGC 214.0015	LGC 214.0015	LGC 214.0015	LGC 214.0015
Rendering Plants	LGC 215.003	LGC 215.003	LGC 215.003	LGC 215.003
Sewers	Health & Safety 342.002	Health & Safety 342.002	Health & Safety 342.002	Health & Safety 342.002
Weeds	Health & Safety 342.004; abate without notice 342.008	Health & Safety 342.004; abate without notice 342.008	Health & Safety 342.004; abate without notice 342.008	Health & Safety 342.004; abate without notice 342.008
Stagnant Water	Health & Safety 342.001	Health & Safety 342.001	Health & Safety 342.001	Health & Safety 342.001
Dumping Trash, dead animals	No specific statutory authority	Health & Safety 342.021	Same as Type A	Same as Type A if population over 200
Dangerous Dogs	Health & Safety 822.047	Health & Safety 822.047	Health & Safety 822.047	Health & Safety 822.047
Junked Vehicles	Transportation 683.0711	Transportation 683.0711	Transportation 683.0711	Transportation 683.0711
Animals		LGC 215.025; 215.026; 215.027		
Disease; Quarantine	Health & Safety 122.006	Health & Safety 122.005		
Cost of Cleaning Nuisance Charged to Property Owner	Health & Safety 342.006; obtain lien 342.007	Health & Safety 342.006; obtain lien 342.007	Health & Safety 342.006; obtain lien 342.007	Health & Safety 342.006; obtain lien 342.007
Graffiti				

