

Preface

Your Revised Volume 11 of *McQuillin the Law of Municipal Corporations* provides the latest legal case law and analysis as relates to the powerful use of eminent domain by local government. The validity of taking private property for public use is a constant source of municipal litigation. In addition, the topic of sewers and continuation of the discussion of streets from the previous volume is included in Volume 11.

An in-depth analysis of all areas of regulatory takings is reported in this volume. All areas of regulations can come under challenge in many different forms. For example, a towing and impounding of vehicle in which automobile finance company held perfected security interest under city's vehicle seizure and impoundment program did not constitute "regulatory taking" under Fifth Amendment as the impoundment of vehicle was short and thus did not have significant economic impact on company and the city's program served important public interests of parking and traffic enforcement. In a landmark case, a municipal ordinance that created all new regulations for non-commercial short-term rentals including imposing a lottery that would determine which owners can operate these short-term rentals and a limitation that only one rental would be allowed per city block, withstood constitutional scrutiny. In another case, a city's increased police presence and investigatory activity in area as response to violent crime surge, which resulted in two bars losing their business licenses, was held not to result in a taking.

The use of photo enforcement cameras at intersections continues to be a source of litigation. The city's use of traffic enforcement system for school zones, which used cameras to record speeding vehicles and mailed tickets to registered owners without positively identifying drivers, was held rationally related to legitimate government interests in deterring speeding in school zones and protecting safety of

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school children. There was no implication of any fundamental right by issuance of speeding ticket to vehicle owner as result of city's traffic enforcement system for school zones and thus, rational basis test, rather than strict scrutiny, applied to owner's § 1983 claim for violation of the Equal Protection Clause. The car owners received constitutionally adequate processes to contest tickets, and the owners received notice of the traffic ticket and the opportunity to choose among three options to respond to ticket, one of which included appearing in court to contest it.

This and much more can be found in Revised Volume 11. In addition, your newly revised McQuillin Volume 11 has been filled throughout with cross-references to the WestKey numbers, pertinent law review articles, ALR annotations and Am Jur References.

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