

Bond Case Briefs

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CONSTITUTIONAL LAW - NORTH CAROLINA

Town of Boone v. State

Supreme Court of North Carolina - December 21, 2016 - S.E.2d - 2016 WL 7422420

Town brought action against State, alleging that an act that withdrew extraterritorial jurisdiction from town and returned governance of areas to county was an unconstitutional local act.

After county intervened, the Superior Court for a three-judge panel, granted summary judgment in favor of town. State and county appealed.

The Supreme Court of North Carolina held that the act was not an unconstitutional local act.

Legislature's act that withdrew extraterritorial jurisdiction from town and returned governance of areas to county fell squarely within legislature's plenary authority to provide for organization and government and fixing of boundaries of local government, and thus was not an unconstitutional local act. Extraterritorial jurisdiction was inextricably tied to a municipality's authority to enforce its zoning and development ordinances within certain geographic boundaries, and legislature was only body politic uniquely qualified to oversee local government and set jurisdictional lines that divided town and county.