

Chapter 6 – Public Restrictions on Land

1. C

Explanation: Building codes are another example of an exercise of the state's police power. They protect the public from dangers caused by unsafe design, substandard materials, or poor workmanship.

2. C

Explanation: While real property taxes are levied according to property value, special assessments are levied according to the amount of the benefit received by each property.

3. D

Explanation: Property taxes are not a personal obligation -- in other words, the county will not sue a property owner to recover them (unless a tax sale of the property is insufficient to make up the delinquency). Instead, they take the form of a lien against the property being taxed.

4. B

Explanation: In this case, the deed restrictions would prevail. Where there is a conflict, the more stringent of the two restrictions will apply, regardless of which was implemented first. Here, the deed restrictions require a larger lot size than the zoning regulations do.

5. D

Explanation: All of these methods of regulating land use stem from local governmental police power.

6. B

Explanation: Special assessments are one-time charges to pay for particular projects. Only those properties that benefit from the project will pay for a special assessment bond. Each property will pay for the special assessment according to the amount of benefit it will receive from the project, rather than according to the value of the property.

7. B

Explanation: Design of buildings and methods of building construction are regulated through building codes, not through zoning regulations.

8. D

Explanation: Public property, property owned by religious organizations, and property owned by nonprofit organizations is generally exempt from taxation.

9. C

Explanation: Zoning laws receive their legitimacy from the delegation of police power to local governments. Zoning laws are enacted for the protection of the health, safety, and welfare of the public.

10. C

Explanation: A property use that does not conform to current zoning requirements, but is allowed because the property was being used in that way before the present zoning ordinance was

enacted, is called a nonconforming use. A nonconforming use may also be referred to as a pre-existing or legal nonconforming use.

11. D

Explanation: Zoning and private restrictions help ensure that neighboring land uses are compatible, which promotes harmony between neighboring landowners.

12. B

Explanation: The two basic constitutional requirements for condemnation are that the property must be taken for a public use, and just compensation must be paid to the owner.

13. C

Explanation: Ad valorem is a Latin phrase meaning "according to value."
The amount of ad valorem taxes paid by a property owner is based on the value of the property.

14. C

Explanation: A variance allows a property owner to make a minor deviation from zoning regulations. A property owner can qualify for a variance only if strict enforcement of zoning regulations would create undue hardship or severe practical difficulties.

15. A

Explanation: The broadest power of the government to regulate for the protection of public health, safety, and welfare is the police power. This includes land use controls on the use of private property.