

Hon. Henry R. Hergenroeder, Chairman, Judiciary Committee,  
City Council (continued)

In dealing with the question under consideration, McQuillin on Municipal Corporations, Vol. 4, page 442, states that a municipal legislative body cannot abrogate or impair any power conferred on it by law.

It is a fundamental principle of constitutional law that in matters relating to the police power each successive legislature is of equal authority. A legislative body cannot part with its right to exercise such power; it inherently has authority to use the power again and again, as often as the public interests may require.

The state cannot barter or bargain away the right to use the police power or by any contract divest itself of the power to provide for acknowledged objects of legislation falling within the domain of the police power. Accordingly, the legislature cannot surrender or limit such powers, either by affirmative action or by inaction, or abridge them by any grant, contract, or delegation whatsoever.

As firmly established as the general rule is the corollary that the discretion of the legislature cannot be parted with any more than the power itself. Thus, the legislative authority cannot redelegate to anyone the ultimate right to determine when, to what extent, and under what circumstances the police power may properly be exercised in any given case.

These principles apply to the police power delegated to municipal corporations. Thus, the general police power possessed by a city is a continuing power, and is one of which a city cannot divest itself, by contract or otherwise.

11 Am. Jur., pp. 983-986, 989

Neither the state legislature nor any inferior legislative body to which a portion of the police power has been granted can alienate, surrender, or abridge the right to exercise such power by any grant, contract, or delegation whatsoever, although in some