

Bond Case Briefs

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MUNICIPAL ORDINANCE - MISSOURI

City of Cape Girardeau v. Kuntze

Missouri Court of Appeals, Eastern District, Southern Division - November 8, 2016 - S.W.3d - 2016 WL 6601433

Defendant was found by the Circuit Court guilty of the offense of creating public nuisance in violation of city ordinance. Defendant appealed.

The Court of Appeals held that:

- Word “registered” in city ordinance, which defined the term inoperable vehicle as used in ordinance declaring any inoperable vehicle located on city property to be a public nuisance, referred to proper registration of vehicle within the state, and
- Ordinance, which declared any inoperable vehicle located on city property to be a public nuisance, did not violate equal protection.

Word “registered” in city ordinance, which defined the term inoperable vehicle as used in ordinance declaring any inoperable vehicle located on city property to be a public nuisance, referred to proper registration of vehicle within the state. The word “registered” could not mean having titled a vehicle, since under state statutes vehicle could not be registered until owner applied for title and titling of the vehicle was not the same as annual registration.

City ordinance, which declared any inoperable vehicle located on city property to be a public nuisance, did not violate equal protection. City had legitimate interest in keeping properties free from inoperable vehicles due to their impact on property values and beautification of the city, and applying ordinance to unregistered vehicle, which was illegal to operate, was rationally related to city’s interest.