

Bond Case Briefs

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MUNICIPAL ORDINANCE - KANSAS

Huffman v. City of Maize

Court of Appeals of Kansas - September 22, 2017 - P.3d - 2017 WL 4216400

Mobile home park owners filed a petition for declaratory judgment and injunctive relief against city, alleging that the mobile home park ordinance exceeded the city's police powers and violated their constitutional rights to due process under law.

The Sedgwick District Court entered summary judgment for city, and park owners appealed.

The Court of Appeals held that:

- City ordinance regulating mobile home parks fell within city's broad police powers;
- Park owners' constitutional rights to substantive or procedural due process were not violated by city's enactment of ordinance; and
- Ordinance regulating mobile home parks did not violate equal protection.

City ordinance regulating mobile home parks fell within city's broad police powers because it was enacted for the health, safety, and welfare of those living in or visiting mobile home parks.

Mobile home park owners' constitutional rights to substantive or procedural due process were not violated by city's enactment of ordinance regulating mobile home parks. Park owners were given reasonable notice of the proposed ordinance by the city council as well as an adequate opportunity to be heard prior to the enactment of ordinance.

City ordinance regulating mobile home parks did not violate equal protection under rational basis test. City came forward with legitimate reasons for enacting ordinance, such as to protect not only mobile home park residents, but also visitors, and as such, the separate classification was not created arbitrarily, discriminatorily, or unreasonably.