

Bond Case Briefs

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MUNICIPAL ORDINANCE - MARYLAND

Pizza di Joey, LLC v. Mayor and City Council of Baltimore

Court of Special Appeals of Maryland - May 30, 2019 - A.3d - 2019 WL 2296149

Food trucks brought action against city, seeking injunctive relief and a declaration that a city code provision limiting where trucks could operate violated the state constitution.

After the denial of a motion to dismiss and cross-motions for summary judgment, and after a bench trial, the Circuit Court concluded that the code provision did not violate due process or equal protection rights, but that the provision was unconstitutionally vague. Food trucks appealed and city cross-appealed.

The Court of Special Appeals held that:

- Food trucks alleged a ripe, justiciable controversy;
- Code provision was not per se unconstitutional under equal protection clause;
- Traditional rational basis review, rather than less deferential review, applied to claim;
- Code provision was rationally related to legitimate government interest;
- Food trucks waived potential claim that code provision was void for vagueness; and
- Food trucks could not bring claim that code provision was vague on its face.