

Bond Case Briefs

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ANNEXATION - MISSISSIPPI

Pearson's Fireworks, Inc. v. City of Hattiesburg

Supreme Court of Mississippi - August 7, 2014 - So.3d - 2014 WL 3891637

Fireworks company brought action against city, seeking declaratory judgment stating that city ordinance prohibiting sale of fireworks was unenforceable against company, damages for regulatory taking of its business, and injunctive relief preventing city from closing company's business until resolution of company's first and second claims.

The Supreme Court of Mississippi held that:

- City's annexation notice was not invalid due to a lack of notice publication;
- Due process did not require that city provide fireworks company with actual, rather than constructive notice of its intent to annex property;
- The pre-existing-use doctrine and/or grandfathering did not apply to allow for the sale of fireworks on newly annexed property; and
- City's annexation of land leased by fireworks company did not amount to a compensable "regulatory taking."