

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - MICHIGAN**

### **Shoemaker v. City of Howell**

**United States Court of Appeals, Sixth Circuit - July 29, 2015 - F.3d - 2015 WL 4548336**

Homeowner brought action challenging constitutional validity of city ordinance requiring homeowners or occupants to maintain grassy area between sidewalk and street curb adjacent to their property so that grass, weeds, and other vegetation did not grow in excess of eight inches. The United States District Court entered order granting summary judgment in favor of homeowner. The same court entered order denying city's motion for stay of judgment pending appeal, and homeowner's motion for relief from judgment or order. City appealed.

The Court of Appeals held that:

- Notice to homeowner satisfied notice requirements of procedural due process;
- Procedures city provided to homeowner to challenge allegation that he violated ordinance did not violate homeowner's procedural due process rights;
- Homeowner was precluded from mounting procedural due process claim against city;
- Ordinance did not impair homeowner's fundamental rights; and
- Ordinance did not violate homeowner's substantive due process rights.