

Bond Case Briefs

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MUNICIPAL ORDINANCE - KENTUCKY

Kentucky Restaurant Association; v. Louisville/Jefferson County Metro Government

Supreme Court of Kentucky - October 20, 2016 - S.W.3d - 2016 WL 6125883

Plaintiff organizations and company brought against consolidated city-county government, alleging that government did not have authority to enact a minimum wage ordinance and seeking an injunction barring the enforcement of the ordinance.

The Circuit Court granted judgment on the pleadings in favor of government. The Court of Appeals denied plaintiffs' request for emergency relief, and the Supreme Court accepted transfer of the case.

The Supreme Court of Kentucky held that:

- Ordinance impermissibly conflicted with state minimum wage statute;
- State had enacted a comprehensive statutory scheme on the issue of wages; and
- Federal minimum wage law had no effect on ordinance's validity.

Minimum wage ordinance enacted by consolidated city-county government conflicted with the state minimum wage statute, and was thus invalid. Ordinance required businesses to pay workers a higher wage than the statutory minimum, and "saving provision" in the minimum wage statute merely protected certain state laws that pre-dated statutory laws on the same subject and did not apply to the ordinance.

State statutes governing wages and hours provided a comprehensive statutory scheme on the issue of wages, and thus minimum wage ordinance enacted by consolidated city-county government was invalid. Scope and number of statutory provisions demonstrated that the statutes were intended to be a detailed and through regulation of wages, minimum wage statute itself provided no room for local legislation, and express preemption of local legislation was not required where the legislature had enacted a comprehensive statutory scheme.

Fair Labor Standards Act (FLSA) section, which provided that nothing in the FLSA shall preclude noncompliance with any federal or state law or municipal ordinance establishing a minimum wage than the minimum wage established under the FLSA, only precluded federal preemption of local laws establishing a higher minimum wage, not state preemption of those laws, and thus had no effect on the validity of minimum wage ordinance that had been enacted by consolidated city-county government and conflicted with Kentucky's minimum wage statute.