

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Perez v. County of Monterey

Court of Appeal, Sixth District, California - February 14, 2019 - Cal.Rptr.3d - 2019 WL 621483 - 19 Cal. Daily Op. Serv. 1493

Residents brought action for declaratory relief, challenging as unconstitutional a county ordinance prohibiting more than four roosters on a single property without a rooster keeping operation permit.

The Superior Court entered judgment for county, and residents appealed.

The Court of Appeal held that:

- Residents could not maintain claim that ordinance was a regulatory taking in light of agreement to limit the scope of the issues tried to solely whether the ordinance was valid on its face;
- Residents failed to establish that burden which ordinance imposed on interstate commerce outweighed the benefit of the regulation;
- Exceptions to ordinance applicable only to minors did not violate equal protection on basis of age discrimination;
- Ordinance was not an unconstitutional bill of attainder;
- Residents failed to establish that ordinance violated right to privacy; and
- Ordinance was a valid exercise of the county's police power.