

Bond Case Briefs

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MUNICIPAL ORDINANCE - MARYLAND

Pizza di Joey, LLC v. Mayor of Baltimore

Court of Appeals of Maryland - August 17, 2020 - A.3d - 2020 WL 4745777

Food trucks brought action against city, seeking injunctive relief and declaration that a city code provision prohibiting food trucks from operating within 300 feet of brick-and-mortar establishments that sold primarily the same kind of food violated substantive due process and equal protection under State Constitution.

After a bench trial, the Circuit Court concluded that the provision did not violate due process or equal protection but that it was unconstitutionally vague. Food trucks appealed and city cross-appealed. The Court of Special Appeals affirmed in part and reversed in part. Food trucks appealed.

The Court of Appeals held that:

- Food trucks' claims were ripe for review;
- Food trucks had standing;
- Rational basis review applied to due process and equal protection claims;
- The 300-foot rule did not violate due process or equal protection;
- Trial court erred in *sua sponte* deciding vagueness claim after food trucks affirmatively waived claim; and
- The 300-foot rule was not facially vague in violation of due process.