

Ter Beek v. City of Wyoming

Citation.

Brief Fact Summary.

Plaintiff seeks a declaratory judgment on the grounds that he cannot comply with the city code and the state law at the same time because they are in conflict with each other.

Synopsis of Rule of Law.

A city ordinance is deemed preempted when it directly conflicts with a state statute preempted by the MMMA.

Issue.

Whether the City ordinance is preempted by the MMMA.

Held.

Yes, the City ordinance is preempted by the MMMA.

Discussion.

Under the Michigan Constitution, the City has the power to adopt its own resolutions and ordinances for its municipal, subject to the Constitution and the law of Michigan. Further, the City is precluded from enacting an ordinance if it is in conflict with Michigan law. Here, the ordinance is in direct conflict with Michigan Law, the MMMA, because one cannot comply with both laws at the same time. Therefore, the ordinance is preempted by the MMMA.

POINTS OF LAW

The Supremacy Clause invalidates state laws that interfere with, or are contrary to federal law.