

SUPREME COURT OF IOWA

City of Okoboji v. Iowa District Court for Dickinson County

744 N.W.2d 327 (Iowa 2008) · No. No. 06-1483 · Decided January 25, 2008

SUMMARY

The Supreme Court of Iowa held that the district court acted illegally by issuing an injunction on remand that failed to comply with the mandate and reasoning of the court's prior decision. The court sustained the writ of certiorari and remanded for entry of a permanent injunction prohibiting operation of the proposed bar and associated activities constituting an unlawful expansion of a nonconforming use.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Justice
JURISDICTION	Iowa
DECIDED	January 25, 2008
DOCKET	No. 06-1483
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The City of Okoboji petitioned for a writ of certiorari challenging the district court's injunction issued after remand from an earlier Iowa Supreme Court decision.
STANDARD OF REVIEW	In an original certiorari action, the court reviews for correction of errors at law and determines whether the lower tribunal exceeded its jurisdiction or acted illegally.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	City of Okoboji v. Iowa District Court for Dickinson County

TOPICS

- writ of certiorari
- appellate procedure
- injunctions
- zoning
- municipal law

PRACTICE AREAS

- appellate procedure
- civil procedure
- municipal law
- land use
- real estate

QUESTIONS PRESENTED

1. Whether the district court acted illegally by issuing an injunction on remand that was narrower than the Iowa Supreme Court's prior mandate.
2. Whether a writ of certiorari may be used to correct a district court's failure to comply with an appellate mandate.

HOLDINGS

1. The district court acted illegally by limiting the injunction to the sale of alcoholic beverages for on-premises consumption under a class C liquor license; the mandate required an injunction prohibiting operation of the proposed bar under the circumstances addressed in the prior opinion, regardless of the licensing method used.
2. A writ of certiorari may be used to correct a district court's action on remand that is contrary to an appellate mandate.

KEY QUOTATIONS

“A mandate to the district court contained in a decision of this court becomes the law of the case on remand, and a district court that misconstrues or acts inconsistently with the mandate acts illegally by failing to apply the correct rule of law or exceeding its jurisdiction.” (744 N.W.2d at 330)

“On remand, the jurisdiction of the case is returned to the district court for the purpose of doing the act authorized or directed by the appellate court in its opinion “and nothing else.”” (744 N.W.2d at 331)

“The full opinion and the circumstances it embraced made it abundantly clear that the injunction must prohibit the activity of operating a bar under the circumstances proposed without regard to the manner alcoholic beverages would be sold or consumed.” (744 N.W.2d at 332)

FACTUAL BACKGROUND

Okoboji Barz, Inc. and Leo Parks operated a marina as a preexisting, nonconforming use on residentially zoned lakefront property. Parks proposed adding a bar serving alcohol for on-premises consumption, along with karaoke, live music, hog roasts, and full-moon parties. In the prior appeal, the Iowa Supreme Court held that the proposed bar would unlawfully change the nature and character of the nonconforming use and directed the district court to issue a permanent injunction. On remand, the district court issued an injunction limited to operation of a bar involving on-premises alcohol sales, leaving other proposed bar-related activities and alternative licensing arrangements unrestricted.

PROCEDURAL HISTORY

The district court initially denied the City's request to enjoin a proposed bar and related activities at a marina operated by Okoboji Barz, Inc. and Leo Parks, Jr. The Iowa Supreme Court reversed and directed entry of a permanent injunction, holding that the proposed bar would unlawfully expand a nonconforming use. On remand, the district court issued a narrower injunction limited to the sale of alcoholic beverages for on-premises consumption under a class C liquor license. The City sought certiorari, and the Supreme Court of Iowa sustained the writ and remanded for entry of an injunction consistent with its prior mandate.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The district court must enter, without delay, a permanent injunction consistent with the Iowa Supreme Court's prior opinion and mandate, prohibiting operation of the proposed bar under the circumstances proposed without regard to the manner in which alcoholic beverages would be sold or consumed.

CASES CITED

- City of Okoboji v. Okoboji Barz, Inc., 717 N.W.2d 310, 316 (Iowa 2006)
- State Pub. Defender v. Iowa Dist. Ct., 633 N.W.2d 280, 282 (Iowa 2001)
- Whitlock v. Iowa Dist. Ct., 497 N.W.2d 891, 893 (Iowa 1993)
- Kuhlmann v. Persinger, 261 Iowa 461, 468, 154 N.W.2d 860, 864 (1967)
- In re Sanford Fork & Tool Co., 160 U.S. 247, 255-56, 16 S. Ct. 291, 293, 40 L. Ed. 414, 416 (1895)
- Casey v. Planned Parenthood, 14 F.3d 848, 856-57 (3d Cir. 1994)
- Litman v. Mass. Mut. Life Ins. Co., 825 F.2d 1506, 1508 (11th Cir. 1987)
- Briggs v. Pennsylvania R. Co., 334 U.S. 304, 306, 68 S. Ct. 1039, 1040, 92 L. Ed. 1403, 1405 (1948)
- In re Marriage of Davis, 608 N.W.2d 766, 769 (Iowa 2000)
- Glenn v. Chambers, 244 Iowa 750, 754, 56 N.W.2d 892, 895 (1953)
- United States v. Matthews, 312 F.3d 652, 657 (5th Cir. 2002)

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