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Victory for single mom who sued Ottawa, Kansas, to protect constitutional right to garden, produce locally raised honey, as home-based business.

Ottawa, KS – Ellen Finnerty’s dream business of selling homegrown produce and home-raised honey at the farmer’s market will now be allowed, after Ottawa, Kansas, changed its laws, four months after she teamed with Kansas Justice Institute to file a [lawsuit challenging Ottawa’s unconstitutional home-based business prohibitions](#).

“Sweet! What a great victory, not only for me, but for everyone who wants to live a natural, healthy life, and earn an honest living from it,” Finnerty said. “After the city told me no, I’m so thankful for Kansas Justice Institute. I could not have done this without them,” Finnerty stated.

In May 2023, Ms. Finnerty joined forces with Kansas Justice Institute to file a lawsuit challenging Ottawa’s home-based business prohibitions, which effectively prohibited her from selling homegrown produce and home-raised honey at the local farmer’s market. Ottawa responded by changing its laws to permit Ms. Finnerty’s dream business: backyard gardening and beekeeping.

“We’re incredibly pleased the city changed its laws so Ms. Finnerty can start her dream business,” KJI litigation director Sam MacRoberts said. “The city correctly recognized that it shouldn’t be a crime to use your own backyard to produce homegrown vegetables and home-raised honey,” MacRoberts continued. “People have gardened and safely raised honey for thousands of years, and the city, to its great credit, understood there wasn’t a good reason to prevent Ellen from starting her home-based business,” MacRoberts said.

“We’re thrilled that Ellen can start her dream business,” MacRoberts stated. “We hope the city changes all of its home-based business laws to make it easier to earn an honest living,” MacRoberts added.

Ms. Finnerty is a 52-year-old single mom who works full-time as a machine operator. To help support her family, Ms. Finnerty wanted the opportunity to sell homegrown produce and home-raised honey at the local farmer’s market. Now she can, after teaming up with Kansas Justice Institute.

“Ellen didn’t sue the city for money. She was fighting to protect everyone’s rights under the Kansas Constitution—the right to earn an honest living and to be able to use your own backyard for a safe and peaceful purpose,” MacRoberts said.

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“This is an important victory in Ottawa, but our work isn’t done. Cities throughout the state continue to improperly, and unconstitutionally, restrict home-based businesses,” MacRoberts said.

Represented at no charge by Kansas Justice Institute, Ms. Finnerty sued the city to vindicate her rights, and the rights of all Kansans, to be free from unreasonable government regulations.

This case is part of [KJI](#)’s litigation campaign challenging laws that interfere with Kansans’ ability to produce, market, and buy foods of their choosing. This case is also part of KJI’s litigation efforts to make it easier for families to earn honest livings. In 2019, KJI successfully sued the State of Kansas over its [raw milk advertising prohibition](#), and in 2020, KJI sued the State over its occupational licensing requirement involving [eyebrow threading](#).

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