

2023-2024

Michigan Municipal League

Legal Defense Fund Report

The Michigan Municipal League's Legal Defense Fund has had interesting cases to deal with this year.

Oakland Tactical v. Howell Township, this case came to the attention of the LDF at the request of the Michigan Townships Association. The MTA joined our brief at the Sixth Circuit Court of Appeals. The plaintiffs in the case had asserted that the Second Amendment overrode the township's zoning ordinance while they were seeking an outdoor gun range of at least 1,000 yards. The township prevailed in the case.

Maxon v. Long Lake Township, the MTA again requested that we join their brief in this matter. The township had used a drone to flyover the plaintiffs land and took photos of specific violations of the consent agreement they had entered into regarding an ordinance violation. While the trial court agreed that the evidence could not be used in the case, the township prevailed on appeal.

Pegasus Wind v. Tuscola County Airport Authority ZBA, this case involved the plaintiff requesting a variance to allow them to build a windmill closer to the airport than was allowed by the zoning ordinance. While the plaintiffs prevailed at the trial court, the ZBA was successful on the appeal.

Trinity Health v. Kentwood, this case involves a non-profit organization using property in a commercial sense. The city is seeking to have the charitable use taken away since the property is not being used for any charitable purposes.

Midwest Valve v. City of Detroit, the Michigan Supreme Court invited the MML to file a brief in this case involving a question of whether a fee being charged by the city was an annual permit fee (as claimed by the city) or an inspection fee (as claimed by the plaintiff and not actually inspected).

Ruman v. Warren, the Michigan Supreme Court invited the MML and MTA to file briefs in this case. This matter involves the question of whether or not a local government can levy a millage to support a pension system benefit increase after the passage of the Headlee Amendment.

Burns v. Flint, at the request of the City of Flint, support by way of an amicus brief was granted in a Michigan Court of Appeals case. The trial court invalidated a section of the Flint city charter regarding disciplining or removing a councilperson, holding that the governor has this exclusive power.