

Bond Case Briefs

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ZONING & PLANNING - MICHIGAN

Long Lake Township v. Maxon

Supreme Court of Michigan - May 3, 2024 - N.W.3d - 2024 WL 1960615

Township filed action against homeowners for violating zoning ordinance, creating nuisance, and breaching previous settlement agreement.

The Circuit Court denied owners' motion to suppress aerial photographs taken using drone, and owners appealed. The Court of Appeals reversed. Township filed application for leave to appeal. In lieu of granting leave to appeal, the Supreme Court vacated and remanded. On remand, the Court of Appeals affirmed, and owners appealed.

The Supreme Court held that exclusionary rule did not apply to preclude township from introducing aerial photographs of property taken using drone without warrant or owners' consent.

Exclusionary rule did not apply to preclude township from introducing aerial photographs of property taken using drone without warrant or owners' consent in township's action alleging violation of its zoning ordinance, nuisance, and breach of settlement agreement; very little of property was visible from public vantage-point, without drone's photographs and video, township did not seek any criminal or monetary penalties, and applying exclusionary rule would prevent township from effectuating its nuisance and zoning ordinances and would do so for little benefit, given that exclusion of photographs and video would not deter future misconduct by law enforcement officers or their adjuncts, proxies, or agents.