STATE OF MICHIGAN

COURT OF CLAIMS

MICHIGAN COALITION OF DRONE OPERATORS, INC., and KARA E. MURPHY, INDIVIDUALLY,

Plaintiffs,

v

Case No. 24-000079-MZ

REGENTS OF THE UNIVERSITY OF MICHIGAN and EDDIE L. WASHINGTON, in his capacity as Executive Director of the University of Michigan's Division of Public Safety & Security,

Hon. Brock A. Swartzle

Defendants.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION AND DENYING PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF

Plaintiff Michigan Coalition of Drone Operators ("MCDO") is a Michigan nonprofit advocacy organization that represents the interests of its drone-operator members. Plaintiff Kara Murphy is a member and officer of MCDO. Defendant Regents of the University of Michigan governs the University of Michigan (the "University"). Defendant Eddie L. Washington is the Executive Director of the University's Division of Public Safety and Security. Plaintiffs' lawsuit for declaratory and injunctive relief seeks to invalidate Article XVI of the Regents' Ordinances

(the "drone ordinance")[1] on the basis that the drone ordinance is preempted by state and federal law. Plaintiffs also moved for preliminary and permanent injunctive relief, seeking to enjoin enforcement of the drone ordinance.

Now before the Court is defendants' motion for summary disposition under MCR 2.116(C)(4), (8), and (10). The Court heard oral arguments and requested supplemental briefing. For the reasons discussed below, the Court GRANTS defendants' motion for summary disposition and therefore DENIES plaintiffs' motion for injunctive relief.

I. BACKGROUND

The drone ordinance is at the crux of the dispute in this case. Section 1(a) of the drone ordinance defines an "unmanned aerial vehicle" and "unmanned aircraft system" or "UAV" as "an aerial vehicle or system, whether or not capable of carrying humans or cargo, that is operated remotely or that is capable of navigating autonomously (commonly referred to as 'drones')." The

[1] The Regents' Ordinance contains regulations pertaining to parking, traffic, and the use and protection of University buildings and property. The Regents' Ordinance defines the geographic scope of the ordinance as follows:

> Except as otherwise provided by law, this Ordinance shall apply (a) to the Ann Arbor campus of the University of Michigan, which, for the purposes of this Ordinance, is deemed to include all Ann Arbor campus property owned or leased or otherwise controlled by the Regents of the University of Michigan and all locations to the extent permitted under Act 120 of 1990 as amended and (b) where applicable to the Dearborn and Flint campuses of the University of Michigan, which, for the purposes of this Ordinance, are deemed to include all Dearborn and Flint campus property, respectively, owned or leased or otherwise controlled by the Regents of the University of Michigan and all locations to the extent permitted under Act 120 of 1990 as amended. [Regents' Ordinance, Article I, § 1.]

1990 PA 120, MCL 390.1511 *et seq*., is an "ACT to empower the governing boards of control of public 4-year institutions of higher education to grant certain powers and authority to their public safety officers; to require those public safety officers to meet certain standards; and to require institutions of higher education to make certain crime reports."

ordinance regulates both indoor and outdoor uses of drones on University property. With respect to outdoors, the use of drones on University property is generally prohibited unless the user obtains a waiver or the use is exempted under the ordinance. One of the exemptions includes uses consistent with FAA requirements, and the ordinance makes clear that FAA requirements will take precedence and must be followed.

The drone ordinance contains criminal and civil provisions:

Section 2. Criminal Provisions

a) Prohibition. Except as provided in Sections 5 and 6 of this Article, it shall be unlawful for anyone to operate, take off, or land a UAV from on, or over University of Michigan property.

b) Penalty. A person who violates this Section 2 is guilty of a misdemeanor, and upon conviction, punishable by imprisonment for not less than ten days and no more than sixty days, or by a fine of not more than fifty dollars, or both.

Section 3. Civil Provisions

a) Prohibition. Except as provided in Sections 5 and 6 of this Article, no person shall assist in the operation, take off, or landing of a UAV from, on, or over University of Michigan property.

b) Penalty. A violation of this Section 3 shall constitute a civil infraction and shall be punishable by a fine of not more than fifty dollars.

Section 5 of the drone ordinance provides exceptions to these prohibitions for (a) use of drones for law enforcement purposes by law enforcement officers, or (b) use of drones indoors in accordance with established policies and procedures to permit the safe operation of drones.

Section 6 of the drone ordinance provides for waiver of these prohibitions:

The Executive Vice President and Chief Financial Officers or their written designee(s) with respect to the Ann Arbor campus, or the respective Chancellor or the Chancellor's designee with respect to the Flint and Dearborn campuses, may waive the prohibitions set forth in this Article under circumstances they deem appropriate. Any waiver must be in writing and must define its scope and duration.

The University published guidance providing detailed information on (1) the minimum requirements for approval of outdoor use of drones by anyone on University property; (2) the drone ordinance; and (3) the process for obtaining permission to fly drones outdoors from, on, or over the University's Ann Arbor, Dearborn, or Flint campuses or other University property. https://finance.umich.edu/treasury/ica/other-services (accessed December 10, 2025). In addition, the University's Division of Public Safety and Security published on its website "safety tips" regarding drone use on campus. https://dpss.umich.edu/content/prevention-education/safety-tips/drones-on-campus/ (accessed December 10, 2025). The website provides guidelines about the prohibitions on drone use, provides a link to the drone ordinance, and provides the exceptions to the ordinance, including the waiver process. The website additionally advises that "the Federal Aviation Administration (FAA) prohibits the use of drones within a three-nautical mile radius of an NCAA Division I football stadium on game days beginning one hour before kickoff through one hour after the conclusion of the game." *Id*.

Plaintiffs published an invitation on December 8, 2023, for members of MCDO and other interested parties to participate in an off-campus drone "fly-in" in Ann Arbor on December 23, 2023. The fly-in was to "launch drones outside of University property that would overfly certain on-campus locations." On December 19, 2023, the interim chief of the University's Division of Public Safety and Security sent a letter to Murphy containing information about the drone ordinance and the waiver process. The letter advised that violation of the drone ordinance could result in enforcement action. Plaintiffs did not avail themselves of the waiver process. The "fly-in" did not take place.

Plaintiffs filed this lawsuit seeking a declaration under MCR 2.605 that state and federal law preempts the drone ordinance and that defendants are prohibited from enforcing their drone

ordinance regulating and banning drones on University property. They contend that they wanted to operate drones recreationally and commercially within the geographical limits of properties affected by the University's drone ordinance and refrained from doing so because of the threat of criminal prosecution under the drone ordinance.

Plaintiffs allege that the drone ordinance is preempted by Michigan's Unmanned Aircraft Systems Act (UASA), 2016 PA 436; MCL 259.301 *et seq*. The UASA provides, in relevant part:

> (1) Except as expressly authorized by statute, a political subdivision shall not enact or enforce an ordinance or resolution that regulates the ownership or operation of unmanned aircraft or otherwise engage in the regulation of the ownership or operation of unmanned aircraft.
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> * * *
>
> (3) This act does not prohibit a political subdivision from promulgating rules, regulations, and ordinances for the use of unmanned aircraft systems by the political subdivision within the boundaries of the political subdivision. [MCL 259.305.]

MCL 259.303(d) defines political subdivision as "a county, city, village, township, or other political subdivision, public corporation, authority, or district in this state." MCL 259.303(d).

And Section 11 provides:

> A person that is authorized by the Federal Aviation Administration to operate unmanned aircraft systems for commercial purposes may operate unmanned aircraft systems in this state if the unmanned aircraft system is operated in a manner consistent with federal law. [MCL 259.311.]

Section 13 provides:

> A person may operate an unmanned aircraft system in this state for recreational purposes if the unmanned aircraft system is operated in a manner consistent with federal law for the operation of a model aircraft. [MCL 259.313.]

Plaintiffs also allege that the University's regulation of drone flight over University property is preempted by federal law—specifically 49 USC 40103(a)(1), (a)(2), and (b)(2).

49 USC 40103(a)(1) provides that the federal government has exclusive sovereignty of airspace of the United States. A citizen of the United States has a public right of transit through the navigable airspace. 49 USC 40103(a)(2). Under 49 USC 40103(b)(2), the Federal Aviation Administration ("FAA") is charged with "prescrib[ing] air traffic regulations on the flight of aircraft . . . for (A) navigating, protecting, and identifying aircraft; (B) protecting individuals and property on the ground; [and] (C) using the navigable airspace efficiently." 49 USC 40103(b)(2)(A)-(C).

In lieu of an answer, defendants moved for summary disposition. Defendants contend that plaintiffs lack standing to bring this declaratory-judgment action because no actual controversy exists. If plaintiffs have standing, then, defendants contend, the claims are not ripe for judicial review because plaintiffs failed to exhaust administrative remedies by availing themselves of the ordinance's waiver process, thereby depriving the University of an opportunity to consider a waiver request and arrive at a definitive position on the request. Defendants also deny that the UASA or federal law preempts the use of their constitutionally delegated authority under Const 1963, art 8, § 5, to exercise general supervision and control over University property. Plaintiffs oppose defendants' motion.

After a hearing on defendants' motion, the parties submitted supplemental briefing as requested by the Court. The supplemental briefing has been received, and the matter is now ready for resolution.

II. ANALYSIS

A. STANDARD OF REVIEW

Defendants bring their motion under MCR 2.116(C)(4), (8), and (10), but it is clear from a review of the brief in support of the motion that defendants seeks summary disposition under MCR 2.116(C)(8) and (10). Standing is appropriately challenged under MCR 2.116(C)(8) or (10). *Sakorafos v Charter Twp of Lyon*, 349 Mich App 176, 184-186; 27 NW3d 329 (2023). Because the Court has considered evidence beyond the pleadings, the Court will decide the motion under MCR 2.116(C)(10). *Van Buren Charter Twp v Visteon Corp*, 319 Mich App 538, 544; 904 NW2d 192 (2017). A motion under MCR 2.116(C)(10) tests the factual sufficiency of a claim. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 160; 934 NW2d 665 (2019). The Court considers all evidence submitted by the parties in the light most favorable to the party opposing the motion.

This dispute involves statutory construction. Under our constitutional separation of powers, our Legislature is supposed to enact statewide policy, and our Judiciary is supposed to interpret and apply that policy. To remain faithful to our Constitution, the Court must give effect to our Legislature's enactments. *Holliday v Secretary of State*, ___ Mich App ___, ___; ___ NW3d ___ (2024); slip op at 7. If the statute's language is unambiguous, then the Court must apply the plain meaning as written. *Id*. If the statute is ambiguous, then the Court must resort to various substantive canons of construction to make sense of the statute, and this construction may even involve questions of fact. *See Bodnar v St John Providence, Inc*, 327 Mich App 203, 220; 933 NW2d 363 (2019).

B. STANDING AND RIPENESS

Defendants argue that plaintiffs do not have standing to bring their claims and that the claims are not ripe because no actual controversy exists. With respect to standing, "a litigant has standing whenever there is a legal cause of action." *Lansing Schs Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349, 372; 792 NW2d 686 (2010). Whenever a litigant meets the requirements of MCR

2.605, it is sufficient to establish standing to seek a declaratory judgment. *Id*. MCR 2.605(A)(1) provides that "[i]n a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted." "An actual controversy exists when declaratory relief is needed to guide a party's future conduct in order to preserve that party's legal rights." *League of Women Voters v Secretary of State*, 506 Mich 561, 586; 957 NW2d 731 (2020). Though "a court is not precluded from reaching issues before actual injuries or losses have occurred," there still must be "a present legal controversy, not one that is merely hypothetical or anticipated in the future." *Id*. To establish this, a party must "plead and prove facts which indicate an adverse interest necessitating the sharpening of the issues raised." *Lansing Schs Ed Ass'n*, 487 Mich at 372 n 20 (cleaned up).

Looking to the drone ordinance, it is true that plaintiffs have suffered no injury because no plaintiff attempted to fly a drone over University property in December 2023, or since. Applying MCR 2.605, however, the Court concludes that plaintiffs have standing to pursue their claims for declaratory and injunctive relief. An actual controversy exists because the University adopted an ordinance that is allegedly in conflict with state and federal law. Although no plaintiff has yet been subject to enforcement action for operating a drone over University property, it is appropriate for plaintiffs to seek adjudication of their right, if any, to operate drones over University property before the drone ordinance causes actual injury or ripens into a violation of the law. To hold otherwise would be inconsistent with the purpose of a declaratory judgment, which is "to enable the parties to obtain adjudication of rights *before an actual injury occurs*, to settle a matter *before it ripens into a violation of the law . . . by affording a remedy for declaring in expedient action the rights and obligations of all litigants*." *Int'l Union, United Auto, Aerospace & Agricultural*

Implement Workers of Am v Central Mich Univ Trustees, 295 Mich App 486, 496; 815 NW2d 132 (2012) (quotation marks and citation omitted).

Defendants also argue that plaintiffs' complaint should be dismissed as unripe for judicial review because plaintiffs did not avail themselves of the drone ordinance's waiver process—in other words, plaintiffs did not exhaust their administrative remedies and so the University never issued a "final decision." The University's reliance on *Michigan Farm Bureau v Dep't of Environment, Great Lakes, & Energy*, 343 Mich App 293; 997 NW2d 467 (2002), affirmed in part and vacated in part 515 Mich 481 (2024), is misplaced. Plaintiffs are raising a facial challenge to the validity of the drone ordinance itself, not to how the ordinance was enforced against them. Plaintiffs' claim is ripe for judicial review.

C. STATE PREEMPTION

Plaintiffs claim that the drone ordinance is preempted by the UASA's prohibition against political subdivisions enacting or enforcing an ordinance that regulates the operation of drones, except as specifically authorized by statute. MCL 259.305(1). Defendants first contend that fatal to plaintiffs' claim of express preemption is that the University is not a public corporation and, therefore, it is not a "political subdivision" as defined in § 303(d) of the UASA.

The University is a constitutional corporation under Const 1963, art 8, § 5. This section establishes the governing boards of the University, of Michigan State University, and of Wayne State University as "a body corporate" with general supervision over its institution and control of expenditures from institutional funds. The governing board of each of these universities has "exclusive authority over the management and control of its institution." *Wade v Univ of Mich*, 320 Mich App 1, 16; 905 NW2d 439 (2017). Our Supreme Court has described "the governing

boards' status as the highest form of juristic person known to the law, a constitutional corporation of independent authority, which, within the scope of its functions, is co-ordinate with and equal to that of the legislature." *Federated Publications, Inc v Bd of Trustees of Mich State Univ*, 460 Mich 75, 84 & n 8; 594 NW2d 491 (1999) (cleaned up). The governing boards of the universities are elected by statewide vote.

The UASA does not define the term "public corporation" but includes the term as part of the broader category of "political subdivision," which the UASA defines as "a county, city, village, township, or other political subdivision, public corporation, authority, or district in this state.

A "political subdivision" has been defined as "a geographically limited unit of government formed to exercise political power and that is beholden to a local electorate." *Taxpayers for Michigan Constitutional Gov't v State of Michigan*, 508 Mich 48, 72; 972 NW2d 738 (2021) (*TMCG*). In *TMCG*, a case involving total state spending to units of local government under the Headlee Amendment, the Headlee Amendment defined "Local Government" as "any political subdivision of the state, including, but not restricted to, school districts, cities, villages, townships, charter townships, counties, charter counties, authorities created by the state, and authorities created by other units of local government." *Id*. at 67. Our Supreme Court concluded that a public school academy (PSA) authorized by the governing board of a state public university "is definitively not a political subdivision of the state. A PSA is not itself a political subdivision of the state, *nor is a state university*." *Id*. at 75 (emphasis added).

The Legislature did not include state public universities in the definition of "political subdivision" in the UASA. The Legislature included "public corporations" in the definition, but did not define the term. In unrelated statutes, the Legislature has defined the term "public

corporation" in various ways. For example, in the Revenue Bond Act of 1933, the Legislature defined the term as " a county, city, village, township, school district, port district, or metropolitan district of the state or a combination of these if authorized by law to act jointly; an authority created by or under an act of the legislature; or a municipal health facilities corporation or subsidiary municipal health facilities corporation incorporated as provided in the municipal health facilities corporations act." MCL 141.103(a). In the Interest Rates for Public Corporations Act, the Legislature defined the term as "any body corporate organized by or pursuant to the laws of this state to carry out a public governmental or propriety functions, including, without limitation on the foregoing, the state or any school district, city, village, township, county, district, commission, authority, university, college, or any combination thereof, which is a corporate entity." MCL 141.151(a). In the Acquisition of Property by State Agencies and Public Corporations Act, the Legislature defined "the term 'public corporations' as herein used [to] include all counties, cities, village boards, commissions and agencies made corporations for the management and control of public business and property." MCL 213.21.

The Legislature did not define the term "public corporation" in the context of the UASA. It also did not include public universities in the definition of "political subdivision." Although the University is a constitutional corporation under our Constitution of 1963, this is a legal entity with higher authority than a political subdivision. The Court understands that by "public corporation," our Legislature meant an entity subordinate to the primary constitutional bodies created by the people, something akin to an ordinary political subdivision like a village or city. Thus, for these reasons, the Court concludes that the University is not a political subdivision of the state for purposes of § 303(d) of the UASA. The University's drone ordinance, therefore, is not expressly preempted by the UASA.

Plaintiffs also claim that the UASA impliedly preempts the drone ordinance through field preemption or conflict preemption. Field preemption occurs when the state "has occupied the entire field of regulation in a certain area." *DeRuiter v Twp of Byron*, 505 Mich 130, 140; 949 NW2d 91 (2020). Defendants argue that the Legislature's enactment of an express-preemption statute limited to political subdivisions definitively answers the field-preemption question. In other words, limiting the UASA to political subdivisions implies that nonpolitical subdivisions are not preempted. See *Michigan Gun Owners, Inc v Ann Arbor Pub Schs*, 502 Mich 695, 707; 918 NW2d 756 (2018). The plain language of the UASA demonstrates the Legislature's intent to preempt political subdivisions from enacting or enforcing an ordinance or resolution that regulates the ownership or operation of drones, except as permitted by statute. As discussed above, the University is not a political subdivision. The ordinance, therefore, is not field preempted by the UASA.

Defendants argue that the drone ordinance is not conflict-preempted by the UASA. Conflict preemption occurs "when a local regulation directly conflicts with state law." *DeRuiter*, 505 Mich at 140. As discussed above, the UASA prohibits a political subdivision from enacting or enforcing an ordinance or resolution that regulates the ownership or operation of unmanned aircraft or otherwise engaging in the regulation of the ownership or operation of unmanned aircraft. The University is not a political subdivision of the state and, therefore, the drone ordinance does not directly conflict with the UASA.

Accordingly, the Court concludes that plaintiffs are not entitled to a declaratory judgment that the drone ordinance is preempted by state law and, therefore, the Court GRANTS defendants' motion for summary disposition with respect to plaintiffs' request for a declaratory judgment on this ground.

D. FEDERAL PREEMPTION

Finally, plaintiffs claim that the drone ordinance is preempted by federal law, specifically 49 USC 40103 and related regulations. Plaintiffs contend that the University adopted its drone ordinance to address the safety of persons on the ground and avoid interference with other aircraft, subjects that are governed exclusively by federal law. 49 USC 40103(b)(2)(A)-(C). Defendants counter that federal law does not preempt concurrent state and local laws that are consistent and comply with federal law; they maintain that the drone ordinance does not conflict with FAA regulations. They point out that allowing drone operation/surveillance of education facilities could increase the risk of privacy breaches or malicious attacks to which universities are vulnerable.

Congress directed the FAA to "develop a comprehensive plan to safely accelerate the integration of unmanned aircraft systems into the national airspace system." 49 USC 40101. Under this directive, the FAA promulgated 14 CFR 107, which declares that it applies to the "operation of [drones] within the United States." 14 CFR 107.51(b) mandates that drone operators keep drones below an altitude of 400 feet from the ground or a structure.

The parties do not dispute that the FAA has the exclusive authority to regulate aviation safety and the efficient use of the airspace by aircraft, and has exclusive authority to regulate aviation safety and airspace efficiency. The parties both point to the FAA's 2023 publication of a fact sheet on state and local regulation of drones. See <https://www.faa.gov/sites/faa.gov/files/State-Local-Regulation-of-Unmanned-Aircraft Systems-Fact-Sheet.pdf. According to the fact sheet, the FAA has issued a complex set of regulations in the areas of aviation safety and the efficient use of the airspace, and states may not regulate in those fields. *Id*. at 4.

The fact sheet provides examples of preempted state and local laws aimed at regulating aviation safety or airspace efficiency to include, e.g., (1) regulating drone operations or restricting flight altitude or flight paths to protect the safety of individuals and property on the ground or aircraft passengers, to ensure the efficient use of the airspace by drones or other aircraft; (2) implementing drone traffic control systems; (3) designating "highways" or "routes" for drones; (4) selling or leasing drone-related air rights above roadways; (5) regulating drone markings; (6) establishing a licensing scheme for drone pilots; (7) requiring air safety education or training; (8) imposing requirements for the safe manufacturing of drones; or (9) mandating safety-related equipment such as geo-fencing. *Id*. at 4-5.

A review of the University's drone ordinance confirms that it does not mirror the type of regulation designed primarily to protect aviation safety or ensure efficient use of aircraft that would be expressly subject to federal preemption. First, the drone ordinance covers indoor uses of drones, which has nothing to do with aviation safety or airspace efficiency. Second, with respect to outdoor uses, although safety is no doubt one concern, the University has pointed to other concerns on which the ordinance is focused, including the privacy of students and other persons on University property. This privacy concern is distinct from the objectives covered by the federal law at issue here, and this concern is one for which the University has a distinct and critical interest in protecting. Moreover, the University regulates the use of drones in accordance with its educational mission, including research, and not anything to do with enhancing aviation safety or airspace efficiency. Simply put, federal law does not expressly preempt the University's localized, focused ordinance on drones.

Nonetheless, a state law that regulates outside the fields of aviation safety and airspace efficiency may still be preempted if it conflicts with one or more FAA regulations or impairs the

reasonable use by the drone of the airspace.[2] *Id*. at 1, 5. Plaintiffs have not identified an FAA regulation with which the drone ordinance conflicts. State and local laws aimed at objectives other than aviation safety or airspace efficiency that do not impair the reasonable use by drones of the airspace include, for example:

> those concerning land use or zoning; harassment of individuals or groups; ***privacy***; ***voyeurism***; trespass on property; the exercise of police powers; reckless endangerment; emergency medical services; search and rescue; law enforcement use of facial recognition; delivery of prison contraband; wildfire suppression; criminal mischief; transfer or delivery of controlled substances; ***taking photographs or videos with respect to particular facilities*** (e.g., water treatment facilities; prisons; oil refineries; chemical facilities; railroad facilities; amusement parks; energy production, transmission, and distribution facilities; and any system or asset described by title 42 of the United States Code, § 5195c(e)); requirements for police to obtain a warrant prior to using a [drone] for surveillance; protection of wildlife; using [drones] for hunting or fishing, or to interfere with or harass an individual who is hunting or fishing; and law enforcement operations. [*Id*. at 6 (emphasis added).]

The University's concern about privacy, among other things, is an objective that is consistent with, and not in conflict with, federal law.

Finally, the drone ordinance has a type of savings clause, in that it makes clear that, if there is a conflict between the ordinance and federal law, federal law takes precedence. Read in context with this savings clause, the Court concludes that the University's drone ordinance is consistent with federal law and, therefore, is not preempted by it.

Accordingly, the Court holds that plaintiffs are not entitled to a declaratory judgment that the drone ordinance is preempted by federal law and, therefore, the Court GRANTS defendants'

[2] The fact sheet states, "[I]t is well established that States have a valid interest in choosing where aircraft may operate on the ground. Laws designating takeoff and landing location have no direct effect on where UAS may operate in the air." *Id*. at 7.

motion for summary disposition with respect to plaintiffs' request for a declaratory judgment on this ground.

III. CONCLUSION

For the reasons stated in this Opinion and Order:

IT IS ORDERED that defendants' motion for summary disposition under MCR 2.116(C)(10) on the basis of standing and ripeness is DENIED.

IT IS FURTHER ORDERED that defendants' motion for summary disposition under MCR 2.116(C)(10) on the question of declaratory relief is GRANTED.

IT IS FURTHER ORDERED that plaintiffs' request for injunctive relief, and their separate motion for preliminary and permanent injunctive relief on the ground that the drone ordinance is preempted by state and federal law, is DENIED.

IT IS FURTHER ORDERED that, as defendants are entitled to summary disposition under MCR 2.116(C)(10), plaintiffs' complaint is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED. This is a final order and closes the case.

Date: December 26, 2025

Hon. Brock A. Swartzle
Chief Judge, Court of Claims