WHITEWATER TOWNSHIP BOARD
SPECIAL MEETING AGENDA – JUNE 30, 2026, 6:00 PM

Village of Elk Rapids Governmental Center
315 Bridge Street, Elk Rapids, MI 49629
Phone: 231-267-5141 / Fax: 231-267-9020

Click the Link Below to View the Meeting Live

https://www.youtube.com/@whitewatertownship/live

At this time, the Board invites everyone to silence their electronic devices.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon reasonable advance notice. Contact the Township Clerk at clerk@whitewatertownshipmi.gov at least 5 days in advance of the meeting.

A. Call to Order / Pledge of Allegiance

B. Roll Call of Board Members

C. Set / Adjust / Approve Meeting Agenda

D. Declaration of Conflict of Interest

E. Presentations/Announcements

1. Civil Infraction Presentation – Attorney Peter Wendling

F. **Public Comment:** Any person shall be permitted to address a meeting of the township board. Public comment shall be carried out in accordance with the following board rules and procedures:
   1. Comments shall be directed to the board, with questions directed to the chair.
   2. Any person wishing to address the board shall speak from the lectern and state his or her name and address.
   3. Persons may address the board on matters that are relevant to township government issues.
   4. The chair shall control the amount of time each person shall be allowed to speak, which shall not exceed five (5) minutes, excluding the time needed to answer board member's questions.
   5. In order to avoid unscheduled debates, the board generally will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board.

G. Unfinished Business - none

H. New Business

1. Consideration of Zoning Ordinance Enforcement Language
2. Consideration of Update to Current Enforcement Policy
3. Consideration of General Ordinance Enforcement Language

I. Announcements

Next Township Board Meeting: 7/9/2026 6:30PM

Board Member Announcements

J. Public Comment

K. Board Comment

L. Adjournment

WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)
267-5141 • FAX (231) 267-9020

DATE: 06/29/2026

TO: WWT Board

FROM: Supervisor Linda Slopsema

SUBJECT: Ordinance Updates – Civil Infraction

Ordinances:

Number	Topic	Year	Penalty	Recommendation
Zoning	Land Use	1972	Misdemeanor	Amend article 22 from Misdemeanor to Civil Infraction. PC conducts public hearing
GO 38	Junk	2005	Civil Infraction	Standardize wording "not more than $500"; Sheriff support confirmed
GO 63	Parking of Vehicles	2023	Civil Infraction	Standardize wording "not more than $500" Sheriff support confirmed

Code Enforcement Policy and Procedures Manual:

Amended to include attorney recommendations and citizen input. Includes a visual process flow chart.

1. Motion to direct the Planning Commission to review and amend the ZO Article 22 – Violations per attorney recommendation, conduct public hearing and provide recommendation to the township board.

2. Motion to approve the amended Ordinance Enforcement Policy as presented.

3. Motion to approve Ordinance 1 of the Whitewater Township Junk Ordinance - Ordinance #38 as presented.

4. Motion to approve Ordinance 2 of the Whitewater Township Parking of Vehicles Ordinance - Ordinance #63 as presented.

WHITEWATER TOWNSHIP

Zoning Ordinance

ARTICLE 22 – VIOLATIONS

Amendment of Article 22.01 Penalties (replacement text)

~~Any person who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed $100.00 or may be imprisoned not to exceed ninety (90) days, or may be both fined and imprisoned in the discretion of the court, and each day such violation continues shall be deemed a separate offense.~~

1. Any person, limited liability company, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five-Hundred and 00/100 ($500.00) Dollars. Every day that such a violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance.
2. The Township Zoning Administrator or supervisor or designee(s) as appointed by the township board are hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate or enjoin the nuisance per se or any other violation of this Ordinance.

22.02 Nuisance Per Se (replacement text)

~~Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.~~

Any land, dwellings, buildings or structures including tents, recreational vehicles, trailer coaches or any other structure whether affixed, mobile or moveable, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared a nuisance per se.

Add: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Whitewater Township
Ordinance Enforcement Policy

Adopted 12/13/2011
Amended 6/30/2026
Effective 7/15/2026

A. Purpose

The purpose of ordinance enforcement is to enhance Whitewater Township's livability by protecting the health, safety and welfare of Township residents and visitors by assuring compliance with the Township's Zoning and General Ordinances.

B. Applicability

This policy applies to all ordinance enforcement carried out by the Zoning Administrator / Code Enforcement Officer.

C. Process Overview – see page 4

D. Initiation of Enforcement

Code Enforcement violations can be reported by either citizens or Township staff or Officials. ALL complaints must be filed in writing on a Township complaint form. These forms can be found on the Township website or are available at the Township Hall.

E. Ordinance Enforcement Record and Investigation

Once a complaint is received, it shall be recorded in the Township Code Enforcement Records and shall include the following:

1. Assigned case number
2. Complainant's name and contact information
3. The subject property address
4. Type of complaint with ordinance and sections being violated

Field Investigation

The Zoning Administrator / Code Enforcement Officer must conduct a field investigation to determine if the complaint is valid. If the complaint is not valid, the case will be closed. If the complaint is valid, the severity of the violation will be noted with pictures and other supporting information.

NOTE: Investigator should verify complaint from a public right-of-way if possible. Township employee(s) should take whatever precautions are necessary to remain safe.

F. Verified Complaint – Field Report

Once a complaint is noted and verified, the Zoning Administrator / Code Enforcement Officer will prepare a report on the field investigation to be kept in the file. Such information shall include:

- Date and time of field visit
- Violation(s) observed
- Witnesses interviewed if any
- Evidence obtained i.e. photos or measurements
- Any discussion with owners or occupants
- Recommended enforcement action and timeline
- Any referrals given to other agencies

G. Contact Owner(s)

1. Obtain property deed to determine ALL owners of property in violation
2. Summarize the nature of the violation in a letter to the property owner. This letter shall include the nature of the violation, methods for complying and proposed timelines for compliance.
3. Zoning Administrator / Code Enforcement Officer can make contact with property owner once all information is gathered. Such contact can be in person and should include the written letter outlining the concern. Voluntary compliance is the goal so the case can be closed.

H. Formal Letter to Owner(s)

If property owner does not respond to personal contact, the letter should be sent via USPS with a proof of service. All mailing and proof of service should be retained in the file to prove that these steps were taken before issuing any tickets. If property owner fails to respond to the mailed letter, the letter can be mailed a second time. If the mail comes back undeliverable, a process server or sheriff's deputy may be obtained to personally serve the letter to the property owner. If this does not produce a response or compliance, a ticket may be issued.

I. Voluntary Compliance Agreement

The responsible party shall enter into a Voluntary Compliance Agreement that will be signed by both the responsible party and the Township. Under special circumstances deadlines may be extended. The extended deadline shall be determined on a case-by-case basis contingent upon the effort already made to correct the violation, severity and extent of the violation, whether the violation is a repeat offense, weather, etc.

J. Compliance Verification

If the Zoning Administrator / Code Enforcement Officer determines that required corrections have been made, the date and method of compliance shall be noted in the file, and the case shall be closed.

Permit Requirements:

1. In some cases, corrective action may consist of applying for and obtaining necessary permits.
2. Any violation shall be corrected prior to issuance of any additional permits.

K. Issue a Ticket

If steps toward voluntary compliance have not been successful, a Municipal Civil Infraction Ticket may be issued.

When posting the ticket directly on the property, it must be posted clearly onto the building or structure, light pole or tree and a picture should be taken of the posting. The posting may not be placed on a mailbox. The ticket must **also** be mailed with a proof of service to the property owner. Pictures of the violation(s) must be taken on the day that the ticket is issued.

If mail is returned as undeliverable, the ticket may need to be personally served by a process server or a sheriff's deputy. Proof of service is needed in either case.

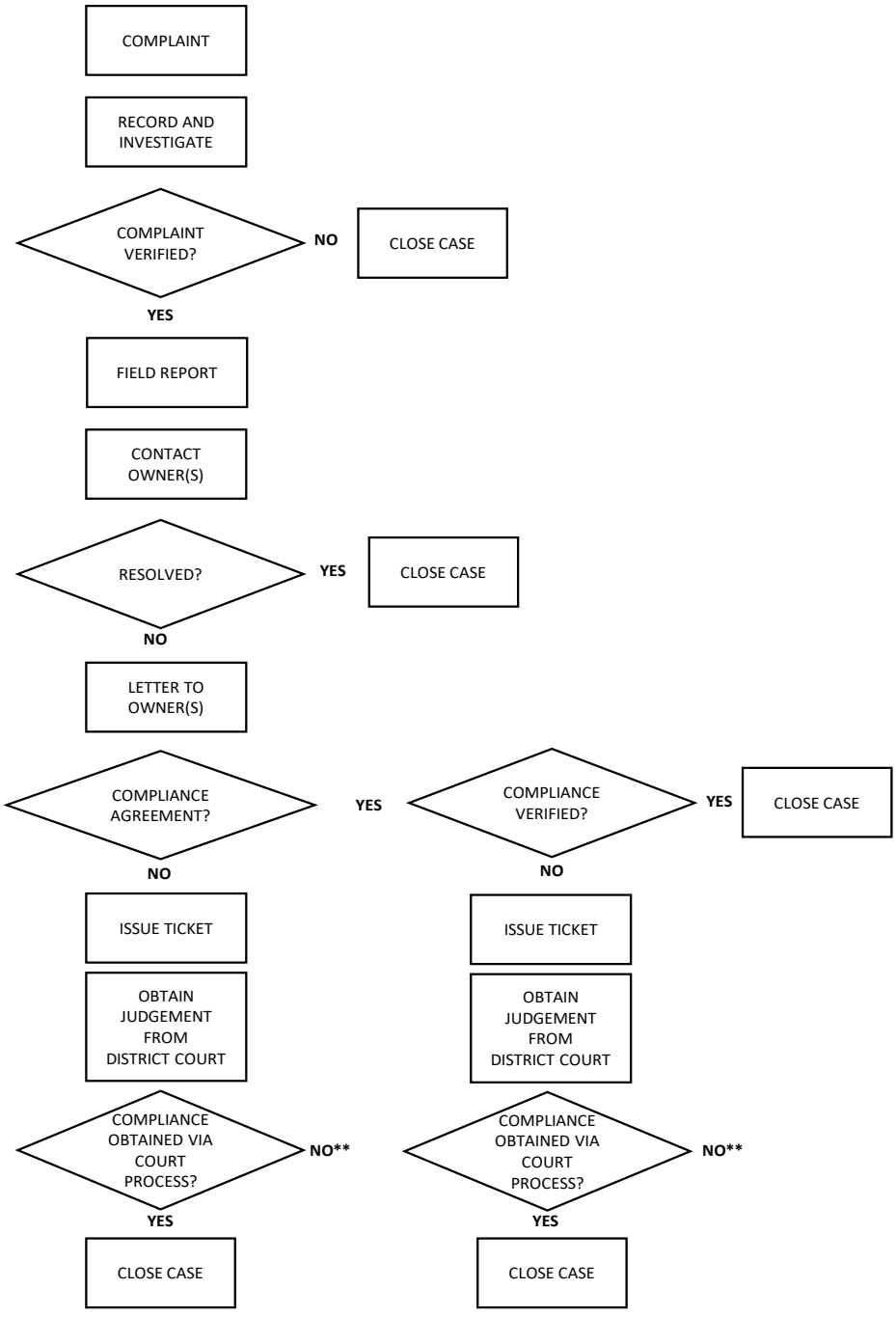
L. Resolution

It is the Township's policy to attempt to reach final, satisfactory resolutions of all violation complaints based on the resources of the Township. Where the Township determines that a violation may not be successfully resolved within the established reasonable timelines, alternative methods of enforcement may be pursued.

Whitewater Township
Ordinance Enforcement Policy

Adopted 12/13/2011
Amended 6/30/2026
Effective 7/15/2026

Ordinance Enforcement Process



**** If the violation continues to persist, alternative methods of enforcement may be pursued**

Whitewater Township
Code Enforcement Policy and Procedures Manual
(Adopted on 12/13/2011 by the Whitewater Township Board)
Effective 01/02/2012

I. Mission

The mission of Code Enforcement is to enhance Whitewater Township's livability by protecting the health, safety and welfare of Township residents and visitors by assuring compliance with the Township's Zoning and General Ordinances. The Township will assure compliance both by encouraging voluntary compliance and by following progressive steps, including legal action for Ordinance violators.

II. Purpose

The purpose of Whitewater Township's Code Enforcement Policy and Procedures Manual (hereafter "manual") is to provide written guidelines for:

- The prioritization of code enforcement cases;
- Investigation of violation complaints;
- Enforcement of Township Ordinances through voluntary compliance;
- Prosecution of violators who do not comply.

These written guidelines are intended to assure consistency within the Township's Code Enforcement Program and to educate the Township's citizens and property owners about code enforcement.

III. Code Enforcement Philosophy

The Township's policy is to achieve compliance with ordinances in cases of reported and discovered violations. However, not all violations have the same degree of severity. As such, the Township has established, through this manual, priority ranking and procedures. The intent is to allow the level of enforcement that best fits the type and circumstances of the violations within clear and objective criteria consistent with the established priorities and maximize available resources. It is the Township's policy that code enforcement follows the priority rankings set forth in this manual.

IV. Priorities for Code Enforcement

It is the Township's policy to investigate and attempt to resolve all reported and discovered violations. There may be times when code violations cannot be given the same level of attention, when some violations may receive no attention at all, or when the Township may be unable to carry out the proactive code enforcement activities outlined in this manual. In such circumstances, the most serious violations, as determined through application of the priorities and criteria in this section, shall be addressed before the less serious violations are addressed.

Priority of Violations

1. Violations that present an imminent threat to public health and safety or welfare;
2. Violations affecting storm drainage, wetlands, and/or adjacent areas;
3. Construction of non-permitted structures;
4. Multiple complaints received on the same property;
5. Zoning and Junk violations;
6. All other violations.

V. Criteria for Establishing Priority

Violations listed lower in the priority list may be moved to a higher ranking if they have one or more of the following aggravating circumstances:

1. The actions leading to the violation (s) are deliberate;
2. The violation causes economic harm to individuals or the Township as a whole;
3. The alleged violator is receiving significant economic benefit from the continued violation;
4. The physical size or extent of the violation is significant;
5. The violation has existed uncorrected for a significant period of time;
6. There is a previous history of complaints and code enforcement on the subject property and/or with the alleged violator;
7. There is community interest in the violation expressed by the receipt of multiple complaints from separate individuals or by a complaint by a citizens group;
8. After reasonable efforts have been made, there is little likelihood of obtaining voluntary compliance;
9. The violation(s) is flagrant and visible to the public.

VI. Applicability

1. General Applicability. The manual applies to all code enforcement carried out by Township employees and/or officials.
2. Non-Applicability to Deeds, Covenants and Restrictions. Many subdivisions, site condominiums and planned unit developments are subject to private deeds, covenants and restrictions. These conditions are enforceable through private legal action and not the Township.

VII. Initiation of Code Enforcement

Code Enforcement will be initiated by the following methods:

1. Citizen Complaints. Any person can make a complaint to the Township alleging one or more code violations. The complaint must be filed on a Township complaint form. The form is available at Township Hall and on the Township website. Citizens may attach a supplemental information sheet to the form.
2. Anonymous Complaints. Anonymous complaints will be accepted, but may or may not be investigated at the discretion of the employees/officials depending on the following factors:
    - The reliability of the complaint;
    - Whether the complaint alleges an imminent threat to public health and safety or welfare;
    - The ease or difficulty with which the complaint can be verified.
3. Report by Township Staff or Official. Township staff or officials may report a potential violation. Such complaints shall be filed on the Township complaint form or reported at a Township Board meeting.

VIII. Recording and Files

1. To the extent possible, all complaints received shall be recorded in the Township Code Enforcement records. Recording the complaint shall consist of the following:
    a. An assigned case number;
    b. Complainant's name and telephone number;
    c. The subject property address; and
    d. Type of complaint.
2. Files shall be kept within the property files already maintained by the Township and shall consist of the following:

a. The complaint form, which shall include the report of the field investigation as described within this manual;
b. Any supporting documentation.

IX. Investigation

1. Before contact or notice of violation is sent, it must be determined whether the complaint, if valid, establishes a violation. If it does not, the case will be closed.
2. Field Investigation. The purpose of a field investigation is to:
    a. Verify the existence and severity of a code violation;
    b. Document code violations by means of written notes, photographs, witness interviews, etc. All investigations shall include pictures, if possible.
    c. If possible, contact and discuss with the property owner, occupant or other responsible person:
        - The nature of the violation(s);
        - Methods for complying;
        - Timelines for compliance;
        - Enforcement procedures; and
        - Potential consequences for failure to comply.
3. Preparations and Precautions. Employees/officials shall take whatever actions are reasonable and necessary to minimize any potential risk of violent confrontation or injury to themselves when conducting their field investigation.
    a. Law Enforcement Assistance. When appropriate, Township employees/officials may request law enforcement assistance in conducting the field investigation.
    b. Entering upon Property or Premises. Township employees/officials shall not enter upon private property or premises to conduct a field investigation without permission to enter. Unless permission is granted, the investigation shall be conducted from the right-of-way or property where permission to enter has been granted.
4. Report of Field Investigation. Upon completion of the field investigation, employee/officials shall enter the information onto or attach to the Code Enforcement Complaint Form. The information shall include:
    a. Name of the investigator;
    b. Date, time and place of field visit;
    c. Violation(s) observed;
    d. If no violation(s) are observed, an explanation of conditions observed;
    e. Witnesses, if any interviewed;
    f. Evidence obtained, if any (photographs, measurements, etc.);
    g. Discussions, if any, with owners, occupants or other responsible persons;
    h. Action necessary to correct violation(s);
    i. Recommended enforcement action and timeline;
    j. Referrals, if any, to other agencies such as social services, environmental health, construction codes, etc.

X. Enforcement Levels

1. Obtaining voluntary compliance after initial contact.
2. Written Notice to Correct.
3. Second Written Notice to Correct.
4. Township Board directs the Grand Traverse County Sheriff's Department to issue a ticket or to file action with the Circuit Court.

XI. Enforcement Procedures

1. Initial Contact. When the employee/official determines that there are reasonable grounds to believe a violation did or does occur, based upon the information in the complaint and any field investigation, notice shall be given by the Township. The initial notice may be provided by means of personal contact with the violator, an informal "door hanger" or US mail.
2. Written Notice. If compliance is not met after the initial contact, a written notice shall be sent to the person who is or may be legally responsible for the alleged violation. Separate notice shall also be sent to the property owner(s). This notice shall be sent by certified mail to the best available address for the property owner(s) and other responsible person(s).
3. Followup. The date in the notice for corrective action shall be entered in the enforcement records. After the deadline, if the employee/official determines that the required corrections have not been made, a second written notice shall be sent in the matter consistent with the written notice as stated above.
4. Voluntary Compliance Agreement. Under special circumstances, deadlines may be extended. The responsible party shall enter into a Voluntary Compliance Agreement that will be signed by both the responsible party and the Township. The extended deadline shall be determined on a case-by-case basis contingent upon the effort already made to correct the violation, severity and extent of the violation, whether the violation is a repeat offense, weather, etc.
5. Compliance. If the employee/official determines that required corrections have been made, the date and method of compliance shall be noted in the file and the case shall be closed.
6. Permit Requirements. In some cases, corrective action may consist of applying for and obtaining necessary permits. Any violation not related to permitting shall be corrected prior to issuance of a permit.

XII. Resolution of Violations

It is the Township's policy to attempt to reach final, satisfactory resolutions of all violation complaints. However, the Township recognizes that not all complaints can be resolved successfully, due to factors outside the Township's control. These factors include the indigence of the violator, the lack of Township resources to assist the violators, and the number of complaints received. Where the Township determines that a violation may not be successfully resolved within the established reasonable timelines, the file will either be closed or alternative methods of enforcement pursued.

The Township Board shall review the list of unresolved violations and determine if the file(s) shall be turned over to the Grand Traverse County Sheriff's Department or legal counsel for further action through the Grand Traverse Circuit Court.

WHITEWATER TOWNSHIP
Ordinance No. __1__ of 2026

AN ORDINANCE TO AMEND WHITEWATER TOWNSHIP'S JUNK ORDINANCE #38

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Section 3.

Section 3 of the Whitewater Township Junk Ordinance #38 is hereby amended to read in its entirety as follows:

Section 3. **Enforcement Officers**.

The Grand Traverse County Sheriff, the Sheriff's deputies, the Zoning Administrator or an enforcement officer appointed by the Township Board are authorized enforcement officers of this ordinance.

Section 2. Amendment of Section 4. Penalties.

Section 4 of the Whitewater Township junk Ordinance #38 is hereby amended to read in its entirety as follows:

Section 4. Penalties.

1. Any person, limited liability company, corporation, trust, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five-Hundred and 00/100 ($500.00) Dollars. Every day that such a violation continues shall constitute a separate and distinct offense under the provisions of this ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
2. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate or enjoin the nuisance per se or any other violation of this ordinance.

Section 3. Effective Date.

This Ordinance shall become effective thirty (30) days following its publication in a newspaper of general circulation within the Township.

Ordinance No. __1__ of 2026 was enacted on _____, 2026, by the Whitewater Township Board as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

_____ _____

Wendy Hoeksema, Clerk Linda Slopsema, Supervisor

I certify that this is a true copy of Ordinance No. ____ of 2026 that was adopted at a regular meeting of the Whitewater Township Board on _____, 2026 and published in the _____ on _____, 2026.

Dated: _____ _____

Wendy Hoeksema, Clerk

WHITEWATER TOWNSHIP
JUNK ORDINANCE

ORDINANCE # 38

Adopted: November 22, 2005

THE TOWNSHIP BOARD OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN ORDAINS:

Section 1.

For the purpose of this ordinance, the term "junk" shall mean any motor vehicle, machinery, appliance, product or merchandise, scrap metal, other scrap materials which are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended, and household trash.

Section 2. Prohibited Acts.

No person shall place, discard, or abandon junk in a place where it is visible from a highway, street, or other public way, or where it is visible to an abutting landowner from that portion of the land used on a regular basis. No person shall place, discard, or abandon junk on public property or the private property of another, regardless if visible from a highway, street, or other public way, or from adjoining land.

Section 3.

The Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of this ordinance.

Section 4. Penalties.

A violation of this ordinance is a municipal civil infraction, subject to a maximum fine of $500.00 and court costs. Commencing 30 days after receiving notice of a violation, if not abated, each day the violation continues shall constitute a separate violation of this ordinance.

Section 5.

Each of the provisions of this ordinance is severable, and if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 6. Effective Date

This ordinance shall take effect thirty (30) days after publication

Effective: December 26, 2005

TOWNSHIP OF WHITEWATER

Ordinance No. 2 of 2026

AN ORDINANCE TO AMEND THE WHITEWATER TOWNSHIP PARKING ORDINANCE, ORDINANCE NO. 63

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Section 4. Enforcement and Penalties

Section 4 of the Whitewater Township Parking Ordinance, being Ordinance No. 63 is hereby amended to read in its entirety as follows:

SECTION 4. ENFORCEMENT AND PENALTIES

A. **Enforcement:** The Grand Traverse County Sherrif, the Sheriff's deputies, the Zoning Administrator, or an enforcement officer appointed by the Township Board are the authorized enforcement officers of this ordinance.

B. **Penalties:** Any person who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Every day this Ordinance is violated shall be considered as a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

Section 2. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment.

SECTION 3. SAVINGS CLAUSE

The change in the Enforcement and Penalties, being Section 4. of this Ordinance, shall not affect the approval of the existing Ordinance No. 63 including the existing Enforcement and Penalties section for the purpose of continuing to enforce this Ordinance under the original language of the Ordinance, including Section 4. Enforcement and Penalties, until the amended language of this Ordinance becomes effective.

Ordinance No. 2 was adopted on the _____ day of _____ , 2026, by the Whitewater Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

_____ _____

Wendy Hoeksema, Clerk Linda Slopsema, Supervisor

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular meeting of the Whitewater Township Board on _____, 2026 and published in the _____ on _____, 2026.

Dated: _____

_____
Wendy Hoeksma, Clerk

WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

PARKING ORDINANCE

Ordinance No. 63
Adopted: November 15, 2022
Effective: January 10, 2023

At a duly called meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on November 15, 2022 at 9:00 a.m., Board Member Popp moved to adopt the following Ordinance, which motion was supported by Board Member Goss:

An Ordinance adopted under 1945 PA 246, as amended, to regulate the parking of vehicles in Whitewater Township to promote the general health, safety, and welfare of Township residents and visitors.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. PURPOSE AND TITLE

The Whitewater Township Board finds and declares as follows:

A. A township may enact ordinances regulating the public health, safety, and general welfare of persons and property including ordinances that regulate the parking of vehicles on streets, roads, or highways. See MCL 41.181(1) and (2); see also MCL 257.606(1)(a) (township authorized to regulate the standing or parking of vehicles).

B. Whitewater Township adopts this ordinance, which shall be referred to the Whitewater Township Parking Ordinance ("Parking Ordinance"), to among other things, regulate the manner of vehicle parking in the Township to ensure vehicles are parked in an organized manner to allow safe vehicular circulation, to avoid the parking of vehicles in front of driveways, and to also provide organized parking to access water resources in the Township.

SECTION 2. DEFINITIONS

The terms below as used within this Ordinance shall have the following meanings regardless of capitalization. All other words throughout this Ordinance shall be interpreted based on their plain and ordinary meaning in the context of their use.

A. **Parking:** The act of stopping a vehicle to either idle, stand, or otherwise wait in a fixed location regardless of whether the vehicle is occupied or not.

B. **Roadway:** Roadways include any street, road, or highway within the Township.

C. **Vehicle:** Any motorized vehicle and any associated trailers including, but not limited to, automobiles, trucks, semi-trucks, off-road vehicles, mopeds, and recreational vehicles. For purposes of this Ordinance, the definition of vehicle shall exclude any vehicles used for

emergency services (police protection, fire protection, or emergency medical services) that are parked while responding to an emergency.

SECTION 3. PARKING REGULATIONS

The parking of all vehicles in the Township shall be subject to the following regulations.

A. **Driveway Access:** No vehicle shall be parked on a roadway in a manner that blocks a public or private driveway of any residence, business, or other type of property.

B. **One Side Roadway Parking:** The Township Board shall be authorized to limit vehicle parking on defined roadways within the Township to only one side of an individual roadway. The Township Board shall specify the roadways where vehicles may only be parked on one side of the roadway by resolution, which: (1) specifies the roadway and where the one side parking regulation shall be enforced; and (2) notes the permissible side of the roadway for parking. Consistent with MCL 257.606(4) all roadways with one side parking regulations shall have signage giving notice of the one side parking regulation that is sufficiently legible as to be seen by an ordinarily observant person.

SECTION 4. ENFORCEMENT AND PENALTIES

A. Enforcement: This Ordinance may be enforced by any individual authorized by the Township Board to enforce this Ordinance including those authorized to issue civil infraction citations under the Township's Civil Infraction Ordinance such as the Township Code Enforcement Officer. The Ordinance may also be enforced by a local law enforcement agency that provides law enforcement services to the Township including the Grand Traverse County Sheriff's Department.

B. Penalties: Any person or entity who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a civil penalty of $100.00 for each violation of this Ordinance, as well as the Township's fees and costs in enforcing the Ordinance as permitted by law. Each day that a violation continues to exist shall be considered a separate violation. This Section shall not be construed as precluding the Township from enforcing this Ordinance in any other manner authorized by law, including without limitation, the commencement of a civil action for injunctive or other relief.

SECTION 5. SEVERABILITY

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

SECTION 7. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

ROLL CALL VOTE

YEAS: POPP, GOSS, BENAK, GLENN

NAYS: NONE

ABSENT/ABSTAIN: VOLLMUTH (absent)

ORDINANCE DECLARED ADOPTED

Ron Popp, Whitewater Township Supervisor

12.19.2022
Date

CERTIFICATION

I, Cheryl A. Goss, Clerk of Whitewater Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 63 adopted by the Whitewater Township Board on November 15, 2022. A summary of the Ordinance was duly published in the Traverse City Record-Eagle, a newspaper that circulates within Whitewater Township, on December 11, 2022. Within seven days after such publication, I recorded the Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.

Attested:

Cheryl A. Goss, Whitewater Township Clerk