WHITEWATER TOWNSHIP PLANNING COMMISSION SPECIAL MEETING/WORKSHOP AGENDA

July 22, 2026 6:00 pm

Historic Elk Rapids Township Hall 401 River Street, Elk Rapids, MI 49629

Whitewater Township Phone: 231-267-5141 / Fax: 231-267-9020

Click this link to view the meeting live: https://www.youtube.com/@whitewatertownship/live

At this time, the PC 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.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Microphone check**
4. **Roll Call of PC Members**
5. **Set/Adjust Meeting Agenda**
6. **Declaration of Conflict of Interest pertinent to agenda items**
7. **Public Comment – In house: Any person shall be permitted to address a meeting of the PC.**

   Public comments shall be carried out in accordance with the following rules and procedures.

   a. There are two opportunities for public comment: now and at the end of the meeting.
   b. Comments shall be directed to the PC with questions directed to the Chair.
   c. Any person wishing to address the PC shall speak from the lectern and state his/her name and address.
   d. Persons may address the PC on matters that are relevant to Township planning and zoning issues **but not relevant to the Zoning Amendment being considered during the public hearing to follow.**
   e. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC member's questions.
   f. Public comment shall be limited to 3 minutes per person.
   g. In order to avoid unscheduled debates, the PC generally will not comment or respond to public comment. Silence or non-response from the PC should not be interpreted as disinterest.

8. **Public Hearing ZOA 2026-04: Article 22 –** Violations Section 22.01 and 22.02
   a. Open public hearing/ state time.
   b. Request those attending sign attendance sheet.
   c. State date of public hearing notice publication and newspaper published in.
   d. State purpose of public hearing.
   e. Brief introductory presentation (PC Chair)
   f. Read any written comments received.
   g. Receive public comment.
      i. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC member's questions.
      ii. Public comment shall be limited to **3 minutes per person**.
      iii. Those against the amendment will speak first followed by those in favor of the amendment.

iv. Questions shall be addressed through the Chair during the public hearing. Planning Commission discussion and/or action shall take place following the public hearing.

h. Close public hearing/state time.

9. Correspondence

10. Next Meeting: 7pm August 5, 2026 at WWT Hall

11. Public Comment - In house: Any person shall be permitted to address a meeting of the PC.

Public comments shall be carried out in accordance with the following rules and procedures.

a. Comments shall be directed to the PC with questions directed to the Chair.
b. Any person wishing to address the PC shall speak from the lectern and state his/her name and address.
c. Persons may address the PC on matters that are relevant to Township planning and zoning issues
d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC member's questions.
e. Public comment shall be limited to 3 minutes per person.
f. In order to avoid unscheduled debates, the PC generally will not comment or respond to public comment. Silence or non-response from the PC should not be interpreted as disinterest.

12. PC Discussion

13. Adjournment

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.

Differences Between a Misdemeanor and a Civil Infraction

MISDEMEANOR

Crime

Guilty/not guilty

Penalty includes jail

Must prove guilty beyond a reasonable doubt

Must be prosecuted in district court by attorney

Defendant entitled to attorney appointed at public expense if indigent and jail is a possibility

Defendant has right to jury trial at public expense

CIVIL INFRACTION

Civil action

Responsible/not responsible

No jail penalty

Must prove responsible by a preponderance of the evidence

Attorney only allowed in formal hearing

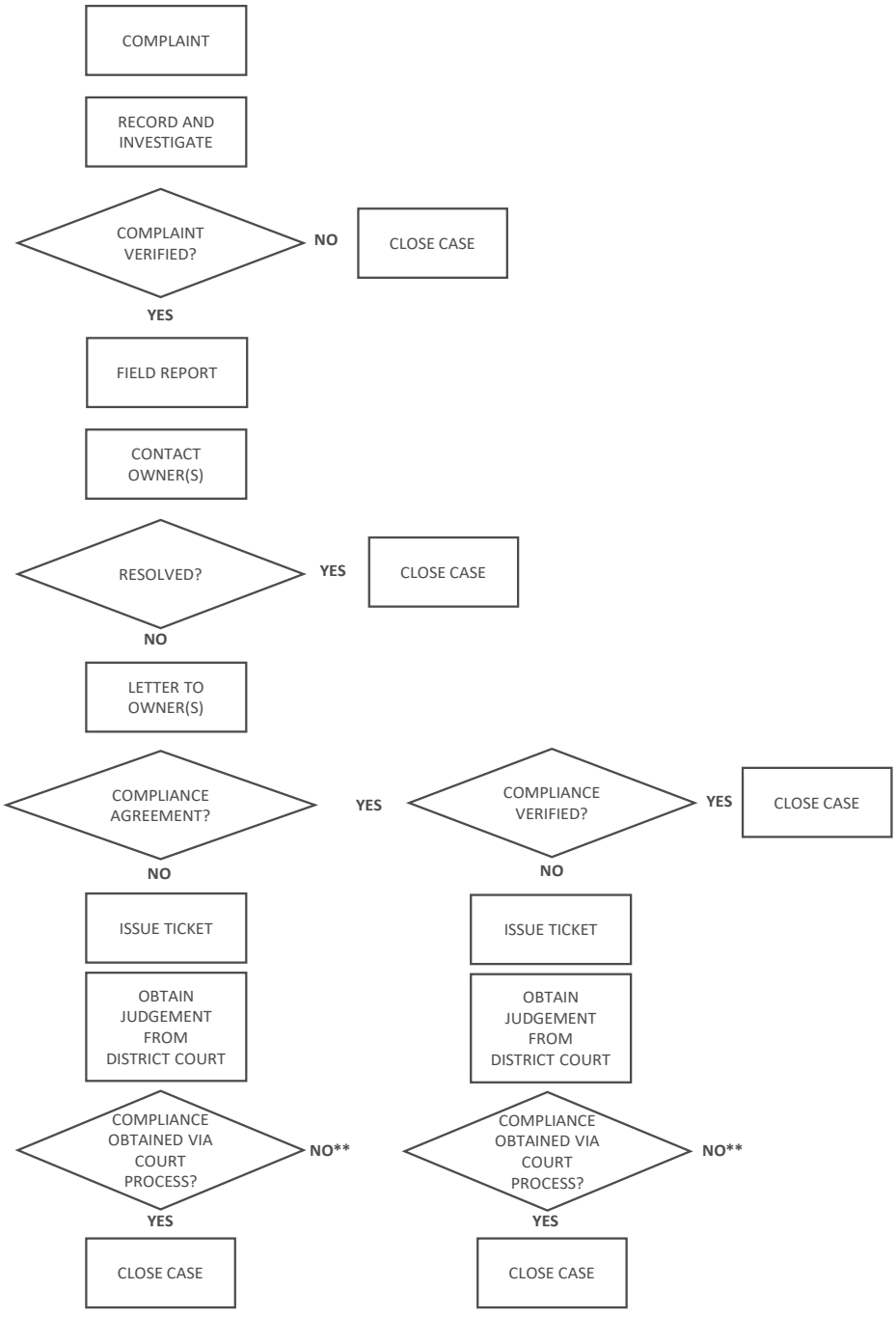
Defendant not entitled to attorney appointed at public expense if indigent

No jury trial

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**