

WHITEWATER TOWNSHIP BOARD
SPECIAL MEETING AGENDA – SEPTEMBER 30, 2025
6:00 p.m. at Mill Creek Academy
9039 Old State Hwy 72, Williamsburg, MI 49690
Twp. Phone: (231) 947-8647

View Meeting on Zoom

1. Join Automatically (computer, tablet, or smartphone):

Click this link to join: <https://us02web.zoom.us/j/88499379134>

2. Join Manually (computer, tablet, or smartphone):

- Open the Zoom app or go to <https://www.zoom.us/join> and enter
- Meeting ID: 884 9937 9134

3. Join by Phone (audio only; works on landlines and mobile phones):

- Dial: +1 312 626 6799 US (Chicago)
- When prompted, enter Meeting ID: 884 9937 9134, then press #

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. General 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 (or via Zoom during the public hearing item)** 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 members' 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.

F. Public Hearing – Civil Infraction Ordinance

1. Open public hearing / state time.
2. Request attendees to sign attendance sheet
3. State dates of public hearing notice publication: **9-11-2025 Traverse City Record Eagle**
4. State purpose of public hearing: **Civil Infraction General Ordinance**
5. Written comments received
6. Receive public comment
7. Close public hearing / state time

NOTE: Questions may be addressed during the public hearing. However, township board discussion and/or action shall take place following the public hearing.

G. Board discussion and/or action regarding the proposed Civil Infraction Ordinance

H. Announcements

Township Board Regular Meeting: 10/09/2025 @ 6:30 p.m.

Board Member Announcements

I. General Public Comment

J. Adjournment

Legal Notice

PUBLIC HEARING NOTICE

Whitewater Township, Michigan Adoption of Civil Infraction Ordinance (2025-51)

Notice is hereby given that the Whitewater Township Board will hold a public hearing on **September 30th, 2025**, during a special meeting which begins at **6:00 PM**, at **Mill Creek Academy Gymnasium** located at **9039 Old M-72, Williamsburg, MI 49690**, to consider the adoption of a **Municipal Civil Infraction Ordinance**.

The purpose of this ordinance is to establish municipal civil infractions within Whitewater Township to address violations of Township regulations. The proposed ordinance will outline the procedures and penalties for civil infractions and notices, which may include fines and other remedies as appropriate under Township law. It also establishes a Township Enforcement Bureau that may issue notices for civil infractions and to repeal all conflicting Ordinances or parts of Ordinances.

The public is invited and encouraged to attend the hearing to provide oral or written comments and feedback regarding the proposed ordinance. A copy of the proposed ordinance is available for public inspection at the Whitewater Township Hall during normal business hours, or by request to the Clerk. A copy of proposed Ordinance may be found on the Township website at www.whitewatertownshipmi.gov.

If you are unable to attend the hearing but would like to submit written comments, please direct them to the Whitewater Township Clerk at **PO BOX 159, Williamsburg, MI 49690** or by email to clerk@whitewatertownshipmi.gov prior to 4:00PM on September 30, 2025.

For additional information, or if you require special assistance for attending, please contact the Whitewater Township Clerk's office at **231-267-5141 ex 24**.

Whitewater Township Board
Whitewater Township, Michigan
Dated: **September 9, 2025**

A copy of this notice is on file with Clerk's office

RECEIVED
9/18/25
MLL


AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN
County of Grand Traverse


Paul Heidbreder being duly sworn deposes and says the annexed printed copy of notice was taken from the Traverse City RECORD EAGLE, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following dates:

09/11/2025

that he or she is the agent of the printers of said newspaper, and knows well the facts stated herein



Subscribed and sworn to before
this 11th of September, 2025 .



Dennis G. Thayer
Notary Public, State of MI
County of Grand Traverse
10/08/2028
Acting in County of Grand Traverse

LEGAL NOTICE

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Whitewater Township Board
Whitewater Township, Michigan
Dated: **September 9, 2025**

September 11, 2025 - 1T

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WHITEWATER TOWNSHIP

Memo

Date: September 30, 2025

To: Whitewater Township Board & the Public

Subject: Civil Infractions Ordinance – Public Hearing

Purpose

The proposed Civil Infractions Ordinance creates a fair, effective, and non-criminal process to enforce township ordinances. It replaces misdemeanor penalties with a civil system used by a majority of Michigan townships, making enforcement simpler, consistent, and less costly. It ensures a clear process for addressing violations affecting basic ideas such as health, safety and welfare of residents. It allows timely correction of dangerous or unsanitary conditions, supports fire and emergency regulations and helps prevent environmental damage or public nuisances before they escalate.

Background

Reviewed at Township Board meetings on April 18, May 8, June 12, and July 10, 2025. Draft aligns with Michigan Township Association (MTA) model ordinance and legal guidance. Updates incorporate board input, resident concerns, and attorney recommendations.

Why It's Needed

Whitewater Township currently lacks a civil enforcement system that upholds all other Ordinances that mention it.

Ordinance provides: - A way to issue citations without criminal charges

Due process through district court - A compliance-first approach before fines

Clear violation citations with defined penalties

Scaled fines depending on severity and frequency

Legal Authority

Each Local law must comply with State/Federal laws and ultimately the Constitution, which is the *supreme law of the land*. A local ordinance has to be within these limits and cannot be conflicting.

MCL 600.8701 et seq. – Civil infraction system authorization

MCL 41.181 – General township ordinance powers

MCL 41.184 & MCL 66.1(5) – Ordinance publication and timing rules

Summary of Ordinance Effects

- Violations no longer treated as misdemeanors

- Residents can contest citations in court; no attorney required Ordinance ensures transparency, consistency, and fairness

**Fahey Schultz
Burzych Rhodes**

EXPERT COUNSEL



REAL SOLUTIONS

WHITEWATER TOWNSHIP: AN OVERVIEW OF ORDINANCE ENFORCEMENT & CIVIL INFRACTIONS

CHRISTOPHER S. PATTERSON, MEMBER

Fahey Schultz Burzych Rhodes PLC

DISCLAIMER

The information contained in this presentation is intended for general informational purposes only, does not constitute legal advice, and should not be relied upon without consulting with a qualified attorney regarding a specific situation.



AGENDA

- Part I – The Framework of Michigan Law in Enforcing Township Ordinances
- Part II – Civil Infraction Enforcement or Misdemeanor?
- Part III – Putting it All Together: Effectively Enforcing Ordinances in Whitewater Township
- Part IV – Recap and Example
- Questions and Comments



Part I -The Framework of Michigan Law in Enforcing Local Ordinances

TYPES OF ORDINANCES

Police Power Ordinance	Zoning Ordinance
<ul style="list-style-type: none">• Regulate public health, safety, and general welfare of persons and property (activity-based regulations)	<ul style="list-style-type: none">• Regulate land development, use, and structures (use-based regulations)
<ul style="list-style-type: none">• Includes blight, fire protection, bicycle regulations, traffic regulations, parking regulations, sidewalk maintenance and repair regulations, etc.	<ul style="list-style-type: none">• Includes setbacks, parcel size, maximum structure height, building form and principal and accessory use of the land or use within buildings allowed within particular locations, etc.



THE GENERAL FRAMEWORK UNDER MICHIGAN LAW: CRIMINAL AND CIVIL ORDINANCE ENFORCEMENT

- Michigan law provides for criminal or civil prosecution of ordinance violations:
 - *Criminal*: the default penalty for ordinance violations is a misdemeanor which is a criminal offense that is punishable by up to 93 days' imprisonment. MCL 600.8313
 - *Civil*: Townships are to authorized to enforce their ordinances through civil infractions in the District Court. MCL 600.8701 *et seq.* The Michigan Zoning Enabling Act additionally confirms that zoning ordinances may be prosecuted through the municipal civil infraction process. MCL 125.3407(b)
- The criminal process of ordinance enforcement is costly, time consuming, and not as effective at obtaining compliance with ordinances



ORDINANCE ENFORCEMENT THROUGH THE CIVIL PROCESS UNDER MICHIGAN LAW

A BIFURCATED PROCESS EXISTS TO ENFORCE ORDINANCES:

Municipal Civil Infraction Notices

- A municipality may create a “municipal ordinance violations bureau” that is able to process ordinance violations by assessing fines and costs directly payable to the municipality upon an admission of responsibility after the issue of a “municipal civil infraction notice”
- The process is intended to allow a municipality to issue a citation without having to go through the cost and expense of the process with the District Court

Municipal Civil Infraction Citations

- A municipality may also issue “municipal civil infraction citations” which are filed with the District Court and then resolved through the informal or formal hearing process
- The process is intended to facilitate resolution with direct involvement of the District Court

MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES

- Fines for municipal civil infraction notices are paid directly to the Township (via the Bureau), which retains 100% of fine
- Compared to civil infraction citations, civil infraction violation notices better offset enforcement costs
- Fines are payable by mail, in person, or through representation (e.g., an attorney)
- If a person doesn't pay a notice fine to the Bureau, there is limited recourse (e.g. similar to an unpaid parking ticket)



C.I. MIS. JUV. **State of Michigan Municipal Civil Infraction Notice of Violation**

Ticket No. _____
Complaint No. _____ Offense Code _____

The People of: the State of Michigan
 Township City Village County

Local Use/Arrest No. _____ Dept. No. _____

OF: _____ of _____

THE UNDERSIGNED _____ Month _____ Day _____ Year At approximately _____ A.M. _____ P.M. Date _____ Month _____ Day _____ Year
SAYS THAT ON: _____ State _____ Oper./Chauff. _____ Driver License Number _____ SSN (last 4 digits) _____
 CDL

Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer _____

Name (First, Middle, Last) _____
Street _____
City _____ State _____ Zip Code _____

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of § _____
 Local Ordinance State Law Administrative Rule
UPON _____
AT OR NEAR _____
WITHIN CITY VILLAGE TOWNSHIP OF _____
COUNTY OF _____ DID THE FOLLOWING

Nuisance Ordinance Building Code
 Licenses Ordinance Plumbing Code
 Zoning Ordinance Electrical Code
 Sign, Lighting & Display Ordinance Mechanical Code
 Animal & Fowl Ordinance Other _____

Describe: _____

Person in Active Military Service Yes No

THIS VIOLATION IS A CIVIL INFRACTION and is your _____ violation.
The fine for this violation is \$ _____ and must be paid at the violations bureau by _____
5:00 p.m. on _____ unless you contact the violations bureau before this time.
SEE BELOW FOR AN EXPLANATION OF YOUR RIGHTS AND INSTRUCTIONS.

WARNING: If you fail to pay the fine specified above or fail to contact the violations bureau on the date and time specified above, a civil infraction citation will be issued. You are alleged to be responsible for a civil infraction. You must either: 1) admit responsibility; 2) admit responsibility with explanation; or 3) deny responsibility.

ADMIT RESPONSIBILITY: If you wish to admit responsibility and pay your fine, you may do so by appearing in person or by mailing your fine along with this notice to the violations bureau.
ADMIT RESPONSIBILITY WITH EXPLANATION OR DENY RESPONSIBILITY: If you wish to admit responsibility with explanation or deny responsibility and have a hearing, you must contact the violations bureau on or before the date specified above. A citation will be issued and filed with the court where you will have the right to an informal hearing before a magistrate or judge or to appear in court for a formal hearing before a judge.

Violations bureau address & phone number _____

IMPORTANT: REMOVE TOP 2 COPIES BEFORE SIGNING NOTICE.
I personally served a copy of this notice upon the defendant.
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable _____ Month _____ Day _____ Year

Ticket No. _____
Name _____
Case No. _____

CIVIL INFRACTION CITATION

- As opposed to handling violations at the Bureau by issuing a notice, a more formal process can be initiated by issuing a municipal civil infraction citation
- A civil infraction citation should include
 - Description of the alleged violation (with citations)
 - Scheduled fines and/or costs for the violation
 - Name and address of alleged violator
 - Court where alleged violator must appear
 - Telephone number of such Court and time of appearance, if known
 - Any additional information requested by the Court
 - Possible response options for the alleged violator



CIVIL INFRACTION HEARINGS

- There are two types of hearings:
 - Informal
 - Formal
- Both hearings follow approximately the same process, but Michigan Court Rules and the Michigan Rules of Evidence are not strictly followed in the informal hearing process
- No attorneys are permitted for either side in an informal hearing
- A formal hearing may be requested by either party:
 - Helpful for more complex violations
 - Township Attorney prosecutes the violation
 - Often necessary to obtain court (cleanup) order





FORMAL HEARING VS. INFORMAL HEARING



THE INFORMAL HEARING

- The district court will schedule the informal hearing
- Zoning Administrator will prosecute the violation at the informal hearing in front of a Magistrate. Injunctive relief is possible but not guaranteed. MCL 600.8302
- The Zoning Administrator is likely to discuss and present the following before the district court:
 - The civil infraction citation
 - The warning letters
 - The Township's ordinances that have been violated and the provisions allowing enforcement via civil infraction.
 - Any photographs that are planned to be used to demonstrate a violation
 - Witness testimony (if applicable)
 - The proposed order approved by your Township attorney
 - Township representatives should be well trained for the hearing



THE FORMAL HEARING

- Attorneys are required to represent the Township
- Injunctive relief is more common
- The Michigan Court Rules apply along with the Michigan Rules of Evidence
- Used when the Township needs cleanup orders, significant remedies, or is requested by the parties





WHAT IF A VIOLATOR DOES NOT APPEAR?

- MCR 4.101(B)(4) provides “if a defendant fails to appear or otherwise respond to any matter pending relative to a civil infraction action” then the District Court “must enter a default against the defendant” and “must impose a sanction by entering a default judgment.”
- District Courts are also able to issue bench warrants to compel the appearance of individuals.



THE REQUIREMENTS FOR CIVIL ENFORCEMENT OF ORDINANCES UNDER MICHIGAN LAW

- Designate that civil infractions are penalties under ordinances - MCL 600.8701(c)
- Designate authorized officials to issue citations – MCL 600.8701(a)
- Utilize citations that fit statutory requirements – MCL 600.8705(1); MCL 600.8709
- Properly serve citations on violators – MCL 600.8707(3)-(4) (see next slide)
- Optional: Establish Municipal Ordinance Violations Bureau – MCL 600.8707(6)
- Establish Fine Schedule – MCL 600.8727(7)



CIVIL INFRACTION CITATION – SERVICE

- Citations must be served on a violator personally or by posting the citation on the property and mailing a copy to the violator.
- Generally, we recommend mailing the citation and posting a copy on the property.
 - Sometimes, police officers are utilized to post the citation
 - Posting the citation on a stake by the mailbox is sufficient and alleviates the need to enter the property.
- Improper service can be a basis to dismiss a citation, so always ensure that citations are properly served on the Defendant.



REMEDIES AVAILABLE

- Imposition of fine
- Attorney fees and costs
- Liens
- Orders of compliance and abatement
- Injunction for future activity in violation of the order

The most important grant of authority under Michigan law is that of equitable authority for District Court's in ordinance cases.



Part II – Civil Infraction Enforcement or Misdemeanor?

A Township's Options on Municipal Prosecutions

- Specific enforcement authority must be set forth in the Township's ordinances
- **Generally, violations of ordinances are prosecuted as criminal misdemeanors unless the municipality has adopted a municipal civil infraction ordinance** or has adopted a blight ordinance which provides for civil fines and sanctions.
- A violation of an ordinance may be prosecuted as a municipal civil infraction if it is specifically indicated that a violation of the ordinance is a municipal civil infraction
- In order to prosecute a violation of an ordinance as a municipal civil infraction, the municipality should 1) adopt a municipal civil infraction ordinance and 2) specify that the violation of an ordinance is a municipal civil infraction.



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



Why Adopt a Civil Infraction Process?

- Using civil infraction citations to effectively achieve ordinance compliance applies to both zoning and non-zoning ordinances.
- This allows the enforcement process to be the same regardless of whether it is a zoning violation or a non-zoning violation (such as a blight violation). If the township does not currently enforce its ordinances with civil infraction citations, the township can change easily to civil infraction enforcement.
- The fine for a civil infraction notice can best be used to offset enforcement costs.
- They can be issued and paid without the involvement of the township attorney or the district court, which cuts down on costs and complexity.
- They can be a valuable step in the code enforcement escalation continuum, falling between a warning letter and a formal civil infraction citation. While some defendants will always fight enforcement, a simple civil infraction notice can often be sufficient to convince well-intentioned residents to correct minor violations.
- Finally, civil infraction notices can be used in later proceedings in district court after a citation is issued to demonstrate both the reasonableness of the enforcing agency.

Part III - Putting it All Together: Effectively Enforcing Ordinances in Whitewater Township

OVERVIEW OF ENFORCEMENT PROCESS

- Investigate the alleged violation
 - Photographs
 - Witnesses (i.e., neighbors)
- Warning Letters
- Issue a civil infraction notice
- Issue a civil infraction citation
- Prosecute at the hearing (formal/informal)
- Obtain court ordered relief
- Enforce court ordered relief

THE GOAL: VOLUNTARY COMPLIANCE

- Remember the ultimate goal is to obtain compliance with ordinances – it is not punishment or revenue generation: this key feature is what makes civil infraction enforcement preferred over criminal prosecution
- Voluntary compliance will always be less costly than court ordered compliance
- The Township can obtain voluntary compliance at any of these points:
 - Initial contact/verbal warning
 - Formal written warning
 - Municipal civil infraction notice
 - Pre-issuance of a citation
 - Post-issuance of a citation
 - Pre-hearing settlement
 - Day of hearing settlement
- Practical considerations with timeframes are always important to make when seeking voluntary compliance

WARNING LETTERS (AFTER OPTIONAL VERBAL WARNINGS)

- Warning letters are important because they often are the last step in achieving voluntary compliance. In the event warning letters go ignored, subsequent warning letters may be sent or you can move on to the next steps in the process
- Remember, warning letters demonstrate to the District Court what the Township has tried to do. Warnings should generally include:
 - Date, time, and person contacted
 - Identification of the responsible parties and activities
 - Specific ordinance(s) being violated
 - Required corrective action within specific deadline
 - Consequences of non-compliance
 - Township contact information



OPTIONAL: ISSUING CIVIL INFRACTION NOTICES



- When to use:
 - After warning letter has not achieved compliance
 - For first-time, minor to moderate violations
 - When violator may comply with financial incentive
- If the notice is ignored, the Township can escalate to civil infraction citation
- Using municipal civil infraction notices shows graduated enforcement effort if case proceeds to court



ISSUING CIVIL INFRACTION CITATION

- Citations should only be issued after warning letter and/or notice has failed unless it is a serious violation requiring immediate action
- Citation preparation checklist:
 - Verify property ownership
 - Document/prove violation through photos and other documents
 - Confirm authorized official's authority to issue
 - Complete all required fields
 - Request injunctive relief on citation if desired
- Ensure proper service of the citation (personal service OR posting on property and by mailing to owner's address) and document the same
- File with the District Court (our office can help coordinate)



PROSECUTE THE CASE: INFORMAL HEARING

- Township official will prosecute the case
- Burden of proof = Preponderance of evidence
- The District Court should be provided with all relevant ordinances
- Evidence that should be presented:
 - Testimony of individuals with personal knowledge of the situation or the harm that has resulted
 - Photographs of the subject property
 - All relevant documentation concerning the violation
- Attorneys can be used to prepare witness outlines, the compilation of documents, proposed orders, etc.
- Whatever relief is necessary to enforce the ordinance should be requested



PROSECUTE THE CASE: FORMAL HEARING

- Attorney will prosecute the case
- Burden of proof = Preponderance of evidence
- The District Court should be provided with all relevant ordinances
- Evidence that should be presented:
 - Testimony of individuals with personal knowledge of the situation or the harm that has resulted
 - Photographs of the subject property
 - All relevant documentation concerning the violation
- Whatever relief is necessary to enforce the ordinance should be requested



OBTAIN COMPLETE RELIEF

- Imposition of fine
- Attorney fees and costs
- The right to place liens for unpaid fines and costs
- Orders of compliance and abatement
 - Generally, 30 days to comply with the Township having the right to enter the property itself at the owner's risk and expense if continued non-compliance
- Injunction for future activity in violation of the order
- Township right to inspect the property



Part IV – Recap and Example



Framework & Process

- Police power vs. zoning authority
- Criminal vs. civil enforcement
- Progressive enforcement approach:
 - Investigation and documentation
 - Warning letters
 - Civil infraction notice (optional)
 - Civil infraction citation
 - Informal or formal hearing
 - Court order and enforcement
- The goal is always to achieve voluntary compliance

THE CASE OF HAROLD

- Harold moved to Whitewater Township 15 years ago when he purchased a charming ranch home with a spacious two-acre lot
- Harold's neighbors initially welcomed him to the neighborhood with homemade apple pie and friendly conversation
- Harold began accumulating "collectibles" in his front yard—three non-functioning vintage tractors, seven rusted-out car frames, and numerous appliances he claimed he was "just waiting for the right parts"
- By year three, Harold had expanded his collection to include construction materials, two derelict boats, and a growing mountain of miscellaneous scrap metal that had reached approximately six feet in height
- Harold's neighbors complained – what is the first step for the Township?

THE CASE OF HAROLD CONTINUED

- The Whitewater Township Code Enforcement Officer confirmed that if what was alleged on the property existed that it would constitute a violation of the Township's ordinances
- The Whitewater Township Code Enforcement Officer conducted an initial site visit and collected photographs of the property and documented the conditions of the property that were confirmed as bad as was complained about – what is the next step?
- A verbal warning made no progress as Harold insisted that everything on his property was valuable – what is the next step?
- The Whitewater Township Code Enforcement Officer then sent detailed warning letters to Harold explaining the violations and demanding voluntary compliance.

THE CASE OF HAROLD CONTINUED

- With no progress being made by Harold, the Township issued a municipal civil infraction notice to Harold for \$100
- Harold was frustrated with receiving the fine but said he would take responsibility and pay it so the Township would stop bothering him. Harold walked into the Township offices and paid the Treasurer \$100 and admitted responsibility – what does the Township do now?
- The Township informed Harold that he must comply with the ordinance but no progress was made.
- The Township issued a citation – do you think this is best handled through an informal hearing or formal hearing?

THE CASE OF HAROLD CONTINUED

- At the hearing, the evidence that was presented included
 - Chronological documentation of the violations
 - Dated photographs showing the progression of blight
 - Copies of the ordinance
 - Documentation of previous warning efforts
 - An explanation of the community impact (including a statement from the Tidy family about declining property values)
- Harold testified himself explaining to the Court that everything he had on his property was valuable and “American freedom” provided him with the constitutional right to have everything he did on his property
- A hearing resulted in a finding of responsibility – what is the most important relief to obtain?

THE CASE OF HAROLD CONTINUED

The court order included:

- \$250 fine plus \$100 in court costs
- Requirement to remove all items constituting blight within 30 days
- Township's right to inspect the property after 30 days
- Authorization for the Township to enter the property and remove the items at Harold's expense if he failed to comply
- Requirement that Harold pay actual cleanup costs if the Township had to intervene
- The right for the Township to place unpaid fines and costs as a lien on the property if there was noncompliance

THE CASE OF HAROLD CONTINUED

- Harold made significant progress towards cleaning up his property understanding the Township was going to do it at a significant expense – nearly 70% of the property was cleaned up in the timeframe provided in the order. What should the Township do?
- The Township granted a reasonable extension of 30 days, but no progress was made
- The Township hired a contractor who entered the property to remove the remaining blight
- All costs were paid by Harold, and this matter was officially closed.



QUESTIONS

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WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

MUNICIPAL CIVIL INFRACTIONS ORDINANCE

Ordinance No. 2025-51

An Ordinance to provide for the enforcement of Whitewater Township Ordinance violations through the issuance of Municipal Civil Infraction Citations; to collect and retain civil fines/costs for such violations as prescribed herein, to establish that the Township Ordinance Enforcement Officer, Township Zoning Administrator, Building Inspector, Fire Chief, and members of the Grand Traverse County Sheriff's Department who provide services to the Township may issue Municipal Civil Infraction Citations, and to repeal all conflicting Ordinances or parts of Ordinances.

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

Section 1: Title: This Ordinance shall be known and cited as the Whitewater Township Municipal Civil Infractions Ordinance.

Section 2: Definitions: As used in this Ordinance:

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Code Enforcement Officer, the Township Zoning Administrator, Building Inspector, Township Supervisor, Township Fire Chief or Chief's designee, a police officer or other personnel of the Township authorized by this Ordinance or any Ordinance to issue Municipal Civil Infraction Citations or Municipal Ordinance Violation Notices, including members of the Grand Traverse County Sheriff's Department who provide services to the Township.
- C. "Bureau" means the Whitewater Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. "District Court" means the appropriate District Court of Grand Traverse County, Michigan.
- E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. "Municipal Civil Infraction Citation" or "Citation" means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

- G. “Municipal Civil Infraction Violation Notice” means a written notice, instead of a Citation, prepared by an Authorized Township Office, directing a person to appear at the Whitewater Township Municipal Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township.
- H. “Township” means Whitewater Township, Grand Traverse County, Michigan.
- I. “Township Code Enforcement Officer” means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- J. “Township Zoning Administrator” means that person designated by the Township Board to enforce the Township Zoning Ordinance.

Section 3: Municipal Civil Infraction Action; Commencement: A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Township Official of:

- A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or
- B. A Municipal Civil Infraction Violation Notice providing the alleged violator with an option to appear at the Bureau.

Section 4: Municipal Civil Infraction Citations; Issuance and Service: Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

- A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.
- B. The place for appearance specified in a Citation shall be the District Court.
- C. Each Citation shall be numbered consecutively and, in a form, approved by the state court administrator. The original Citation shall be filed with the District Court. Copies of the Citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
- D. A Citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.”
- E. An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

- F. An Authorized Township Official may issue a Citation to a person if:
- (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction, and if the prosecuting attorney or township attorney approves in writing, the issuance of the Citation.
- G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:
- (1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator. If personal service cannot be accomplished, then certified mail will be sent with a response requested within 30 days of notice prior to escalation.
 - (2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building, or other structure, a copy of the Citation does not need to be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building structure. In addition, a copy of the Citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

Section 5: Municipal Civil Infraction Citations; Contents

- A. A Municipal Civil Infraction Citation shall contain:
- (1) A description of the municipal civil infraction violation alleged; and
 - (2) The amount of the scheduled fines and/or costs for the violation; and
 - (3) The name and address of the alleged violator; and
 - (4) The place where the alleged violator shall appear in court; and
 - (5) The telephone number of the court, and the time at or by which the appearance shall be made; and
 - (6) Potentially any additional information specified or requested by the court having jurisdiction over the citation; and
 - (7) The name of Whitewater Township as Plaintiff.
- B. The Citation shall inform the alleged violator that he or she may do one of the following:

- (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
- (2) Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance, in person, or by representation.
- (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before the judge is requested.
 - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

C. The Citation shall also inform the alleged violator of all the following:

- (1) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
- (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the Citation.
- (3) That a hearing shall be an informal hearing unless the alleged violator or the Township requests a formal hearing.
- (4) That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- (5) That at a formal hearing, the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The Citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the Citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the Municipal Civil Infraction Citation.

Section 6: Establishment, Location, and Personnel of the Municipal Ordinance Violations Bureau:

A. Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized

Township Officials, and to collect and retain civil fines and costs as prescribed by this Ordinance and any related Ordinance.

- B. The Bureau shall be located at the Whitewater Township Hall and shall be under the direct supervision and control of the Township Supervisor. The Township Supervisor, subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township Clerk, Township Treasurer, or any other necessary, qualified Township employees and officials to administer the Bureau.
- C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to a Citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee from any person who denies having committed the offense or admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the veracity of any fact or matter relating to an alleged violation.
- E. Municipal Civil Infraction Violation Notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons provided for Citations as prescribed in this Ordinance. In addition to any other information required by this Ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- F. An alleged violator receiving a Municipal Civil Infraction Violation Notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the Municipal Civil Infraction Violation Notice. An appearance may be made by mail, in person, or by representation.

- G. If an authorized Township Official issues and serves a Municipal Ordinance Violation Notice, and if an admission of responsibility is not made, the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the District Court and a copy of the Citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The Citation filed with the District Court does not need to comply in all particulars with the requirements for Citations as provided by this Ordinance, but shall consist of a sworn complaint containing the allegations stated in the municipal Ordinance violation notice and shall fairly inform the alleged violator how to respond to the Citation.

Section 7: Schedule of Civil Fines/Costs: The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance, a resolution pursuant to the Ordinance, or any ordinance, plus any costs, damages, expenses (including attorney's fees) and other sanctions as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

- A. Fines for Violation Notices. Unless a different schedule of civil fines is provided for by an applicable Ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with Municipal Ordinance Violation Notices shall be determined pursuant to the following schedule:

(1) First violation within three years:	\$75.00
(2) Second violation within three years:	\$250.00
(3) Third violation within three years:	\$500.00
(4) Fourth or subsequent violation within three years:	\$500.00

- B. Fines for Violation Citations: Unless a different schedule of civil fines is provided for by an applicable Ordinance or established by a resolution adopted by the Township Board, the civil fines payable for persons deemed responsible for a Municipal Civil Infraction Citation shall not exceed five-hundred dollars (\$500.00) per violation, or as otherwise set by the court of competent jurisdiction. The fine for a first offense shall be no less than one-hundred fifty dollars (\$150.00) per violation. In addition to the civil fines, costs in the amount of \$10.00 shall be assessed, plus any judicial assessments. On matters that proceed in District Court, attorney fees may be assessed in an amount of up to five hundred (\$500.00) per violation.

- C. Repeat Offenses: Increased civil fines may be imposed for a repeat offense. As used in this Ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same ordinance (a) committed by a person within any three-year period (unless specified otherwise in an appropriate ordinance) and (b) for which the person admits responsibility or is determined to be responsible. Unless otherwise provided by an ordinance, the increased fine for a repeat offense shall be as follows:

- (1) The fine for any repeat offense shall be not less than \$300.00, plus costs and fees as provided in this Section and the Act.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs and fees as provided in this Section and the Act.

D. Separate Offenses: Each day on which a violation continues constitutes a separate offense and shall be subject to the penalties appropriate thereto even without the Township issuing individual citations for each day that the violation continues to exist and shall not preclude the Township from seeking civil fines for each day that a violation exists. Fines shall be proportional to the violation, consider the violator's ability to pay and provide alternative remedies such as community service where appropriate.

Section 8: Availability of Other Enforcement Options: Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity by issuing a Municipal Civil Infraction Citation. As to each Ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, take other enforcement actions as is authorized by law, including, without limitation, injunctive relief or criminal enforcement.

Section 9: Records and Accounting: The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal Ordinance Violation Notices consistent with the record retention schedules, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for Ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require them and shall be deposited in the Township's general fund. A report of civil infractions shall be made public in compliance with the Open Meetings Act (OMA) and Freedom of Information Act (FOIA) standards.

Section 10: Employee Misconduct and Abuse of Authority

- A. Any employee or official of the Whitewater Township Municipal Ordinance Violations Bureau who abuses their position, exceeds their lawful authority, or engages in improper conduct related to the enforcement of this Ordinance may be subject to disciplinary action. This may include a written reprimand, suspension, removal from duty, or referral to law enforcement if appropriate.
- B. Complaints of misconduct shall be reviewed by the Township Supervisor or another official designated by the Township Board. A record of all such complaints and actions taken shall be kept in accordance with Township policy.
- C. Employees are protected from retaliation for reporting misconduct in good faith. Per MCL 15.361

Section 11: Adoption of Best Practices: Whitewater Township aims to align its civil infraction enforcement procedures with those of neighboring municipalities to the extent feasible, adopting best practices that promote efficiency, fairness, and clarity for residents and visitors. All enforcement actions shall guarantee due process rights, including timely notice, opportunity to be heard and access to appeal before a neutral decision-maker or mediator.

No enforcement action requiring property access shall proceed without consent or warrant unless an immediate health or safety risk exists.

Section 12: Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 13: Repeal: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 14: Effective Date: This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Roll Call:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Linda Slopsema, Supervisor
Whitewater Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2025, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2025.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances I keep 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:

Wendy Hoeksema, Clerk
Whitewater Township

**Whitewater Township
Grand Traverse County, Michigan
Whitewater Township Civil Infractions Ordinance
Notice of Adoption**

Ordinance No. 2025-51

Please take notice that on _____, 2025, the Township Board of Whitewater adopted Ordinance No. 2025-51 which provides for the enforcement of Whitewater Township Ordinance violations through the issuance of Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, establishment of the Whitewater Township Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for Ordinance violations designated as municipal civil infractions for which municipal Ordinance violation notices have been issued and served by authorized officials; the collection and retention of civil fines/costs for such violations as prescribed herein, the establishment that the Township Ordinance Enforcement Officer, Township Zoning Administrator, Building Inspector of Whitewater Township, or the Whitewater Township Fire Department may issue Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, and for the repeal of all conflicting Ordinances or parts of Ordinances. Copies of the Ordinance may be obtained from the township Clerk, 5777 Vinton Road, MI 49690, during regular office hours or by appointment.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Municipal Civil Infraction Action, Commencement; Section 4: Municipal Civil Infraction Citations, Issuance and Service; Section 5: Municipal Civil Infraction Citations, Contents; Section 6: Establishment, Location, and Personnel of the Municipal Ordinance Violations Bureau; Section 7: Schedule of Civil Fines/Costs; Section 8: Availability of Other Enforcement Options; Section 9: Records and Accounting; Section 10: Severability; Section 11: Repeal; Section 12: Effective Date, which is thirty (30) days after this publication.

Published by Order of the Township Board
Whitewater Township, Grand Traverse County, Michigan
Wendy Hoeksema, Township Clerk
231-267-5141

Publication Date: _____, 2025