

WHITEWATER TOWNSHIP BOARD
AGENDA FOR SPECIAL MEETING – April 18, 2025
8:00 a.m. at the Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

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

Zoom: not available

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon reasonable advance notice. Contact the Township Clerk at 231.267.5141 Ext. 24 at least 5 days in advance of the meeting.

A. Call to Order

B. Roll Call of Board Members

C. Set/Adjust Meeting Agenda

D. Declaration of Conflict of Interest

E. 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. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer board member's questions. The chair shall control the amount of time each person shall be allowed to speak, which shall not exceed five (5) minutes.

F. Correspondence – None

G. Agenda Items as Listed in the Special Meeting Notice:

1. Municipal Civil Infraction Ordinance:
 - a. Review drafts & set public hearing date
 - b. Zoning Ordinance Article 22 amendment needed to provide for civil infractions
2. Recommendation to pursue a misdemeanor regarding STR violations
3. Discuss status of 9009 M-72 E. Williamsburg, MI

H. Board Comments/Discussion

I. Public Comment

J. Adjournment

WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

CIVIL INFRACTIONS ORDINANCE

Ordinance No. _____

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 Code Enforcement Officer, Township Zoning Administrator, 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 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, the 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 shall be 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.
 - (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 owners' 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;
 - (2) The amount of the scheduled fines and/or costs for the violation;
 - (3) The name and address of the alleged violator;
 - (4) The place where the alleged violator shall appear in court;
 - (5) The telephone number of the court, and the time at or by which the appearance shall be made;
 - (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, or 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 of 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 a formal hearing is requested by the alleged violator or the Township.
- (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 who 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 as 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 and 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-year period: | \$75.00. |
| (2) Second violation within three-year period: | \$250.00. |
| (3) Third violation within three-year period: | \$500.00. |
| (4) Fourth or subsequent violation within three-year period: | \$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's fees may be assessed in an amount of up to five hundred (\$500.00) per each 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 offense which is a 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 citation exists.

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 through the issuance of a Municipal Civil Infraction Citation. As to each Ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, take such other enforcement action 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 and shall be deposited in the general fund of the Township.

Section 10: 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 11: Repeal: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12: 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.

Ron Popp, 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 _____, 2024, 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 _____, 2023.
3. Within 1 week after such publication, I recorded the above 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.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2024.

ATTESTED:

Cheryl Goss, Clerk
Whitewater Township

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

Ordinance No. _____

Please take notice that on _____, 2024, the Township Board of Whitewater adopted Ordinance No. 2024-___ 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 Carol Goss, 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
Cheryl Goss, Township Clerk
231-267-5141

Publication Date: _____, 2024

WHITEWATER TOWNSHIP BOARD

**RESOLUTION TO ADOPT THE SCHEDULE OF CIVIL FINES FOR UNLAWFUL
OPERATION OF SHORT-TERM RENTAL USES**

RESOLUTION NO. _____

At a meeting of the Whitewater Township Board, Grand Traverse County, Michigan, held at the Whitewater Township Hall on the ___ day of April 2025, at ____ p.m.

PRESENT: _____

ABSENT: _____

The following was moved by _____ and seconded by _____.

Whereas, the Whitewater Township Zoning Ordinance prohibits rental of a non-owner -occupied dwelling for less than 30 days—otherwise commonly referred to as a short-term rental;

Whereas, the Whitewater Township Zoning Ordinance prohibits such activity because only specific uses are allowed within the land use districts of the Township, and none of those uses includes or otherwise allows short-term rental;

Whereas, the Township Board is aware that unlawful rentals continue to operate in the Township despite the Township disseminating information to the public-at-large, as well as through enforcement letters, that short-term rentals are not permitted;

Whereas, the Township Board finds that such unlawful uses continue to operate within the Township because the rental revenue generated from short-term rentals is of significant value;

Whereas, because of the significant value generated from such rentals, the Township Board finds that civil fines for such infractions (as either a civil citation notice or civil infraction citation) shall be established to appropriately deter violations of this detrimental land use within the Township;

Whereas, Township Board has the authority to determine the amount of the civil fine for each violation of the Whitewater Township ordinances, or as otherwise determined by a court of competent jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township Board will enforce prohibitions against short-term rentals in the strictest sense permitted by the Township ordinances, including that each day a short-term rental exists in violation of the Township zoning ordinance, the Township will pursue each day as a separate offense of the Township ordinance.

2. The Township Board further adopts a schedule of civil fines for violation notices and citations distinct from other Zoning Ordinance violations to represent an appropriate deterrent to the unlawful use as well as reflect the costs to the community for administration and enforcement of these provisions of the Zoning Ordinance setting such schedule of civil fines as follows:

The sanction for a Municipal Civil Infraction Notice or Citation for operating an unlawful short-term rental as prohibited under the Whitewater Township Zoning Ordinance shall be a civil fine in the amount as provided by herein or as ordered by a Court of competent jurisdiction:

- | | |
|-------------------------|-------------|
| a. First Offense: | \$500.00. |
| b. Second Offense: | \$750.00. |
| c. Third Offense: | \$1,500.00. |
| d. Subsequent Offenses: | \$2,500.00. |

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Roll call vote:

Yes: _____

No: _____

The Township Board declared the resolution adopted.

Linda Slopsema, Township Board Supervisor
Whitewater Township

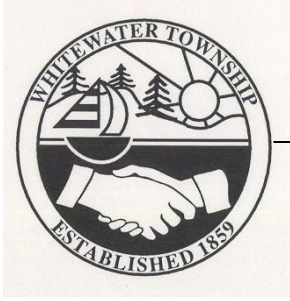
ARTICLE 22 - VIOLATIONS

22.01 PENALTIES

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.

22.02 NUISANCE PER SE

Uses of land, dwellings, buildings or structures, including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this Ordinance or the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto are hereby declared to be nuisances per se.



WHITEWATER TOWNSHIP

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

DATE: 04-17-2025

TO: WWT Board

FROM: Supervisor Linda Slopsema

SUBJECT: 9276 Elk Lake Trail Short Term Rental Complaints

As you are aware, the Zoning Administrator has received several complaints regarding short term rental on this property.

Both the Zoning Administrator and our Township attorney have communicated with the property owner several times without resolution.

MOTION:

I move to authorize the Township attorney, with the Zoning Administrator, to pursue a formal misdemeanor action against the property owner at 9276 Elk Lake Trail as is currently authorized in the Zoning Ordinance since multiple notices of violation have not resulted in compliance.