

Dear Applicant,

We are pleased to inform you that your MAMC ADA Infrastructure Grant application has been reviewed, and your project meets the established criteria! Congratulations! We appreciate your commitment to improving accessible infrastructure, and we are excited to support your efforts.

We would like to share next steps while we navigate through the Grant process together...

Upon receiving confirmation from MEDC, MAMC will provide you with the **Grantee Agreement** for your review and signature.

Once MAMC receives your completed **Grantee Agreement**, you will be formally awarded the Grant and funds will be disbursed in the order that the **Grantee Agreements** are received.

MEDC has issued an initial distribution of 25% of the total ADA Infrastructure Grant. Once the initial distribution is exhausted, MAMC will be permitted to request additional funding. As soon as MAMC receives the additional funding, disbursements to Grantees will continue.

When MAMC receives your **Grantee Agreement**, funding for your project is ensured, however the timing of disbursements is subject to MEDC processing. Prompt submission of the completed Grantee Agreement will help ensure timely delivery of grant funds.

If you have any questions regarding the Grant or next steps, please do not hesitate to contact us.

Congratulations, and thank you for your dedication to advancing accessibility in our community.

Sincerely,

Dan Leaman  
Grant Program Administrator  
Michigan Association of Municipal Clerks  
[Leaman.d@gcsionline.com](mailto:Leaman.d@gcsionline.com)



## MEMO To Whitewater Township Board

Re: Proposed adoption of Code of Ethical Conduct & Governance Policy

Resolution #2025-14

August 28, 2025

### **Purpose**

The Michigan township Association (MTA), the Michigan Municipal League (MML) and Michigan Law (MCL 15) set standards and emphasize the need for a formal Code of Ethical Conduct to protect public trust. A code ensures that elected and appointed officials, employees, and volunteers conduct township business truthfully, free from undue influence, and with full transparency as expected under their Oath of Office.

### **Key Standards/ Legal Basis**

- Establishes a formal Ethics policy
- Conflict of Interest & Perceived Conflicts- requires full disclosure
- Proper use of position & Resources-prohibit use of authority for personal gain
- Requires compliance with
  - Michigan Compiled Laws (MCL15.321-15.342)
  - Open Meetings Act (OMA)
  - Other applicable state and federal ethics regulations
- Establishes a framework for addressing complaints and taking corrective action
- Aligns township policies with Grand Traverse County ethics standards and MTA, MML recommendations
- Mandates a signed annual compliance form for board members and appointees
- Promotes public trust by ensuing fairness, transparency and accountability

### **Suggested Motion**

*“I move that the Whitewater Township Board adopt Resolution 2025-14, approving the Whitewater Township Code of Ethical Conduct and Governance Policy, effective immediately”*

# WHITEWATER TOWNSHIP BOARD

## RESOLUTION #2025-14

### *Resolution to Adopt the Whitewater Township Code of Ethical Conduct*

**\*\*WHEREAS\*\***, the Whitewater Township Board of Trustees recognizes the importance of maintaining public trust, transparency, and integrity in all township operations; and

**\*\*WHEREAS\*\***, the Board acknowledges its responsibility to adopt clear ethical standards to ensure that elected officials, appointed officials, employees, and contractors act in the best interests of the residents of Whitewater Township; and

**\*\*WHEREAS\*\***, the Michigan Compiled Laws (MCL 15.321–15.342) and the Open Meetings Act (OMA) establish legal frameworks for transparency, conflicts of interest, and ethical obligations of public officials; and

**\*\*WHEREAS\*\***, the Whitewater Township Board seeks to align township policy with best practices, consistent with Grand Traverse County's Code of Ethics and the Michigan Township Association's recommendations;

**\*\*NOW, THEREFORE, BE IT RESOLVED\*\*** that the Whitewater Township Board of Trustees hereby adopts the attached **\*\*Whitewater Township Code of Ethical Conduct & Governance Policy\*\***, effective immediately upon passage of this resolution.

This policy requires:

- **\*\*Full disclosure\*\*** of any real or perceived conflicts of interest
- **\*\*Prohibition\*\*** of personal financial gain from township decision-making
- **\*\*Compliance\*\*** with the Open Meetings Act and all applicable Michigan laws
- **\*\*Annual signed financial disclosure forms\*\*** for elected and appointed officials

**\*\*YEAS:\*\*** \_\_\_\_\_ **\*\*NAYS:\*\*** \_\_\_\_\_

**\*\*CERTIFICATION\*\***

I hereby certify that the foregoing is a true and complete copy of Resolution #2025-14 adopted by the Whitewater Township Board of Trustees at a meeting held on **\*\*August 28, 2025\*\***, at which a quorum was present.

\_\_\_\_\_  
Clerk's Signature Date

\_\_\_\_\_  
Supervisor's Signature Date

# WHITEWATER TOWNSHIP CODE OF ETHICAL CONDUCT & GOVERNANCE POLICY

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Effective Date: [Insert Date]

Adopted by: Whitewater Township Board, Grand Traverse County, Michigan

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## 1. Purpose and Legal Authority

This Code is adopted to promote integrity, public trust, and compliance with Michigan law. It is authorized under:

- MCL 15.342 (Standards of Conduct for Public Officers and Employees)
- MCL 15.321 et seq. (Contracts of Public Servants with Public Entities)
- MCL 15.231 et seq. (Freedom of Information Act)
- MCL 15.261 et seq. (Open Meetings Act)
- MCL 41.65 & 41.75a (Township governance and employee standards)

It reflects best practices from the Michigan Townships Association (MTA), Grand Traverse County ethics policy, and legal guidance from Fahey Schultz Burzych Rhodes.

## 2. Who Must Follow This Policy

This policy applies to:

- Elected Township Board Members
- Appointed Board, Committee or Commission Members
- Employees and Volunteers acting on behalf of Whitewater Township

Everyone covered must read, understand, and sign this policy each year.

## 3. Key Principles

- Act Lawfully: Follow all applicable laws and township policies.

- Avoid Conflicts: Put township interest above personal gain.
- Be Transparent: Conduct business openly unless privacy is required by law.
- Use Resources Properly: Do not use township assets for personal or political reasons.
- Respect Others: Be civil, fair, and professional in all dealings.

#### **4. Definitions**

- Conflict of Interest: A situation in which a person has a personal, financial, or familial interest that may interfere with their duty to act in the township's best interest.
- Refusal: A deliberate failure or unwillingness to carry out a legal or ethical duty required of a township official or employee.
- Violation: Any action or omission that breaches this code, Michigan law, or township policy, including misuse of position, failure to disclose conflicts, or inappropriate use of resources.
- Recusal: The act of removing oneself entirely from participation in a matter due to a real or perceived conflict of interest, including discussion, voting and presence during deliberations.
- Deliberation: Any formal or informal exchange of viewpoints, recommendations, or perspectives by a quorum or sub-quorum of a public body concerning a matter of township business.
- Perceived Conflict: A situation in which a reasonable person might question a board member's impartiality, even if no actual conflict exists.

#### **5. Conflict of Interest (MCL 15.321-15.330)**

- Disclose any personal, family, or financial interest related to township business.
- Do not vote or participate in deliberation, debate or discussion of matters where a conflict exists. Full recusal includes to refrain from commenting, or attempting to influence others and to remove themselves from the area of discussion.
- Do not use your position for personal benefit or that of others. Elected officials must not imply endorsement or representation of the Township Board unless authorized.

#### **6. Gifts and Gratuities (MCL 15.342(6))**

- Do not accept gifts, meals, or favors from anyone doing business with the township.
- Gifts over \$25 must be reported to the Township Clerk within 7 days.

## **7. Use of Public Resources (MCL 15.342a)**

- Township property, staff time, email, or equipment must not be used for personal, political, or campaign activity.

## **8. Confidential Information (MCL 15.342(8))**

- Do not share or misuse ~~private~~ township records or conversations.
- Information learned as an official must not be used for personal gain, nor influence.

## **9. Meetings and Public Conduct (MCL 15.261 et seq.)**

- Follow the Open Meetings Act.
- Speak respectfully.
- Focus debate on policies and ideas—not individuals.
- Attend meetings prepared and on time.

## **10. Public Statements**

- Clearly state when you are expressing a personal opinion.
- Do not misrepresent township policies.

## **11. Reporting Violations and Enforcement**

- Report suspected violations to the Township Supervisor or Clerk.
- The Township Board may investigate and act according to MCL and township rules.
- The Township Board may determine whether a violation occurred and may issue consequences as they deem necessary such as:

Warnings/reprimand, public censure, mandatory training on ethics and conflict of interest, removal from committees, referral to legal authorities, or other actions permitted by law.

## **12. Relationship to Other Laws and Policies**

This Code works alongside:

- Michigan's Ethics Act (MCL 15.341 et seq.)
- Township employment policies and ordinances
- Grand Traverse County Code of Ethics

### 13. Annual Agreement

All covered individuals must sign the following each year:

I have read and agree to follow the Whitewater Township Code of Ethical Conduct. I understand it is my duty to serve with honesty, fairness, and in compliance with the law.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

### Adopted on

[Insert Date]

### By

Whitewater Township Board

[www.whitewatertownshipmi.gov](http://www.whitewatertownshipmi.gov)

# Whitewater Township

## Resolution 2025-15

### Resolution of Censure

**WHEREAS**, elected officials of Whitewater Township take an oath of office under Michigan law and are entrusted with a fiduciary duty to uphold the highest standards of ethical conduct, truthfulness, and decorum in service to the public; and

**WHEREAS**, Michigan law, including MCL 15.323 and MCL 15.342, requires public officials to avoid conflicts of interest, to abstain from actions in which they have a financial interest, and to uphold the public trust without using public office for personal gain; and

**WHEREAS**, Treasurer **Jill Koester** has acknowledged ownership of vacation and/or short-term rental properties, creating a known financial interest in matters relating to such properties before the Township; and

**WHEREAS**, despite attending ethics and conflict-of-interest training provided by the Michigan Township Association (MTA) and the Michigan Municipal Treasurers Association (MMTA), Treasurer Koester has engaged in **repeated and documented actions** involving conflicts of interest, the appearance of undue influence, and misbehavior that has reduced public confidence in township government; and

**WHEREAS**, members of the public have formally raised concerns and called upon the Township Board to act in response to this conduct; and

**WHEREAS**, the Township Board recognizes its constitutional and statutory authority and duty to protect public trust, ensure ethical governance, and reaffirm the standards required of all public officials;

**NOW, THEREFORE, BE IT RESOLVED**, that the Whitewater Township Board hereby formally **cenures Treasurer Jill Koester** for repeated and documented actions involving conflicts of interest, the appearance of undue influence, and violations of her oath of office, including failure to place the Township's fiduciary responsibility above personal interest; and

**BE IT FURTHER RESOLVED**, that this censure shall serve as a public reprimand and a clear statement that such conduct is inconsistent with the duties of office and the ethical standards expected of all Township officials; and

**BE IT FURTHER RESOLVED**, that the Board reaffirms its commitment to act with fairness, transparency, and loyalty to the residents of Whitewater Township, maintaining the public trust above all personal or private interests; and

**BE IT FINALLY RESOLVED, that supporting documentation for this Resolution is attached as Exhibit A and made part of the record.**

**Vote:**

**YEAS:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**Certification of Clerk**

I, the undersigned, Clerk of Whitewater Township, Grand Traverse County, Michigan, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a duly noticed meeting held on \_\_\_\_\_, 2025, at which a quorum was present.

\_\_\_\_\_  
**Wendy Hoeksema, Clerk**  
Whitewater Township

Date: \_\_\_\_\_

# **Exhibit A – Timeline of Documented Actions of Treasurer Jill Koester**

## **February 10, 2025 – Regular Township Board Meeting (In Person)**

Treasurer Koester spoke during the meeting on short-term rental topics. She did not disclose at that time her financial interest in vacation/short-term rental properties. The meeting was recorded on Zoom.

## **April 17, 2025 – Communications to Residents**

Treasurer Koester sent emails and text messages to residents regarding potential Board action on short-term rentals. These communications occurred before official notice was public. Copies of these emails and texts are retained by the Township Clerk.

## **April 18, 2025 – Special Township Board Meeting**

Treasurer Koester partially recused herself but made a public comment and expressed personal support for short-term rentals, which contributed to heightening public tension. This action is recorded in the official minutes.

## **June 12, 2025 – Regular Township Board Meeting**

During public comment, a resident asked Treasurer Koester if short-term rentals were connected to her. Treasurer Koester stated they were not. This statement later raised questions regarding transparency, as she owns two advertised short-term rental properties. The meeting was recorded on Zoom.

## **June 13–19, 2025 – Email Exchanges with Resident**

Treasurer Koester exchanged multiple emails with a resident about short-term rentals and copied all Board members. Because the exchanges included a quorum, concerns were raised about potential Open Meetings Act (OMA) compliance.

## **July 8, 2025 – Resident Engagement**

Treasurer Koester encouraged residents to attend upcoming short-term rental hearings to oppose restrictions. This activity was documented on Township video surveillance. It has been raised by some as potentially being interference with, or an attempt to stall, the process.

## **July 29, 2025 – Email from Former Supervisor**

The former Supervisor, via email, alleged that Treasurer Koester used an elected official's personal email and a Township email distribution list to circulate her own opinion on short-term rentals. Treasurer Koester denied these allegations.

## **August 14, 2025 – Regular Township Board Meeting**

The Supervisor formally instructed Treasurer Koester not to use her position or influence regarding short-term rental matters due to her conflict of interest. The meeting was recorded on Zoom.

## **August 26, 2025 – Public Hearing on Short-Term Rentals**

Treasurer Koester attended the hearing via Zoom and spoke during public comment in support of short-term rentals and a proposed ordinance from which she could potentially benefit. The hearing was recorded on Zoom.

Wendy

---

**From:** Frank Hymore <fhymore@sbcglobal.net>  
**Sent:** Sunday, August 24, 2025 1:45 PM  
**To:** Wendy; Linda Slopsema; Tim Arends; Randy; Jill Koester  
**Subject:** Re: FOIA: letter read aloud at PC meeting

Whitewater Township Board,

I don't see the members of the board copied on this correspondence, but I'm sure you all have seen this because the clerk identifies the Township Board as refusing to release this record. How and when was this decision of the Board discussed? I surely hope this wasn't discussed and a decision made outside an open public meeting.

The township attorney finally wants to reference law and keep a letter containing unjustified opinions of the Appeals Court ruling away from knowledgeable citizens. We attended the Appeal Court hearing in person and have read the (3) Judges ruling. Did the township attorney make reference to the ruling when he sent such fallacious opinions to you? I would guess probably not. If he did, there would be no way he could make such unsubstantiated statements as reported by PC member, Carl Wroebel.

I don't need the letter. I have enough information from the letter being read aloud during a public meeting, captured forever in an audio recording and validated in the meeting minutes to hold up in Circuit Court if necessary.

**Please read the Appeals Court ruling and decide for yourself.**

I don't need to make opinions; I can reference facts.

**FACT:** Nowhere does the Appeals Court state that the Township Board was correct in allowing the variance request to go to the ZBA. That would go against "the requirements of the ordinance".

**FACT:** Nowhere does the Appeals Court state the ZBA decision was correct. To the contrary, they "vacate the decision"!

**FACT:** "we vacate the decision of the ZBA", which means no variance exists. Because no variance exists, the Township Boards motion to grant 6631 Baggs Rd. compliant with township law, should also be vacated.

**FACT:** The ruling continues, "(we) remand this matter to the ZBA to provide factual findings to support a determination that the requirements of the ordinance were satisfied".

### **The requirements of our Land Division Ordinance**

1. **FACT:** "The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio" 6631 Baggs Rd. is almost 6:1, a 45% error. 6631 Baggs Rd. is noncompliant with the Whitewater Township Land Division Ordinance (Section VII (D.))
2. **FACT:** "Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll." (Section X)
3. **FACT:** "Any such (noncompliant) parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceed four feet in height. (Section IX)

**FACT: MCL 560.267** permits a purchaser of property in violation of the LDA to void the purchase and recover the purchase price and any incidental damages from the seller of the illegal lot.

The Township should have never involved itself with a landowner of noncompliant land. Once the noncompliance is discovered, and the landowner is notified, it is up to the landowner to resolve the issue with the seller. They can keep the land and it remains unbuildable. They can make the parcel compliant, if possible (land available). Or, they can void the purchase and recover their expenses.

For the ZBA to assure the "requirements of the ordinance were satisfied", they need to follow our Land Division Ordinance and send this back to the Township Board. The Board needs to reinstate the 5/3/2023 motion as verified by the findings of facts. No more waste of taxpayer dollars.

Thank you,  
Connie & Frank Hymore

Please copy the FOIA, your denial correspondence and my reply correspondence in the next Township Board agenda packet.

On Wednesday, August 20, 2025 at 05:08:17 PM EDT, Wendy <clerk@whitewatertownshipmi.gov> wrote:

Dear Ms. Hymore,

This letter is in response to your Freedom of Information Act (FOIA) request dated 08/14/2025, in which you requested a copy of an attorney–client privileged letter discussed at a recent (07/02/2025) Planning Commission meeting, and believed to be related to e-mail correspondence from the Clerk.

Your request is **denied**. The requested record is exempt from disclosure under the Michigan Freedom of Information Act, specifically **MCL 15.243(1)(g)**, which protects information and communications subject to attorney–client privilege. Even though portions of the attorney's advice were shared verbally during the meeting, the **written correspondence remains a privileged legal communication** between the Township and its attorney. The act of reading the letter aloud does not constitute a waiver of privilege under either Michigan law or the Michigan Open Meetings Act (OMA), MCL 15.261 et seq. The OMA requires openness in meetings but does not require, nor compel, a waiver of attorney-client privilege. The written records continue to be exempt from disclosure.

Disclosure of such materials is always a **voluntary decision of the Township Board**. The Board has not elected to waive attorney–client privilege in this matter, and therefore the record will not be released under FOIA.

If you believe this denial is improper, you may:

1. **Appeal to the Township Board** by filing a written appeal stating the reasons you believe the denial should be reversed, or
2. **Seek judicial review** in the Grand Traverse County Circuit Court as provided under MCL 15.240.

Please contact me if you have any further questions or concerns.

Wendy Hoeksema

Whitewater Township Clerk

Ph (231)267-5141 ext 24

CONTACT

3024 Fahey Schultz Burzych Rhodes P.C.

PHONE  
FAX

4131 Okemos Road  
Okemos, MI 48864

The term "official" can be used to represent at least two classes of individuals who serve a township: (1) elected officials and (2) other officials.

Elected officials serving on a township board are subject to residency requirements. Only qualified electors of the township are eligible to be elected to the township board. MCL 168.342(1). To be a qualified elector, one must **reside in the township** for 30 days. MCL 168.10(1). A residence is defined as the "place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging." MCL 168.11(1). If a person has more than one residence, then "that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of" Michigan election law. An elected official changes residency when there is **both** an actual intent to abandon the prior residence and the undertaking of the act to acquire the new residence. *Leonetti v Tolton*, 264 Mich 618, 626; 250 NW 512 (1933).

For example, merely selling a home or changing a tax exemption may not indicate there is a change in residency. The law requires acts that indicate acquiring a new residence out of the township **and** the intent to abandon that jurisdiction as his or her residence.

Other officials are those that are employees of the township carrying out a specific duty or office, such as a building official or zoning official. These individuals are important to the essential functions of the township, but are not always subject to residency requirements. These officials can live outside the township without any violation of state law.

Fahey Schultz Burzych Rhodes PLC, Your Township Attorneys, is a Michigan law firm specializing in the representation of Michigan townships. Our lawyers have more than 150 years of experience in township law and have represented more than 150 townships across the state of Michigan. This publication is intended for our clients and friends. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

## CONTACT

4151 Okemos Road  
Okemos, MI 48864

PHONE: 517.381.0100  
FAX: 517.381.5051

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These are results for why does township law say if it *doesn't* say u can u cant

Search instead for why does township law say if it doesnt say u can u cant

★ AI Overview



The reason a township's authority is limited to only those powers explicitly granted by state law is a legal principle known as **Dillon's Rule**. Under this rule, local governments like townships are considered creations of the state and therefore can only do what the state expressly permits. This is in contrast to "home rule" cities and villages, which have broader powers and can generally act unless the state prohibits it.

Key aspects of Dillon's Rule

- **A rule of strict construction:** This principle dictates that any ambiguity about whether a local government has a certain power must be interpreted narrowly. If there is reasonable doubt about a power being granted, it is assumed that the power was **not** conferred.
- **State as the ultimate source of authority:** State governments derive their power from the state constitution and are the ultimate source of all authority for local governments. Local governments have no inherent powers of their own.
- **Townships as statutory units:** In Michigan, where this rule applies, townships are considered statutory units of government. This means their authority is limited to the powers that are "expressly provided or fairly

implied by state law".

## How this applies to Michigan townships

Michigan law provides for two types of townships, and Dillon's Rule applies to both, but differently:

Type of Township	Extent of Powers	Key Characteristics
<b>General Law</b>	Confined to powers granted by state law, including those clearly stated in statutes (like the Michigan Township Laws) or those that are fairly and necessarily implied.	The vast majority of smaller Michigan townships are general law.
<b>Charter</b>	Given additional powers by the state legislature, outlined in the Michigan Charter Township Act.	Created to provide additional powers and protection against annexation for growing townships. Still subject to Dillon's Rule, but with a broader list of approved powers.

## Practical implications

The "if it doesn't say you can, you can't" dynamic means townships must carefully review state law before acting. For example, a township must find specific authorization in a state statute to:

- Adopt and enforce an ordinance, such as a zoning code.
- Levy a new tax or increase a millage.
- Provide certain services like public water and sewer or police and fire protection.

If a township passes an ordinance that exceeds its state-granted



Quora

40+ answers · 2 years ago



## Why does the government have the right to say what you can and can not do with ...

Why does the government have the right to say what you can and can not do with your house and land?

Because what you do or don't do on your land can affect everyone else on the land around you.

... [More >](#)

👍 **Top answer** · 94 votes

Because land ownership, unlike, say, jewellery, is not absolute. What you do on your land can ...

[More >](#)

77 votes

Because you have given them authority over what you can do and say. If you have registered ...

[More >](#)

14 votes

**Can a city or township make and enforce any laws that are different ...**



10+ answers · 3y

**Does an unincorporated township have to follow state law? - Quora**



3 answers · 1y

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## People also ask



Do state laws override local laws?



Can a city make its own laws?



Do all cities in a state have to follow state law?



What is the difference between state laws and local laws and ordinances?



powers, that ordinance is likely to be invalid if legally challenged. 

## Dillon Rule | Williamsburg, VA



Dillon's Rule is derived from a written decision by Judg...

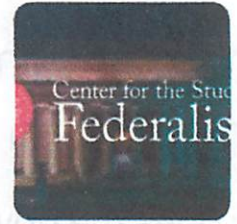
 City of Williamsburg, VA 



## Dillon's Rule | Center for the Study of...

Another well-known  
midwestern judge in the...

 Center for the Study... 



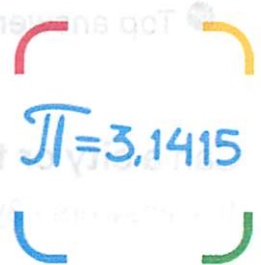
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Michigan State University  
<https://www.canr.msu.edu>



## Zoning and police power ordinances are not the same, and should not be mixed ...

Sep 15, 2023 — There are three types of ordinances local government might adopt. Important to focus on the difference between police power ordinances and zoning ordinances.

Missing: say ↕



Facebook · Grand Rapids Informed  
30+ comments · 2 years ago



## Can a township claim not to enforce state law?

It becomes discrimination when they are informed that the tenant is protected under the ADA laws and they require use of said service/support animal and the landlord refuses to accommodate them or starts charging them fees/rent directly related to th...

Missing: ↕



Abraham Lincoln University  
<https://alu.edu>



## CITY V. STATE: How state law prevents towns from keeping out corporations

Aug 24, 2018 — When a town votes to stop a business from conducting what they consider to be harmful behavior (i.e. fracking or dumping waste from factory farms), they can be told by their state that they cannot say no. This is preemption in action....

Missing: ↕



# Why are there town bylaws that can tell you what you can and can't do in your ...

Because your home is in the town and you're not excluded from laws just because you're in your home.

Missing: say

Because your home is in the town and you're not excluded from laws just because you're in your home. [More >](#)

Top answer · 4 votes

your home is in the town [More >](#)

4 votes

To prevent someone from constructing Pee-wee's Playhouse. [More >](#)

2 votes

**I live in a non HOA community and the code compliance officer of my city ...** >

r/NoLawns · 120+ comments · 1y

**Can A Town Stop People From Living There? : r/legaladviceofftopic - Reddit** >

r/legaladviceofftopic · 50+ comments · 2y

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Michigan Legislature (.gov)  
<https://www.legislature.mi.gov>

Michigan Townships Association  
<https://michigantownships.org>



## MCL - Section 41.181 - Michigan Legislature

The township shall enforce the ordinances and may employ and establish a police department with full power to enforce township ordinances and state laws. If state laws are to be enforced, a township shall have a law enforcement unit or may by resolutio...

Missing: ~~doesn't say eant~~



Michigan Townships Association  
<https://michigantownships.org>

Michigan Legal Help  
<https://michiganlegalhelp.org>



## Townships in Michigan

Townships and counties are statutory units of government, having only those powers expressly provided or fairly implied by state law. Cities and most villages are vested with home rule powers, meaning they can do almost anything not prohibited by law....

Missing: ~~say eant~~

More search results



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Whitewater Township Michigan



## Why can't I restrict someone from the regatta in Township game?

There is a minimum task requirement though if playing. This is to eliminate people who sign up to do one or 2 tasks or nine and collect the same prizes as our other players doing 30-60 tasks ...



Michigan Townships Association  
<https://michigantownships.org> PDF

Michigan Legislature (gov)  
[www.legislature.mi.gov](http://www.legislature.mi.gov)



## Preemptions impact local land use authority

Aug 2, 2019 — They seek special treatment and exemptions from laws, regulations, ordinances and taxes at the financial, environmental and social cost of our residents. They seek to strip local control of the affairs best addressed by you, our democratical...



Michigan Legal Help  
<https://michiganlegalhelp.org>



## Eviction: What Is It and How Does It Start?

If instead Larry gives Therese a notice to quit on May 1st because he thinks she has a dog when the lease says no pets and that having one will lead to eviction, she can: Move out by June 1st; Talk to Larry to see if they can work something out; Wait for...

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## Zoning and police power ordinances are not the same, and should not be mixed together

Mary Reilly<reillym8@msu.edu>, [Michigan State University Extension](#) - September 15, 2023

*Updated from an original article written by Kurt H. Schindler.*

**There are three types of ordinances local government might adopt. Important to focus on the difference between police power ordinances and zoning ordinances.**

An ordinance is a law adopted by a township, village, city, or county. There are distinct types of ordinances that a local government might adopt, and the process and procedures to adopt each are quite different. There are generally three types of ordinances:

- Police power ordinance (sometimes just called “an ordinance”)
- Zoning ordinance
- Budget or appropriations ordinance (also known by other names) (might also include personnel rules or addressing for 911.)

In Michigan, local governments do not have authority to do anything unless the state legislature delegates that authority. General police power ordinance authority is extended to Michigan’s municipalities (township, village, and city). By contrast, counties have extremely limited police power ordinance authority. All governments can adopt ordinances dealing with internal affairs, such as the annual budget. That ordinance would include the budget amounts for that



government and may also include the rules and policies for management of the budget through the coming year.

A zoning ordinance can be adopted by a township, village, city, or county. The authority from the state for zoning comes from the Michigan Zoning Enabling Act (MZEA). Often, Michigan State University Extension educators explain the difference between a zoning ordinance and a police power ordinance because there are significant differences.

It is important not to go too far in mixing elements of each together. This is because the process to create and adopt a zoning ordinance (hearings, notices, based on a plan, appeals, nonconformities and much more) is designed to place many legal due process and property rights protections on

**and terms, and its relation to the general plan of zoning in the city.** Examples of “land use” regulation include, among other, setbacks, parcel size, maximum structure height, building form and principal and accessory use of the land or use within buildings allowed within particular locations.

Courts have also recognized that “use of land” and “activities” of persons or business entities are neither absolute nor mutually exclusive. That means there will be grey areas in between the two types of ordinances. For example, in one court case:

“Launching and docking boats on inland lakes are “activities,” and the number of boats that can be launched or docked is very much akin to a parking regulation on a residential street. It follows that since township parking regulations on residential streets are within the scope of a township’s regulatory police power, *Belanger v Chesterfield Twp, supra* at 541 [96 Mich App 539, 541; 293 NW2d 622 (1980)], a township regulation of docking and launching boats on its inland lake is within the same scope of regulatory police power.” (Brackets added)

Another aspect of zoning is the requirement that the regulation can never be retroactive. Existing land uses and activities must be allowed to continue. Those are called “nonconforming” uses, buildings or “parcels.” See MSU Extension articles:

- Understanding nonconformity: Are you 'grandfathered' in?
- Zoning decisions travel with the land and are not temporary.
- Zoning runs with the land, except when it doesn't

Police power ordinances, however, can be retroactive. Everyone, not just those doing new construction, may have to comply with the regulations in a police power ordinance. If the regulation of activity is in a zoning ordinance, that regulation cannot be retroactive, as no regulations within a zoning ordinance can be retroactive. Remember, however, that the regulation of land use cannot be in a police power ordinance.

Further, in *Miller v Fabius Twp Bd*, 366 Mich 250 (1962) the court ruled a township cannot adopt a police power ordinance that conflicts with a county zoning ordinance. If that takes place, the county zoning ordinance has precedence. With any city, village, township, or county ordinance, the MZEA reads the zoning “ordinance adopted under this act shall be controlling in the case of any inconsistencies between the ordinance and an ordinance adopted under any other law” (MCL 125.3210). However, a township has the option to adopt its own zoning ordinance. If it does, the

zoning. This is because zoning regulates the use of land; and as a nation we value private property rights. When the government regulates land use, there are many more hoops through which the regulators need to jump. Such a rigorous process is not applied to the creation and adoption of police power ordinances. As a result, if a government attempts to regulate land use, but adopts a police power ordinance to do it, courts are not likely to uphold it. The differences between police power and zoning ordinances do not stop there.

\* Another key difference is that a zoning ordinance must be based on a master plan. That master plan must be adopted pursuant to the Michigan Planning Enabling Act. Police power ordinances do not have such a requirement. The process of adopting a master plan also has those same safeguards: a process that involves public involvement, hearings, notices and much more. (See the article "Consider government planning at two levels: internal plans and plans for the entire community" to learn the difference between master plans and local government's internal plans.)

\* Local government has the authority to adopt police power ordinances regulating the public health, safety and general welfare of persons and property. For example, a "township board may, at a regular or special meeting by a majority of the members elect of the township board, adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to fire protection, licensing or use of bicycles, traffic and parking of vehicles . . ." (MCL 41.181).

\* A police power ordinance does not regulate the "use of land," rather; it regulates an "activity." Examples of "activity" include, among others, motor vehicle regulations, parking, health code, food safety, boats and marinas, blight, smoking, noise, and junk. But in these examples, the ordinances should not regulate where activities are located.

\* A zoning ordinance, on the other hand, regulates "use of land." It might also regulate "activity," but if an ordinance has regulation of land use, then it must be adopted as, and called, a zoning ordinance.

The Michigan Supreme Court said, in *Square Lake Condo Association v Bloomfield Twp*, 437 Mich 310 (1991), a zoning ordinance is defined as an ordinance which regulates the use of land and buildings according to districts, areas, or locations. The question of whether a particular ordinance is a zoning ordinance **may be determined by a consideration of the substance of its provisions**

township has divested the county of the power to zone (MCL 125.3209). The MZEA reads “. . . a township that has enacted a zoning ordinance under this act is not subject to an ordinance, rule, regulation adopted by a county under this act.”

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