

YOU NEED TO KNOW ABOUT THIS

Proposed Civil Infraction Ordinance

What: Public Hearing

Where: Whitewater Township Hall

When: July 10th 6:30 P.M.

WHITEWATER TOWNSHIP BOARD MEMBERS AND RESIDENTS

~~2/1/18~~ AND AGAIN 7/10/25

To some of you, this letter will look familiar. It is an updated version of what I wrote to our 2018 board when they tried to pass this ordinance and turned back in response to overwhelming community concerns. Today our new board is headed down the same path. It is my belief, that with the same community support, this board will also turn back or at the very least, establish an ordinance that focuses more on protecting people's rights and less on providing the township with maximum power of enforcement and a new source of revenue. This is a fundamental change to how ordinance is handled in Whitewater Township.

It is my sincere hope that this measure will not be adopted in Whitewater Township for the following reasons:

* **Civil Infraction Ordinances removes your 7th amendment right to a trial by a jury of your peers.**

* Civil Infractions lower the burden of proof. This makes it virtually impossible for a resident to win a case. You are guilty until proven innocent. A Township citation doesn't even cite the actual rule that you broke.

* **Civil Infraction penalties range from \$75 to \$2,500 a day with no cap!** This is far too punitive, expensive, and ultimately abusive. This is about power not addressing an issue. The last time the township tried this, the bill was calculated at over \$50,000 before the courts threw out the case.

Please read: [A Michigan woman got a permit for her chickens. She's now being fined \\$80,000.](#)

* Civil Infractions do streamline the enforcement process to one person, but is that really a good thing. Our current system is slower with more steps but also more oversight. It requires contact from an official explaining the infraction, a letter from the attorney spelling out the infraction and possible action, presentation of the case to the township board, and their vote determining whether or not the issue is a threat. If the board determines there is a sufficient problem, then it can go to court.

If our Township Board truly believes that this change is in the best interest of our township, the following items should be completed or changed prior to adoption:

* All General and Zoning Ordinances should be reviewed for conflicts, errors, and overly aggressive standards. Our Ordinances are not up to this test.

* Get rid of the legalese and adopt an ordinance that is easy to understand. This version is written by attorneys, for attorneys, not for residents. It is intentionally confusing, making it harder for individuals to navigate the process and gives maximum power to the township.

* The CIO should only apply to specific General Ordinances like parking, or noise. Applying this to Zoning is inappropriate.

Please read: [Zoning and police power ordinances are not the same, and should not be mixed together - MSU Extension](#)

* All tickets must cite the EXACT statute that is being ticketed. Every occurrence should be measured and addressed in the same way.

* This process should not start with a ticket and should not run an unlimited meter like a taxicab. Traffic tickets are by the event and severity of offense, not by the number of miles that you traveled or how long you were parked.

* A process should be in place to evaluate and address those zoning violations that are a result of hardship such as age, extreme poverty, cultural differences, mental, and/or physical illness.

* A Citizen Review Panel should be in place to provide oversight and guard against abuse, unequal application, and the eventual weaponization of the ordinance, board against citizen, and neighbor against neighbor.

I understand that it is difficult to find the time to fully research these matters, so I have included a side-by-side summary of what I have learned. Please feel free to give me a call if anyone has any questions, 231-631-2326.

Sincerely,
Kim Mangus
(Former Whitewater Township PC Chair)

<h2>Side-by-Side Comparison</h2>	
Proposed - Civil Infractions	Current - Criminal Infractions
<h3>Procedure</h3>	
Problem is reported and investigated	Problem is reported and investigated
Official can write a letter or speak with individual, but it isn't required	Official must attempt to resolve violation with letter and/or personal visit
Official attempts to resolve violation by issuing a citation in person or attached to a building.	Resident receives letter from attorney by certified mail
Legal Action taken at One Official's discretion	ZA presents case and history to township board
	Legal Action taken by Vote of township board
	Case must be deemed in the public interest

<u>Result</u> Ticket meter is running Fine is calculated by the day until resolved to official's satisfaction	<u>Result</u> Suit brought in court or issue returned to ZA/official to try other means of addressing problem
You must plead guilty and pay township fine OR Informal Hearing with a judge, no attorney OR Formal Hearing with a judge but you pay for your attorney and the townships attorney. Resident has no right to jury trial	Case presented before judge or jury of peers Resident and township have an attorney Resident has a right to jury trial
Decision is a "preponderance of evidence" Lower standard Guilty until proven innocent	Decision is "beyond a reasonable doubt" Higher standard Innocent until proven guilty

Penalties

Maximum of \$75 to \$2,500 per day plus legal expenses for township and self (as proposed)	Maximum of \$100 per day and/or 90 days in jail (current)

Other Differences

Sounds less severe	Sounds more severe
Judges rarely rule against municipalities	Juries tend to be more impartial
Streamlines enforcement	Requires more steps, review, and consensus
Complete Change in Enforcement	System in place for 50 plus years
This process amends Constitutional Rights	Preserves all Constitutional Rights

Please feel free to give me a call if anyone has any questions, 231-631-2326. - February 2, 2018 - July 2025

Resources

Example of abuse:

A Michigan woman got a permit for her chickens. She's now being fined \$80,000.

Why CIO should not be used for Zoning Ordinance:

Zoning and police power ordinances are not the same, and should not be mixed together - MSU Extension

Copy of proposed WWTS Civil Infraction Ordinance:

http://www.whitewatertownshipmi.gov/uploads/2/1/9/6/21966412/ordinances_cio_draft_2025_51.pdf