

Whitewater Township
Code Enforcement Policy and Procedures Manual
(Adopted on 12/13/2011 by the Whitewater Township Board)
Effective 01/02/2012

I. Mission

The mission of Code Enforcement is to enhance Whitewater Township's livability by protecting the health, safety and welfare of Township residents and visitors by assuring compliance with the Township's Zoning and General Ordinances. The Township will assure compliance both by encouraging voluntary compliance and by following progressive steps, including legal action for Ordinance violators.

II. Purpose

The purpose of Whitewater Township's Code Enforcement Policy and Procedures Manual (hereafter "manual") is to provide written guidelines for:

- The prioritization of code enforcement cases;
- Investigation of violation complaints;
- Enforcement of Township Ordinances through voluntary compliance;
- Prosecution of violators who do not comply.

These written guidelines are intended to assure consistency within the Township's Code Enforcement Program and to educate the Township's citizens and property owners about code enforcement.

III. Code Enforcement Philosophy

The Township's policy is to achieve compliance with ordinances in cases of reported and discovered violations. However, not all violations have the same degree of severity. As such, the Township has established, through this manual, priority ranking and procedures. The intent is to allow the level of enforcement that best fits the type and circumstances of the violations within clear and objective criteria consistent with the established priorities and maximize available resources. It is the Township's policy that code enforcement follows the priority rankings set forth in this manual.

IV. Priorities for Code Enforcement

It is the Township's policy to investigate and attempt to resolve all reported and discovered violations. There may be times when code violations cannot be given the same level of attention, when some violations may receive no attention at all, or when the Township may be unable to carry out the proactive code enforcement activities outlined in this manual. In such circumstances, the most serious violations, as determined through application of the priorities and criteria in this section, shall be addressed before the less serious violations are addressed.

Priority of Violations

1. Violations that present an imminent threat to public health and safety or welfare;
2. Violations affecting storm drainage, wetlands, and/or adjacent areas;
3. Construction of non-permitted structures;
4. Multiple complaints received on the same property;
5. Zoning and Junk violations;
6. All other violations.

V. Criteria for Establishing Priority

Violations listed lower in the priority list may be moved to a higher ranking if they have one or more of the following aggravating circumstances:

1. The actions leading to the violation (s) are deliberate;
2. The violation causes economic harm to individuals or the Township as a whole;
3. The alleged violator is receiving significant economic benefit from the continued violation;
4. The physical size or extent of the violation is significant;
5. The violation has existed uncorrected for a significant period of time;
6. There is a previous history of complaints and code enforcement on the subject property and/or with the alleged violator;
7. There is community interest in the violation expressed by the receipt of multiple complaints from separate individuals or by a complaint by a citizens group;
8. After reasonable efforts have been made, there is little likelihood of obtaining voluntary compliance;
9. The violation(s) is flagrant and visible to the public.

VI. Applicability

1. General Applicability. The manual applies to all code enforcement carried out by Township employees and/or officials.
2. Non-Applicability to Deeds, Covenants and Restrictions. Many subdivisions, site condominiums and planned unit developments are subject to private deeds, covenants and restrictions. These conditions are enforceable through private legal action and not the Township.

VII. Initiation of Code Enforcement

Code Enforcement will be initiated by the following methods:

1. Citizen Complaints. Any person can make a complaint to the Township alleging one or more code violations. The complaint must be filed on a Township complaint form. The form is available at Township Hall and on the Township website. Citizens may attach a supplemental information sheet to the form.
2. Anonymous Complaints. Anonymous complaints will be accepted, but may or may not be investigated at the discretion of the employees/officials depending on the following factors:
 - The reliability of the complaint;
 - Whether the complaint alleges an imminent threat to public health and safety or welfare;
 - The ease or difficulty with which the complaint can be verified.
3. Report by Township Staff or Official. Township staff or officials may report a potential violation. Such complaints shall be filed on the Township complaint form or reported at a Township Board meeting.

VIII. Recording and Files

1. To the extent possible, all complaints received shall be recorded in the Township Code Enforcement records. Recording the complaint shall consist of the following:
 - a. An assigned case number;
 - b. Complainant's name and telephone number;
 - c. The subject property address; and
 - d. Type of complaint.
2. Files shall be kept within the property files already maintained by the Township and shall consist of the following:

- a. The complaint form, which shall include the report of the field investigation as described within this manual;
- b. Any supporting documentation.

IX. Investigation

1. Before contact or notice of violation is sent, it must be determined whether the complaint, if valid, establishes a violation. If it does not, the case will be closed.
2. Field Investigation. The purpose of a field investigation is to:
 - a. Verify the existence and severity of a code violation;
 - b. Document code violations by means of written notes, photographs, witness interviews, etc. All investigations shall include pictures, if possible.
 - c. If possible, contact and discuss with the property owner, occupant or other responsible person:
 - The nature of the violation(s);
 - Methods for complying;
 - Timelines for compliance;
 - Enforcement procedures; and
 - Potential consequences for failure to comply.
3. Preparations and Precautions. Employees/officials shall take whatever actions are reasonable and necessary to minimize any potential risk of violent confrontation or injury to themselves when conducting their field investigation.
 - a. Law Enforcement Assistance. When appropriate, Township employees/officials may request law enforcement assistance in conducting the field investigation.
 - b. Entering upon Property or Premises. Township employees/officials shall not enter upon private property or premises to conduct a field investigation without permission to enter. Unless permission is granted, the investigation shall be conducted from the right-of-way or property where permission to enter has been granted.
4. Report of Field Investigation. Upon completion of the field investigation, employee/officials shall enter the information onto or attach to the Code Enforcement Complaint Form. The information shall include:
 - a. Name of the investigator;
 - b. Date, time and place of field visit;
 - c. Violation(s) observed;
 - d. If no violation(s) are observed, an explanation of conditions observed;
 - e. Witnesses, if any interviewed;
 - f. Evidence obtained, if any (photographs, measurements, etc.);
 - g. Discussions, if any, with owners, occupants or other responsible persons;
 - h. Action necessary to correct violation(s);
 - i. Recommended enforcement action and timeline;
 - j. Referrals, if any, to other agencies such as social services, environmental health, construction codes, etc.

X. Enforcement Levels

1. Obtaining voluntary compliance after initial contact.
2. Written Notice to Correct.
3. Second Written Notice to Correct.
4. Township Board directs the Grand Traverse County Sheriff's Department to issue a ticket or to file action with the Circuit Court.

XI. Enforcement Procedures

1. Initial Contact. When the employee/official determines that there are reasonable grounds to believe a violation did or does occur, based upon the information in the complaint and any field investigation, notice shall be given by the Township. The initial notice may be provided by means of personal contact with the violator, an informal "door hanger" or US mail.
2. Written Notice. If compliance is not met after the initial contact, a written notice shall be sent to the person who is or may be legally responsible for the alleged violation. Separate notice shall also be sent to the property owner(s). This notice shall be sent by certified mail to the best available address for the property owner(s) and other responsible person(s).
3. Followup. The date in the notice for corrective action shall be entered in the enforcement records. After the deadline, if the employee/official determines that the required corrections have not been made, a second written notice shall be sent in the matter consistent with the written notice as stated above.
4. Voluntary Compliance Agreement. Under special circumstances, deadlines may be extended. The responsible party shall enter into a Voluntary Compliance Agreement that will be signed by both the responsible party and the Township. The extended deadline shall be determined on a case-by-case basis contingent upon the effort already made to correct the violation, severity and extent of the violation, whether the violation is a repeat offense, weather, etc.
5. Compliance. If the employee/official determines that required corrections have been made, the date and method of compliance shall be noted in the file and the case shall be closed.
6. Permit Requirements. In some cases, corrective action may consist of applying for and obtaining necessary permits. Any violation not related to permitting shall be corrected prior to issuance of a permit.

XII. Resolution of Violations

It is the Township's policy to attempt to reach final, satisfactory resolutions of all violation complaints. However, the Township recognizes that not all complaints can be resolved successfully, due to factors outside the Township's control. These factors include the indigence of the violator, the lack of Township resources to assist the violators, and the number of complaints received. Where the Township determines that a violation may not be successfully resolved within the established reasonable timelines, the file will either be closed or alternative methods of enforcement pursued.

The Township Board shall review the list of unresolved violations and determine if the file(s) shall be turned over to the Grand Traverse County Sheriff's Department or legal counsel for further action through the Grand Traverse Circuit Court.