

**Ordinance # 02-01**  
**Garden Township Cemetery Ordinance as Amended by 2023-4**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Garden, County Of Delta, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF GARDEN, COUNTY OF DELTA, MICHIGAN ORDAINS:

**Section 1. Title**

This ordinance shall be known and cited as the Garden Township Cemetery Ordinance.

**SECTION 2. PURPOSE AND INTENT**

THE GARDEN TOWNSHIP BOARD RECOGNIZES AND CONCLUDES THAT THE PROPER AND REASONABLE MAINTENANCE, APPEARANCE, AND USE OF THE CEMETERIES OWNED BY THE TOWNSHIP IS AN IMPORTANT FUNCTION OF THE GOVERNMENT OF THE TOWNSHIP. IT IS ALSO IMPORTANT THAT BURIALS, DISINTERMENTS AND OTHER MATTERS ASSOCIATED WITH A MUNICIPAL CEMETERY ARE HANDLED IN A RESPECTFUL AND PROPER WAY IN ORDER TO PROMOTE THE SAFETY, PUBLIC HEALTH AND GENERAL WELFARE OF THE COMMUNITY. THE TOWNSHIP BOARD FINDS THAT THE ADOPTION, AMENDMENT, AND ENFORCEMENT OF THIS ORDINANCE IS IN THE BEST INTERESTS OF THE PROPERTY OWNERS AND RESIDENTS OF THE TOWNSHIP.

**SECTION 3. Definitions**

- (A) A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.
  
- (B) An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
  
- (C) An infant or stillborn burial space shall consist of land area three (3) feet wide and three and one half (3 ½) feet in length.
  
- (D) "TOWNSHIP" MEANS GARDEN TOWNSHIP
  - a. "TOWNSHIP CEMETERY" OR "CEMETERY" MEANS ANY CEMETERY OWNED, OPERATED AND/OR CONTROLLED BY THE TOWNSHIP

**Section 4. Sale of Lots or Burial Spaces**

- A. Cemetery lots or burial spaces may be sold to residents OR TAXPAYERS OF THE TOWNSHIP, and nonresidents, for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale of burial lots or burial spaces shall be made directly to funeral directors.

- B. All ~~such~~ sales AND TRANSFERS OF CEMETERY LOTS AND BURIAL SPACES shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the township clerk OR TOWNSHIP SEXTON.
- C. Burial rights may be transferred and be affected by an endorsement of an assignment upon the original burial permit form issued by the township clerk, and entered upon the official cemetery records. Upon such assignment, the township clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original permit in the official cemetery records.
- D. THE OWNER OF EVERY CEMETERY LOT OR BURIAL SPACE SHALL BE RESPONSIBLE FOR NOTIFYING THE TOWNSHIP WHENEVER THAT PERSON'S MAILING ADDRESS CHANGES.

**Section 5. Purchase Price and Transfer Fees**

- A. Each burial space shall cost the sum of \$200 for resident or taxpayer of the township, and \$500 for nonresident or non-taxpayer of the township.
- B. A fee of \$25 shall be charged for a burial right transfer from an original purchaser to a current resident or taxpayer of the township. A fee of \$500 shall be charged for a burial right transfer from an original purchaser to a nonresident or non-taxpayer of the township.
- C. The appropriate burial space charge or transfer fee shall be paid to the township treasurer and shall be deposited in the GENERAL fund.
- D. The township board may, by resolution periodically alter the foregoing costs of burial spaces and fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- E. THE TOWNSHIP BOARD MAY WAIVE SOME, OR ALL, OF THE FEES FOR THE BURIAL OF INDIGENT PERSONS. FURTHERMORE, THE TOWNSHIP BOARD MAY SET ASIDE A PORTION OF A TOWNSHIP CEMETERY OR CEMETERIES FOR THE BURIAL OF INDIGENT PERSONS.

**Section 6. Grave Opening Charges**

- A. The opening and closing of any burial space, prior to and following a burial, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township treasurer.
- B. No burial spaces shall be opened and closed except under the direction and control of the township clerk. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

**Section 7. Markers or Memorials**

- A. EXCEPT FOR MONUMENTS AND MARKERS THAT EXISTED IN A TOWNSHIP CEMETERY BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE All markers or memorials must be of stone or other equally durable composition AND SHALL FACE THE SAME DIRECTION OF THE MARKERS AND MEMORIALS AROUND THEM. Only one monument, marker or memorial shall be permitted per burial space, OR ONE MARKER OR MEMORIAL IN TOTAL WHERE TWO OR MORE ADJOINING BURIAL SPACES SHARE THAT ONE MARKER OR MEMORIAL. ADDITIONAL INDIVIDUAL MARKERS FOR CREMAINS PLACED IN AN OCCUPIED GRAVE ARE ALLOWED AND SHALL BE FLUSH WITH THE GROUND AND SHALL BE NO MORE THAN TWELVE (12) INCHES BY TWENTY-FOUR (24) INCHES IN SIZE. WHERE TWO OR MORE ADJOINING SPACES SHARE ONE CENTRAL MARKER OR MEMORIAL, ADDITIONAL INDIVIDUAL MARKERS ARE ALLOWED AND SHALL BE FLUSH WITH THE GROUND AND SHALL BE NO MORE THAN TWELVE (12) INCHES BY TWENTY-FOUR (24) INCHES IN SIZE.
  
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in erect position. The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the family at their cost.
  
- C. SHOULD ANY MONUMENT OR MEMORIAL (INCLUDING ANY MONUMENT OR MEMORIAL THAT WAS IN PLACE BEFORE THIS ORDINANCE BECAME EFFECTIVE) BECOME UNSIGHTLY, BROKEN, MOVED OFF ITS PROPER SITE, DILAPIDATED, OR A SAFETY HAZARD, THE TOWNSHIP BOARD SHALL HAVE THE RIGHT, AT THE EXPENSE OF THE OWNER OF THE CEMTERY LOT OR BURIAL SPACE, TO CORRECT THE CONDITION OR REMOVE THE SAME. THE TOWNSHIP SHALL MAKE REASONABLE ATTEMPTS TO CONTACT THE OWNER OF THE CEMETERY LOT OR BURIAL SPACE PRIOR TO ANY SUCH WORK BEGINNING.
  
- D. THE MAINTENANCE, REPAIR, AND UPKEEP OF A CEMETERY MEMORIAL, MARKER, URN, OR SIMILAR ITEM IS THE RESPONSIBILITY OF THE HEIRS OR FAMILY OF THE PERSON BURIED AT THAT LOCATION. THE TOWNSHIP HAS NO RESPONSIBILITY OR LIABILITY REGARDING THE REPAIR, MAINTENANCE, OR LIABILITY.

**Section 8. Interment Regulations**

- A. No burial spaces shall be opened and closed except as authorized by the township clerk. Not less than 36 48 hours' notice shall be given to the township clerk to allow for the opening of the burial space. THE OPENING AND CLOSING OF CEMETERY BURIAL SPACES SHALL BE DONE ONLY BY THE TOWNSHIP OR SUCH PERSON OR PERSONS AS ARE DESIGNATED BY THE TOWNSHIP.
  
- B. Only one person may be buried in a burial space except for a parent and infant, or two children buried at the same time. EXCEPTION: Cremains may be buried within an

OCCUPIED BURIAL SPACE. THE OPENING AND CLOSING OF CEMETERY BURIAL SPACES FOR CREMAINS SHALL BE DONE ONLY BY THE TOWNSHIP OR SUCH PERSON OR PERSONS AS DESIGNATED BY THE TOWNSHIP.

- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried, WHETHER FULL BURIALS OR CREMAINS BURIALS shall be presented to the township clerk or authorized representative prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from the records, that the person to be buried in the burial space is authorized and appropriate before any interment is commenced or completed.
- D. All graves shall be KEPT in an orderly and neat appearing manner within the confines of the burial space involved.

**Section 9. DISINTERMENTS**

- A. NO DISINTERMENT OR THE DIGGING UP OF AN OCCUPIED GRAVE SHALL OCCUR UNTIL AND UNLESS ANY AND ALL PERMITS, LICENSES, AND WRITTEN AUTHORIZATIONS REQUIRED BY LAW FOR SUCH DISINTERMENT OR DIGGING UP OF AN OCCUPIED GRAVE HAVE BEEN OBTAINED FROM ANY APPLICABLE STATE OR COUNTY AGENCY, GOVERNMENTAL UNIT OR OFFICIAL, AND A COPY OF THE SAME HAS BEEN FILED WITH THE TOWNSHIP.
- B. THE TOWNSHIP BOARD SHALL HAVE THE AUTHORITY TO REFUSE TO ALLOW A DISINTERMENT OR THE DIGGING UP OF AN OCCUPIED GRAVE IF THE DISINTERMENT OR DIGGING UP OF AN OCCUPIED GRAVE IS NOT DONE PURSUANT TO A COURT ORDER (ISSUED BY A COURT OF COMPETENT JURISDICTION) OR DOES NOT HAVE A REASONABLE BASIS.

**SECTION 10. WINTER BURIALS**

- A. NO WINTER BURIAL SHALL OCCUR WITHOUT THE PRIOR CONSENT OF THE TOWNSHIP CLERK. WINTER BURIALS ARE THOSE THAT OCCUR AFTER DECEMBER ONE (1) OF EACH YEAR OR WHEN THE GROUND BECOMES FROZEN, MAKING DIGGING DIFFICULT, WHICHEVER SHALL OCCUR FIRST.
- B. THE TOWNSHIP MAY CHARGE ADDITIONAL FEES FOR WINTER BURIALS.
- C. IF A WINTER BURIAL CANNOT OCCUR DUE TO FROZEN GROUND, OR SIMILAR CONDITION, THE DECEASED PERSON SHALL BE KEPT IN WINTER STORAGE UNTIL A SPRING BURIAL CAN OCCUR. ALL SUCH WINTER STORAGE COSTS SHALL BE PAID BY THE ESTATE OF THE

DECEASED PERSON OR THE PERSON'S NEXT OF KIN.

**SECTION 11. CREMAINS**

- A. CREMAINS MAY BE BURIED, IN A CONTAINER APPROVED BY THE TOWNSHIP, IN A CEMETERY PLOT.
- B. NO CREMAINS SHALL BE SCATTERED OR DISPERSED WITHIN A TOWNSHIP CEMETERY.
- C. CREMAINS MAY BE BURIED IN A CEMETERY PLOT THAT IS ALREADY OCCUPIED.

**Section 12. Ground Maintenance**

- A. No grading, leveling, or excavating WITHIN A CEMETERY shall be allowed without the permission of the township clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted OUTSIDE OF ANY URN, without the PRIOR approval of the township clerk. In the event that any of the foregoing items are planted without the approval of the township clerk, said items WILL be removed BY THE TOWNSHIP.
- C. The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining a neat and orderly appearance, and to ensure efficient use and maintenance of the cemetery.
- D. Mounds, BRICKS, BLOCKS, AND ANY BORDERS THAT hinders the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The township clerk shall have the right and authority to direct removal and disposal of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including withered flowers, dried wreaths, soiled papers, and empty flower containers must be removed or deposited in containers located within the cemetery.
- H. FLOWERS, POTS, URNS, AND GRAVE BLANKETS MAY BE PLACED AND MAINTAINED ON GRAVES NO EARLIER THAN MAY 1 AND MUST BE REMOVED NO LATER THAN NOVEMBER 1 OF EACH YEAR. DECORATIONS WILL BE PERMITTED FOR HOLIDAYS FALLING OUTSIDE OF THESE DATES, BUT MUST BE REMOVED IN A REASONABLE TIME FOLLOWING THE HOLIDAY. VETERAN FLAGS AND FLAG HOLDERS SHALL BE PERMITTED ALL YEAR LONG.

- I. NO GLASS CONTAINERS OR ITEMS ARE ALLOWED.
- J. EXCEPT FOR MARKERS, MEMORIALS, FLOWERS, VETERAN MARKERS AND FLAGS, STATUES, BENCHES, AND URNS EXPRESSLY ALLOWED BY THIS ORDINANCE, NO OTHER ITEM (INCLUDING, BUT NOT LIMITED TO, ORNAMENTS; SIGNS; TRELLISES; LANDSCAPING BRICKS, STONES, AND GRAVEL; BORDER MATERIALS; OR OTHER SURFACES) SHALL BE INSTALLED OR MAINTAINED WITHIN A TOWNSHIP CEMETERY. NOR SHALL ANY GRADING, DIGGING, MOUNDING OR SIMILAR ALTERATION OF THE GROUND OR EARTH OCCUR EXCEPT AS AUTHORIZED BY THIS ORDINANCE OR BY THE TOWNSHIP.
- K. ANY MONUMENT, MARKER, PLANTING, TRELLIS, PERSONAL ITEM, URN, FLOWERS OR FOILAGE (WHETHER REAL OR ARTIFICIAL), STRUCTURE, FLAG (EXCEPT FOR LAWFUL VETERANS FLAGS), OR OTHER ITEM THAT HAS BEEN PLACED, INSTALLED, LEFT OR MAINTAINED IN ANY TOWNSHIP CEMETERY IN VIOLATION OF THIS ORDINANCE, ANY TOWNSHIP RULE OR REGULATION REGARDING TOWNSHIP CEMETERIES, OR ANY COUNTY, STATE OR FEDERAL LAW, STATUTE OR REGULATION MAY BE REMOVED BY THE TOWNSHIP FROM THE TOWNSHIP CEMETERY AT ANY TIME AND DESTROYED OR DISPOSED OF BY THE TOWNSHIP WITHOUT ANY PRIOR NOTICE TO, PERMISSION FROM, OR LIABILITY OR OBLIGATION TO THE PERSON OR PERSONS WHO LEFT, INSTALLED, MAINTAINED OR KEPT SUCH ITEM IN THE TOWNSHIP CEMETERY.

**SECTION 13. DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY**

- A. EVERY PERSON WHO ENTERS REMAINS IN, AND TRAVELS WITHIN A TOWNSHIP CEMETERY DOES SO AT THEIR OWN RISK. THE TOWNSHIP IS NOT RESPONSIBLE FOR ANY INJURY, ACCIDENT, OR OTHER CALAMITY THAT MIGHT OCCUR TO ANY PERSON PRESENT IN A TOWNSHIP CEMETERY. FURTHERMORE, THE TOWNSHIP IS NOT RESPONSIBLE FOR ANY DAMAGE OR VANDALISM TO, THEFT OF, OR DETERIORATION OF ANY BURIAL MONUMENT, HEADSTONE, FLOWER, URN, OR OTHER ITEM PLACED AT OR NEAR A CEMETERY PLOT, BURIAL SITE, OR ANYWHERE IN A TOWNSHIP CEMETERY. THE PURCHASER OR TRANSFEREE OF ANY CEMETERY PLOT OR THE EQUIVALENT (AND ALL SUBSEQUENT TRANSFEREES, ASSIGNS, HEIRS, OR BENEFICIARIES) HEREBY RELEASES, WAIVES, INDEMNIFIES, AND HOLDS HARMLESS THE TOWNSHIP FOR, FROM, AND AGAINST ANY INJURY, DAMAGES, CAUSES OF ACTION, CLAIMS, COSTS, AND EXPENSES ASSOCIATED WITH, RELATING TO AND/OR INVOLVING THE CEMETERY PLOT OR SIMILAR RIGHT, ANY HEADSTONE, MONUMENT, OR SIMILAR ITEMS, AND ANY MATTER RELATED TO THE CEMETERY INVOLVED. SUCH WAIVER, RELEASE AND HOLD HARMLESS PROVISION SHALL APPLY NOT ONLY TO THE TOWNSHIP, BUT ALSO AS TO THE TOWNSHIP SEXTON AND ANY

TOWNSHIP EMPLOYEE, OFFICER, OFFICIAL OR AGENT.

**Section 14. Forfeiture of Vacant Cemetery Lots or Burial Spaces**

- A. Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant FOR EIGHTY (80) years OR MORE from the date of their sale shall automatically revert to the township upon occurrence of the following events:
  - 1. Notice shall be sent by the township clerk by certified mail, return receipt requested, first class, postage prepaid, addressed to the last known owner of record informing said individual of the expiration of the EIGHTY 80 year period, and that all rights with respect to the lots or spaces shall be forfeited if he or she does not affirmatively respond in writing to the township clerk within 60 days from the date of mailing of the notice REGARDING his or her desire to retain the burial rights AND:
  - 2. No written response to the above-reference notice stating the intent to retain the cemetery lots or burial spaces in question is received by the township clerk from the last owner or record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of the notice.

**Section 15. Repurchase of Lots or Burial Spaces**

- A. The township will repurchase any cemetery lots or burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

**Section 16. Records**

- A. The township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

**Section 17. Vaults**

- A. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

**Section 18. Cemetery Hours; Parking**

- A. The cemetery shall be open to the general public from the hours of 8:00 a.m. to one half hour after sunset each day. Other than for graveside funeral services, gravesite visitations, grave maintenance, and other official cemetery business, no person shall be permitted in the township cemetery at any other time or for any other purpose without express authority of the township supervisor or the township clerk.
- B. The parking of motor vehicles anywhere on township cemetery property, or the obstruction of any driveway or walkway within the cemetery is strictly prohibited.

**SECTION 19. ADDITIONAL PROHIBITED USES AND ACTIVITIES**

IN ADDITION TO THOSE PROHIBITED USES AND ACTIVITIES COVERED IN OTHER SECTIONS OF THIS ORDINANCE, THE FOLLOWING USES AND ACTIVITIES ARE PROHIBITED:

- A. THERE SHALL BE NO DESTRUCTION, DEFACING, CUTTING, ETC. OF ANY TREE OR PLANT WITHIN A CEMETERY.
- B. THERE SHALL BE NO DISTURBING OF THE PEACE OR ENGAGING IN ANY LOUD OR BOISTEROUS CONDUCT.
- C. THERE SHALL BE NO DRIVING OF ANY AUTHOMBILE, TRUCK, OR ANY VEHICLE ON ANY PORTION OF A CEMETERY EXCEPT THE DESIGNATED ROADS OR DRIVES.
- D. THERE SHALL BE NO DISINTERMENT OR GRAVE OPENINGS UNLESS APPROVED BY THE TOWNSHIP.
- E. THERE SHALL BE NO POSSESSION OR CONSUMPTION OF ANY ALCOHOLIC BEVERAGE.
- F. THERE SHALL BE NO LITTERING OR DUMPING.
- G. THERE SHALL BE NO FIRES, CANDLES, OR OPEN FLAMES.

**SECTION 20. AUTHORITY OF THE TOWNSHIP SEXTON**

- A. THE TOWNSHIP CLERK SHALL BE THE TOWNSHIP SEXTON UNLESS THE TOWNSHIP BOARD APPOINTS ANOTHER PERSON AS THE SEXTON. THE TOWNSHIP SEXTON SHALL SERVE AT THE DISCRETION OF THE TOWNSHIP BOARD. IF THE TOWNSHIP CLERK IS NOT THE APPOINTED SEXTION, THE SEXTON MAY BE A TOWNSHIP EMPLOYEE OR INDEPENDENT CONTRACTOR FOR THE TOWNSHIP AT THE DISCRETION OF THE TOWNSHIP BOARD.
- B. THE TOWNSHIP SEXTON SHALL ASSIST OTHER TOWNSHIP OFFICIALS WITH THE ENFORCEMENT AND ADMINISTRATION OF THIS ORDINANCE.
- C. THE TOWNSHIP SEXTON SHALL HAVE SUCH DUTIES AND OBLIGATIONS WITH REGARD TO TOWNSHIP CEMETERIES AS MAY BE SPECIFIED FROM TIME TO TIME BY THE TOWNSHIP BOARD.

**SECTION 21. INTERPRETATION/APPEALS TO THE TOWNSHIP BOARD**

- A. THE TOWNSHIP BOARD SHALL HAVE THE AUTHORITY TO RENDER BINDING INTERPRETATIONS REGARDING ANY OF THE CLAUSES, PROVISIONS, OR REGULATIONS CONTAINED IN THIS ORDINANCE AND ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS ORDINANCE, AS WELL AS THEIR APPLICABILITY. THE TOWNSHIP BOARD (OR ITS DESIGNEE) IS ALSO AUTHORIZED TO WAIVE APPLICATION OF THE



STRICT LETTER OF ANY PROVISION OF THIS ORDINANCE OR ANY RULES OR REGULATIONS PROMULGATED UNDER THIS ORDINANCE WHERE PRACTICAL DIFICULTIES IN CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE OR ANY RULES OR REGULATIONS RELATED THERETO WOULD RESULT IN HARDSHIP TO A PARITCULAR PERSON OR PERSONS OR THE PUBLIC. ANY SUCH WAIVER, HOWEVER, MUST BE OF SUCH A CHARACTER AS IT WILL NOT IMPAIR THE PURPOSES AND INTEREST OF THIS ORDINANCE.

- B. ANY PARTY AGGRIEVED BY ANY INTERPRETATION OR DECISION MADE BY THE TOWNSHIP SEXTON OR ANY TOWNSHIP OFFICIAL, AGENT, OR CONTRACTOR PURSUANT TO THIS ORDINANCE, AS WELL AS ANY MATTER RELATING TO A TOWNSHIP CEMETERY, RIGHTS TO A CEMETERY PLOT, OR OTHER MATTER ARISING PURSUANT TO THIS ORDINANCE, SHALL HAVE THE RIGHT TO APPEAL THAT DETERMINATION/DECISION OR MATTER TO THE TOWNSHIP BOARD. ANY SUCH APPEAL SHALL BE IN WRITING AND SHALL BE FILED WITH THE TOWNSHIP WITHIN THIRTY (30) DAYS OF THE DATE OF THE DECISION, DETERMINATION OR OTHER MATTER BEING APPEALED FROM. THE TOWNSHIP SHALL GIVE THE AGGRIEVED PARTY WHO FILED THE WRITTEN APPEAL WITH THE TOWNSHIP AT LEAST TEN (10) DAYS PRIOR WRITTEN NOTICE OF THE MEETING AT WHICH THE TOWNSHIP BOARD WILL ADDRESS THE MATTER UNLESS AN EMERGENCY IS INVOLVED, IN WHICH CASE THE TOWNSHIP SHALL UTILIZE REASONABLE EFFORTS TO NOTIFY THE AGGRIEVED PARTY WHO FILED THE APPEAL OF A SPECIAL OR EMERGENCY MEETING OF THE TOWNSHIP BOARD AT WHICH THE MATTER WILL BE ADDRESSED. PURSUANT TO ANY SUCH APPEAL, THE DECISION OF THE TOWNSHIP BOARD SHALL BE FINAL.
- C. THE TOWNSHIP BOARD MAY SET A FEE OR FEES FOR ANY SUCH APPEAL FROM TIME TO TIME BY RESOLUTION.

**Section 22. Penalties**

- A. Any person or entity who violates any of the provisions or requirements set forth in this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100 and/or imprisonment for up to 90 days in the county jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity or action which violates this ordinance.

**Section 23. Severability**

- A. The provisions of this ordinance are hereby declared to be severable and should any provision, section, or part be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section

or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 24. Effective Date**


- A. The Township Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall become effective immediately upon publication.
- B. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

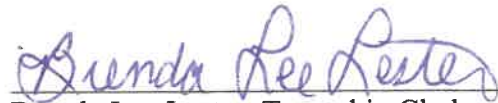
RESOLUTION

Therefore, be it ordained that the Township Board of Garden Township adopts the Garden Township Cemetery Ordinance, as amended, at a meeting duly called and held on the 12<sup>th</sup> day of September, 2023.

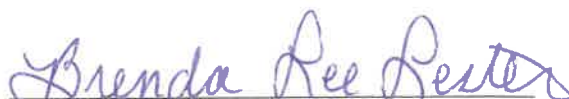
Roll call vote: Susan Rochefort—Aye, Jenna Silkworth—Aye, Katherine Young—Aye, and Brenda Lester—Aye. Craig Potvin was absent.

This True and complete copy of Ordinance No. 2023-4, amendment for Ordinance 02-01, was declared and adopted at a meeting of the Garden Township Board held on September 12, 2023.

  
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Katherine Young, Township Supervisor

  
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Brenda Lee Lester, Township Clerk

I, Brenda Lee Lester, Clerk of the Township of Garden, Delta County, Michigan, do hereby certify that Ordinance No. 2023-4 was published in the Escanaba Daily Press on the 22<sup>nd</sup> day of September, 2023.

  
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Brenda Lee Lester, Township Clerk