

# **TOWNSHIP CEMETERY ORDINANCE**

## **WEST BRANCH TOWNSHIP**

### **Marquette County, Michigan**

**ORDINANCE NO: 102-2026-01**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of the cemetery owned, controlled and operated by Township of West Branch, in Marquette County, 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 WEST BRANCH, COUNTY OF MARQUETTE, MICHIGAN ORDAINS:**

##### **Section 1: Title**

This ordinance shall be known and cited as the "West Branch Township Cemetery Ordinance".

##### **Section 2: Purpose and Intent**

The West Branch Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery owned by the Township is an important function of the government of the Township. It is also important that burials, disinterment, and other matters associated with a municipal cemetery are handled in a respectful and proper way to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

##### **Section 3: Definitions**

- A. "Township" means West Branch Township, County of Marquette MI.
- B. "Infant" means someone who is two years or younger at the time of death.
- C. A "plot" shall consist of an area in the West Branch Cemetery sufficient to accommodate a burial of human remains only. Plots may differ in size and based upon the size and location, could only allow a specific type of burial. Any plot less than an even sided rectangular dimension of 4'x10' will only allow for urn burial(s). A plot of rectangular dimensions of 4'x10' or larger will allow for a casket burial.

- D. A “burial urn” means a non-biodegradable container that holds the incinerated body of a deceased person (cremated/cremains).
- E. A “vault” is required for all casket burials. A vault must be made of concrete, rust resistant metal, or durable plastic to provide ground stability from the pressure of the earth and heavy machinery used for cemetery maintenance and/or disinterment.
- F. “Interment” may either be a burial which is a traditional placement of a casket within a vault, or the placement of a container of cremains.
- G. “Marker” refers to a stone that marks a grave including headstones, gravestones, tombstones and sits above ground on a foundation at the head of a burial plot.
- H. “Flush maker” refers to a stone or plaque (adhered to a foundation base) that marks a burial plot and is flush with the ground. A flush marker can act as a marker at the head of a burial plot or individually mark urn burials.
- I. “Foot marker” is reserved for military stone or brass plaque (adhered to a foundation base) honoring the deceased's military service.
- J. “Immediate family” means a spouse, parent, step-parent, grandparent, child, step-child, grandchild, sibling, and the spouse of any of the above persons.
- K. “Block” and “lot” refers to areas designated in the historic portion of the cemetery and are no longer terms used in sale of plots but defined for reference in relation to historical documents/maps. A block is a defined section within the cemetery; a lot is a defined area within a block.
- L. “Resident” is defined as an individual that is a legal resident or taxpayer of West Branch Township.
- M. “Non-Resident” is defined as an individual that is NOT a current legal resident or taxpayer of West Branch Township. Purchaser must disclose sufficient personal reason for burial within the West Branch Township Cemetery through previous residence in the Township or relationship to people interred therein.

#### **Section 4: Sale of Cemetery Burial Plots; Non-transferable**

- A. After the effective date of this Ordinance, cemetery burial plots shall be sold by the Township for the purpose of burial of the purchaser of a burial plot or designated immediate family member. The maximum number of plot sales per owner is ten (10) plots. No sale shall be

made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

- B. All sales or transfer of burial plots shall be made on a form approved by the Township Board, which grants the right to burial only and does not convey any other title or right to the burial plot sold. Such forms shall be signed by the Township Cemetery Manager or designee and shall then constitute a burial certificate.
- C. Burial plots may be sold by the Township to any resident or non-resident of the Township, based on the current burial plot fee schedule. No burial plot may be purchased on installments. All plots shall be paid for by check or cash at time of purchase.
- D. At the time of purchase from the Township, each burial plot shall be assigned the name of the specific person(s) who shall be interred in that burial plot upon death. If the owner of a burial plot desires to effectuate a name change regarding the assigned burial plot to a different immediate family member only, that person must request such change in writing to another eligible person and receive approval from the Township Cemetery Manager.
- E. Ownership of burial plots is non-transferable but may be sold back to the Township for the price paid at time of purchase. The Township Cemetery Manager will then mark all previous sale records accordingly and said burial plot shall become the sole property of the Township for consideration for sale by the Township at the current fee schedule.
- F. The Township shall have the absolute right and discretion to determine whether a particular burial plot or plots will be sold.
- G. The Township shall have the right to correct any documenting/recording errors that may be made concerning interments, disinterment, or in the description, transfer or conveyance of any burial plot, either by canceling the permit for a particular vacant burial plot or plots and substituting and conveying in lieu thereof another vacant burial plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the burial plot to the purchaser or the successor of the purchaser. If an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interned to another burial plot in a similar location in the same Township cemetery in accordance with law.
- H. Plot owners shall not allow interments in their plots in return for remuneration of any kind.
- I. The owner of a burial plot shall be responsible for notifying the Township whenever that person's mailing address changes. Notice sent to a burial plot owner at the last address on file with the Township shall be considered sufficient and proper legal notification.

## **Section 5: Grave Opening Charges**

- A. The Township may charge reasonable fees for the opening and closing of any burial plot, prior to and following a burial therein, including the interment of ashes. Such fees shall be set by resolution of the Township Board annually. All fees are to be paid to the Township.

B. No burial plot shall be opened or closed except under the direction and control of the Township Sexton or such other individual as is designated by the Township. This subsection B shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur.

## **Section 6: Interment Regulations**

- A. Burials are generally permitted, under the discretion of the Township Sexton, only from May 1st to November 14<sup>th</sup>. Burials from November 15<sup>th</sup> to April 30<sup>th</sup> are considered winter burials to which are discouraged (Reference Section 8: Winter Burials).
- B. Internment of 1 casket and 1 urn per plot; or two urns per plot is maximum.
- C. The Township Sexton shall be given not less than forty-eight (48) hours' prior notice in advance of any funeral to allow for the opening of the burial plot. The opening and closing of burial plots shall be done only by the Township Sexton or such individual as designated by the Township.
- D. If it is deemed unsafe by the Township Sexton to allow for an inground casket rigging placement due to collapsing ground, the casket and vault will be set up adjacent to the grave during graveside services. When the family has departed the vault company and Township Sexton will begin the process of closing the vault, placing the vault in the grave, and closing the grave.
- E. The appropriate burial certificate issued by the Township for the burial plot involved, together with appropriate identification of the person to be buried therein, and the funeral home burial-transit permit shall be presented to either the Township Sexton or the Township Cemetery Manager prior to interment. Where such a burial certificate has been lost or destroyed, the Township shall be satisfied, from Township records, that the deceased person to be buried in the burial plot is an authorized and appropriate person for that plot before any interment is commenced or completed.
- F. The surface of the opened grave site shall be kept in an orderly and neat appearance manner within the confines of the burial plot involved.
- G. No burial plot shall be used for any other purpose other than the burial of human remains.
- H. Township Sexton or Township Groundskeeper will remove funeral floral (fresh flowers) displays as soon as they become unsightly, and the Township assumes no responsibility for their return.
- I. No cremains shall be scattered or dispersed within the West Branch Township Cemetery. Cremains shall be buried in a non-biodegradable container.

J. This ordinance is not intended to violate any burial customs of any religion, and where any contradictions exist, exceptions to the ordinance for this purpose will be considered by the Township Board upon written request.

### **Section 7: Disinterment**

- A. No disinterment or the digging up of an occupied grave shall occur without a West Branch Township disinterment permit.
- B. No disinterment permit shall be issued by the Township until the West Branch Township application form has been fully completed (and signed by a properly authorized person) and filed with West Branch Township.
- C. No disinterment or 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 West Branch Township.
- D. All fees associated with disinterment must be paid prior to the disinterment to West Branch Township.

### **Section 8: Winter Burials**

- A. No winter burials shall occur without the prior consent of the Township Sexton between the dates of November 15<sup>th</sup> and April 30th. Burials from November 15<sup>th</sup> to April 30<sup>th</sup> are considered winter burials to which are discouraged. Winter burials will incur additional notice to the Sexton/Cemetery Manager along with additional fees based upon ground frost and winter weather conditions.
- B. If a winter burial cannot occur due to inclement weather, frozen ground or similar conditions, arrangements will need to be made by the funeral home or family for winter storage until a spring burial can occur. (Note: West Branch Cemetery has no winter storage facility)
- C. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin or other responsible party.

### **Section 9: Burial Markers/Memorials; No Monuments**

- A. No person, including any professional monument worker, shall install or place any marker/memorial without obtaining permission from the Township Cemetery Manager at least 48 hours prior to such placement.
- B. All markers/memorials must be of stone or other equally durable composition and shall face the same direction as the markers/memorials around them.

- C. Except for monuments that existed in the Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in the cemetery. For purposes of this Ordinance, “monument” shall be defined as any marker, memorial, statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker, etc.), with an overall height of no more than thirty (30) inches above ground level, including the foundation.
- D. Only one (1) above ground marker/ memorial shall be permitted per burial plot, or one marker/memorial in total when two adjoining plots share that one centered above ground marker/memorial. Markers shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by twenty-four (24) inches in size and placed above the urn burial location when an above ground marker/memorial exists.
- E. Above ground markers are to be placed only at the head of a burial plot and require a ground level foundation that allows 4" apron surrounding all sides of the marker. Any other markers that are placed in conjunction with a head marker are to be flush markers.
- F. Should any marker (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 burial plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the burial plot prior to any such work beginning.
- G. The maintenance, repair, and upkeep of a burial marker 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 upkeep regarding any such marker.

## **Section 10: Ground Maintenance**

- A. Flower arrangements may be placed and maintained at the headstone of graves no earlier than May 1<sup>st</sup> and must be removed no later than October 1<sup>st</sup> of each year. Decorations will be permitted for holidays falling outside of these dates, but only for one (1) week prior and one (1) week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- B. No grading, leveling, or excavating within the cemetery shall be allowed without the prior permission of the Township Sexton or the Township Groundskeeper. Furthermore, no trees, shrubs, landscaping, or similar permanent plantings shall occur without the prior permission of

the Township Sexton or the Township Groundskeeper. Any permitted plantings shall immediately become the property of the Township.

- C. Any person performing work in the cemetery without permission shall be liable to the Township for the cost of restoring the cemetery to the condition that it was in before the work was done.
- D. No flowers, shrubs, trees or vegetation of any type shall be planted outside of a flower urn and/or container. Any of the foregoing items planted without Township approval may be removed by the Township Sexton or the Township Groundskeeper. All plantings that interfere with cemetery maintenance, encroach upon an adjoining burial plot, or detract from the general appearance of the cemetery may be pruned or removed by the Township Sexton or Township Groundskeeper.
- E. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- F. Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. The Township Sexton or Township Groundskeeper shall have the right and authority to remove and dispose of all over growth, emblems, displays, containers and other items that through decay, deterioration, damage, or become unsightly as a source of litter or a maintenance problem.
- H. Surfaces other than earth or sod are prohibited.
- I. Seasonal decoration placement of any kind or nature including, but not limited to, dried flowers, wreaths, baskets, shepherd hooks, hanging baskets, and plastic flower containers are permitted from May 1st to October 1st. Winter decorations are permitted from November 1st to March 31st. Any decorations remaining during non-permitted dates will be disposed of by the Township.
- J. No glass containers are allowed.

#### **Section 11: Disclaimer of Township Liability and Responsibility**

Every person who enters, remains in and travels within the 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 the 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 burial plot, burial site or anywhere within the Township cemetery. The

purchaser of any burial plot or the equivalent (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 burial 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 to the Township Sexton and any Township employee, officer, official or agent.

### **Section 12: Forfeiture of Vacant Burial Plots**

Burial plots sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice shall be sent by the Township Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the forty-year period and that all rights with respect to said burial plots will be forfeited if he/she does not affirmatively indicate in writing to the Township within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- B. No written response to said notice indicating a desire to retain the burial plots in question is received by the Township Clerk from the last owner of record of said plots, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.
- C. If a written response is received in the required time, then the Township shall not invoke such right of forfeiture, under the above process, for at least 10 years from the receipt of such written response.
- D. It is the responsibility of the burial plot owner to notify the Township of any change in address.

### **Section 13: Repurchase of Burial Plots**

The Township may repurchase any burial plot from the owner for the original price paid for the plot, upon the written request of said owner or his or her legal heirs or representatives.

### **Section 14: Records**

The Township shall maintain records concerning all burials, burial plots, issuance of burial certificates, and any other records related to the Township cemetery, 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 15: Veterans**

- A. All veterans who have honorably served in the armed forces of the United States that are interred in the Township cemetery are noted in the cemetery records, along with their wartime service, if known.
- B. The Township shall supply one (1) universal veteran flag holder at no charge and place it grave-side when the veteran's flush marker is set. Should a second flag holder be required, the requester shall be charged at the rate specified in the current fiscal year fee schedule.
- C. Volunteers place one (1), Township supplied, 12"x18" American flag at each veteran grave site prior to Memorial Day. Said flags remain in place until at least Flag Day when they are collected by the Township Groundskeeper or designee.
- D. Veteran flags and flag holders shall be governed by the State of Michigan rules and regulations and are owned by the Township.

## **Section 16: Vaults**

All casket burials shall be within a vault (which meets all applicable laws) installed or constructed in each burial plot before interment. A vault must be made of concrete, rust resistant metal, or durable plastic to provide ground stability from the pressure of the earth and heavy machinery used for cemetery maintenance and/or disinterment.

## **Section 17: Pets/Animals**

No domestic pets/animals are allowed within the cemetery grounds, unless said pet/animal is at all times kept inside a fully enclosed vehicle. However, this prohibition shall not apply to certified trained service animals assisting a handicapped individual.

## **Section 18. Prohibited Uses and Activities**

The following prohibitions apply within West Branch Township cemetery:

- 1) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within West Branch Township cemetery.
- 2) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any West Branch Township cemetery.
- 3) No vehicles shall be permitted to drive on lawns or burial spaces in the cemetery.
- 4) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- 5) There shall be no destruction of cemetery property.
- 6) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery.

- 7) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
- 8) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- 9) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- 10) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- 11) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles.
- 12) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- 13) There shall be no disinterment or grave openings unless approved by the Township.
- 14) There shall be no possession or consumption of any alcoholic beverage.
- 15) There shall be no picnicking or consumption of food without prior Township approval.
- 16) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- 17) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- 18) There shall be no littering or dumping.
- 19) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- 20) There shall be no private signs, lighting, moving displays or changeable copy on a sign.
- 21) There shall be no fires, candles or open flames.
- 22) No children under twelve (12) years of age shall be allowed in West Branch Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- 23) There shall be no exceeding of posted speed limits.
- 24) No firearms or archery arrows shall be discharged or shot except that military or other veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- 25) No person shall engage in any fight, quarrel or disturbance.
- 26) Cremains or ashes of a deceased person shall not be scattered or dispersed.
- 27) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.
- 28) No person shall possess or consume any alcoholic beverage.

### **Section 19: Authority of the Township Sexton**

- A. The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. Township Sexton will be a Township employee 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 the Township cemetery as may be specified from time to time by the Township Board.
- D. The Township Sexton may declare a section of the cemetery closed to the public at any time and for any interval of time.

### **Section 20: Penalties**

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any burial certificate or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of any burial certificate or burial certificate condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

### **Section 21: Cemetery Hours**

Unless otherwise specified by the Township Board by resolution, the Township cemetery shall be closed from the hours of 10 p.m. to 6 a.m. During those hours, no person shall be present in the Township cemetery. Such prohibition on being present in a Township cemetery during the time when the cemetery is closed shall not apply to Township employees or any law enforcement or firefighter official when engaged in lawful duties of any such officer position.

### **Section 22: Fees**

The Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial plot, grave opening/closing fees, disinterment fees, transfer fees for burial plots, and other matters. Any check for fees pursuant to this Ordinance should be made payable only to the Township, not to the Sexton or any other individual Township employee.

### **Section 23: Applicability of this Ordinance**

- A. This Ordinance shall apply only to the West Branch Township Cemetery, Marquette County MI. Owned, controlled, and operated by the West Branch Township.
- B. The provisions of this Ordinance shall not apply to Township officials, or their agents or designee involved with the upgrading, maintenance, administration or care of a Township cemetery.
- C. The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

### **Section 24: 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 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 difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent 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 the Township cemetery, rights to a burial 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 25: Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery**

Any monument, marker, planting, trellis, personal item, flower urn, flowers or foliage (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 the Township cemetery, 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. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, flower urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in the Township cemetery.

### **Section 26: Township Officials Who Can Enforce this Ordinance**

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Groundskeeper
- Township Sexton
- Township Cemetery Manager
- Township Zoning Administrator
- Law Enforcement

### **Section 27: Severability**

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 this Ordinance, which shall continue in full force and effect.

## **Section 28: Effective Date; Conflicts**

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by

Township Supervisor, Kris Shaw,

and was seconded by Township Trustee, Laurie Beauchamp.

The roll call vote being as follows:

YEAS: Kris Shaw, Laurie Beauchamp, Deean Barnhart, Matthew Barnhart, Catherine Shaw

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.



Kris Shaw, West Branch Township Supervisor



Date



Deena Barnhart, West Branch Township Clerk



Date

West Branch Township Board:

Kris Shaw, Supervisor

Deena Barnhart, Clerk

Catherine Shaw, Treasurer

Laurie Beauchamp, Trustee

Matthew Barnhart, Trustee

## CERTIFICATION

I hereby declare that:

- 1) The above is a true copy of an Ordinance adopted by the West Branch Township Board at a special meeting of the West Branch Township Board held on January 5, 2026, at the West Branch Township Hall, pursuant to the required statutory procedures.
- 2) A copy of the above Ordinance was duly published in the Marquette Monthly newspaper, a newspaper that circulates within West Branch Township, on \_\_\_\_\_ 2026.
- 3) Within 1 week after such publication, I recorded the above Ordinance with affidavit of publication in a book of ordinances kept by West Branch Township.
- 4) A copy of the adopted/certified ordinance was distributed to members of the Township Board and Township officials.

Dated: \_\_\_\_\_, 2026

Respectfully submitted,

By \_\_\_\_\_

Deena Barnhart, West Branch Township Clerk.