

**TOWNSHIP OF WELLS
MARQUETTE COUNTY, MICHIGAN**

**CEMETERY ORDINANCE
April - 2022**

The **Cemetery or Burial Grounds Act**, Public Act 215 of 1937, MCL 128.1, et seq., gives townships authority to establish, control, maintain and care for public cemeteries that are not owned by another municipality or private organization, and to adopt an ordinance to regulate the operation and use of a cemetery.

The Township of Wells, County of Marquette, Michigan, hereby ordains the following ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, maintenance, and management of cemeteries owned, controlled, or operated by the Township of Wells, 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.

Section 1. Title

This Ordinance shall be known and cited as the “Wells Township Cemetery Ordinance.”

Section 2. Purpose and Intent

The Wells Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemeteries owned or controlled 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 Wells Township Board finds that the adoption and enforcement of this Ordinance is in the best interest of the property owners and residents of Wells Township.

Section 3. Definitions

- (a) The term “cemetery” is hereby defined as a burial park for earth interments.
- (b) A cemetery lot shall consist of eight plots (burial spaces). A cemetery plot (burial space) may accommodate up to two interments: one full casket with one cremains on top or two cremains.
- (c) A plot (burial space) shall consist of a land area four feet wide and eight feet long.
- (d) The term “immediate family” of purchaser is defined as spouse, children (both biological and legally adopted) and their spouses, parents, siblings and their spouses, grandparents, grandchildren and their spouses.
- (e) The term “interment” shall mean the permanent disposition of the remains of a deceased person by cremation or interment or burial.
- (f) The term “memorial” shall include a tombstone, marker, bench, or headstone for family or individual use.
- (g) The term “monument” shall include a tombstone, headstone, memorial, marker, or similar item.
- (h) The term “marker” refers to a memorial flush with the ground, placed on the head end of the plot.
- (i) The term “lot marker” refers to any means used by the cemetery to locate corners of the lot.
- (j) The term “Certificate of Ownership” shall apply to the original conveyance given by the cemetery to the original purchaser.
- (k) The term “management” shall mean the person (Sexton) or persons duly appointed by the Wells Township Board for the purpose of conducting and administering the cemetery business.
- (l) Resident (as defined by the State of Michigan - Income Tax Act 281 of 1967 (MCL 206.18) for interment in the Wells Township

cemeteries a resident is defined as an individual who resides in Wells Township for a minimum of 183 days per calendar year.

(m) Non-Resident - For the purpose of interment in Wells Township cemeteries a non-resident is defined as an individual who does not reside in Wells Township for a minimum of 183 days per calendar year. Residency of those in the military will be determined individually upon death.

(n) Designated Agent - a person appointed by the Wells Township Board to act as the Sexton in the absence of the Sexton.

Section 4. Sale of Cemetery Plots; Nontransferable

(a) After the effective date of this Ordinance, cemetery plots shall be sold by the Township for the purpose of burial for the purchaser or his or her immediate family. No sale shall be made to funeral directors or others, except those acting as an agent for an eligible purchaser. Sudden and unexpected deaths of extended non-resident family members (including a space for their deceased or living spouse) who need immediate burial will be excluded from this provision and allowed to purchase a burial space. Immediate family members of the purchaser are defined as stated in **Section 3 Definitions (d)**. Immediate family members do not include extended family members such as aunts, uncles, nieces, nephews, and cousins.

(b) All sales and transfers of cemetery plots shall be made by the Township Sexton. Sale of a burial space grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Sale of "family lots", eight burial spaces with no proposed occupancy, is suspended. Sale of more than four plots to any one individual may require Township Board approval.

(c) The Township Sexton is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township cemeteries through previous residence in the township or relationship to persons interred in the township cemetery involved. Any such decision by the Township Sexton (either granting or denying such variance) may be overturned by the Township Board.

(d) At the time of purchase from the Township, the individual must supply name, address, email address if possible, and phone number for each future occupant of a burial space. Each burial space shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must either be a resident or be a member of the immediate family of a qualified purchaser. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must contact the Township Sexton, fill out any forms requested by the Sexton, and prove residency and or relationship eligibility of the new proposed occupant. Cemetery plots are otherwise nontransferable. (Michigan Compiled Law Chapter 128 - Cemeteries)

(e) Cemetery plots are non-transferable, they may not be sold or given away, but may be sold back for the original purchase price to the Township for resale by the Township.

(f) The Township Board shall have the authority to place a limit on the number of cemetery plots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine which cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located and within which township cemetery. Such decision shall be based upon reasonable factors, including but not limited to the number of vacant cemetery plots available and whether family or relatives of the person seeking to purchase a cemetery plot or plots are buried adjacent or nearby the cemetery plot or plots requested.

(g) The Township Sexton shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for the particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.

(h) The owner of every cemetery plot shall be responsible for notifying the Township Sexton whenever a person's contact information changes, whether it be their own or a proposed occupant of a plot in their name.

Section 5. Purchase Price for Cemetery Plots; Indigent Burials

(a) Each cemetery plot shall cost the sum of Fifty Dollars (\$50.00). Cemetery plots for non-residents shall cost the sum of Two Hundred Fifty Dollars (\$250.00).

(b) Payment shall be made payable to the Wells Township.

(c) The Township Board may waive some or all fees for the burial of indigent persons and set aside a part of a township cemetery or cemeteries for the burial of indigent persons.

(d) The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance.

Section 6. Grave Opening Charges

(a) All costs associated with opening and closing of a burial space are the sole responsibility of those requesting the burial. Any person or persons breaking ground within the Wells Township cemeteries must have prior approval of the Township Sexton.

(b) No cemetery plot shall be opened or closed unless it is marked and in the presence, direction and control of the Township Sexton or such other individual appointed by the Township Board. This 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. The Township Sexton shall be given at least **THIRTY-SIX (36) HOURS** prior notice of such grave opening or closing.

Section 7. Markers or Memorials; No monuments

(a) All markers and memorials must be made of stone, bronze or other equally durable composition and shall face the same direction as the markers and memorials around them. No marker or memorial may be placed in any Wells Township cemetery without prior authorization by the Township Sexton. The location of markers and memorials must be determined by the Township Sexton before placement. Only one marker or memorial shall be allowed per cemetery plot, and not to exceed 30 inches in length for one plot or 48 inches in length for two plots with a maximum height of 30 inches above the foundation.

(b) Except for monuments that existed in a township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For the purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item, except a memorial bench, which exceeds the maximum size in (a). Memorial benches may not exceed 36 inches in length for a single plot or 48 inches in length for two plots.

(c) **All markers and memorials must be located upon a suitable solid foundation to maintain the same in an erect position.** The footings or foundation upon which any marker or memorial must be placed shall be constructed at the expense of the family. All foundations shall extend sufficiently far enough to support the weight of the marker or memorial with a minimum of three inches beyond the base on all sides of the marker or memorial. Urns for flowers may be placed on the foundation, which can be extended beyond the three inch requirement.

(d) Should any monument, marker, or memorial (including any monument, marker 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 cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

(e) The maintenance, repair and upkeep of a cemetery monument, 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 upkeep regarding any such monument, marker, memorial, urn or similar item.

(f) All burials shall be made to allow sufficient room at the end for footings/foundations and/or markers.

(g) No marker or headstone shall be placed on any plot not fully paid for or against which any fees remain unpaid.

(h) An in-ground marker shall not have dimensions exceeding 30 inches in length by 16 inches in height for position in a single plot or 48 inches in length by 20 inches in height for position in two plots. Installment must leave six inches of open ground on each side of the marker for maintenance access. Only one in-ground marker is allowed per burial space. An additional in-ground veteran marker may be placed on a burial space. All in-ground markers must be mounted on a base with the marker top flush with the ground.

Section 8. Interment Regulations - Full Body Interment and Cremains

(a) All burials must be contained within their designated plots that were purchased and recorded. No burials may take place outside of surveyed/mapped cemetery plots.

(b) Only one full human body interment in one burial space shall be permitted along with one container of human cremains on top. With prior approval by the Township Board two containers of human cremains may be placed above one full human body interment. The only exception is for a parent and infant child, or two infant children buried at the same time. Up to two human cremains may be placed per burial space.

(c) Cremains must be buried in a container pre-approved by the Township Sexton. No cremains shall be scattered or dispersed within a Wells Township cemetery.

(d) All burials, except cremains, must be buried in a standard vault that meets all applicable laws. Only vaults constructed for permanent duration made from materials such as cement, steel, or a metal alloy, may be used.

(e) The Township Sexton shall be given not less than 36 hours prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be supervised by the Township Sexton, or such person or persons as appointed by the Wells Township Board.

(f) The proper permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein, a burial-transit permit from the health department for a full body interment or a death certificate or cremation disposition for cremains, shall be presented either to the Township Sexton or the designated township official prior to interment. Where such permit or form has been lost or destroyed, the Township Sexton or the designated township official must be satisfied from his or her records that the deceased person to be buried in the cemetery plot is the authorized person for that space before any interment is commenced.

(g) The surface of all graves shall be kept in an orderly manner within the confines of the cemetery plot involved.

(h) The following steps should occur regarding a burial:

1. The Township Sexton is contacted by the family of someone recently deceased or the funeral home, thus giving 36 hours notice that a burial will take place.

2. Arrangements are made with the Township Sexton as to the exact date and manner of burial and approval of the person who will be doing the excavating.

3. A copy of the burial-transit permit is filed with the Township Sexton, along with all applicable fees, if any, paid to the Township. In case of cremation, a copy of the death certificate or cremation disposition will be required before interment.

4. The Township Sexton or designated township official marks the grave site and supervises the pre-approved person or persons while opening and closing the grave site.

5. Post burial, the headstone must be installed. While the funeral home or memorial company may install the headstone

the Township Sexton or the designated township official must mark and approve the area before placement.

Section 9. Disinterments

(a) No disinterment or digging up of an occupied grave shall occur until all permits, licenses and written authorization 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 (and to refuse to issue a township disinterment permit for the same) 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

No winter burials shall occur. Due to variable weather patterns and ground conditions the Township Sexton will determine when burials will end for the year and when burials will resume in the spring.

Section 11. Grounds Maintenance

(a) Artificial flowers and other small remembrance objects are expected to be maintained by the family, or plot owner, in a presentable condition. Small vases or urn planters may be placed at the base of a headstone, but at no time may flowers of any kind be directly planted in the ground. Any object deemed as unsightly, a safety hazard, or interferes with ground maintenance will be removed.

(b) No grading, leveling, digging with a shovel, or excavating within a cemetery shall be allowed without the prior permission, and supervision of the Township Sexton or the designated township official.

(c) No perennial flowers, shrubs, trees or vegetation of any type shall be planted in any Wells Township cemetery. Any of the foregoing items planted without Township approval will be removed by the Township or the Township Sexton.

(d) The Township Board reserves the right to remove or trim any existing tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(e) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(f) Township Sexton shall have the right and authority to remove and dispose of all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(g) Surfaces other than earth or sod are prohibited.

(h) All refuse of any kind or nature including, but not limited to, dead flowers, dried wreaths, broken memorabilia and broken flower containers must be removed from the cemetery.

(i) No glass containers or items are allowed.

(j) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including but not limited to signs, trellises, statues, landscaping, bricks, stones, grave border materials or other structures) 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.

Section 13. Disclaimer of Township Liability and Responsibility

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 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, from 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 plots or burial spaces in accordance with MCL 456.537.

Cemetery plots or burial spaces sold after the effective date of this Ordinance and remaining vacant for 60 years or more from the date of sale must be reevaluated. After 60 years from the date of sale the following events shall occur:

(a) Notice shall be sent by the Township Sexton or designated official by first-class mail to the last known address of the person possessing the right to the burial space informing him/her of the expiration of the 60 year period and advising that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Sexton or designated township official within 60 days from the date of such notice of his/her desire to retain such burial rights; and

(b) If no written response is received by the Township Sexton or designated township official to said notice within 60 days, indicating a desire to retain the cemetery plots or burial spaces in question, the person possessing the right to said plots or spaces, or his/her heirs or legal representative, thereby forfeit such plots or burial spaces, and the Township seizes possession.

(c) If the person possessing the right to the burial space is still a living township resident, or their whereabouts are known, additional effort may be used to confirm their contact information and they may

be asked to sign a form stating their desire to maintain the burial rights of their plots or spaces.

(d) Transfer of heirs may occur under exigent circumstances. Contact Township Sexton for more information.

Section 15. Repurchases of Plots or Burial Spaces

The Township may repurchase any cemetery plot from the owner for the original purchase price upon written request of said owner or his legal heirs or representatives.

Section 16. Records

The Township Sexton shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the township related to township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Section 17. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, all township cemeteries shall be closed during the hours from 9:00 p.m. until 7:00 a.m. During those hours no person shall be present in a township cemetery. Such prohibition on being present in a township cemetery during the time when a township cemetery is closed shall not apply to the Township Sexton, any township official, a person accompanied by the Township Sexton or other township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 18. Prohibited Uses and Activities

- (a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a township cemetery.
- (b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any township cemetery.
- (c) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- (d) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- (e) There shall be no destruction of cemetery property. **MCL 750.387.**
- (f) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery.
- (g) 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 or specifically approved by the Township Sexton and/or Township Board.
- (h) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- (i) There shall be no digging, grading or mounding unless expressly authorized by this ordinance.
- (j) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- (k) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles driven within a cemetery.

- (l) There shall be no gathering of persons in excess of 75 people without Township Board approval (except during or incidental to a funeral occurring concurrent with burial).
- (m) There shall be no disinterment or grave openings unless approved by the Township Board.
- (n) There shall be no possession or consumption of any alcoholic beverage.
- (o) There shall be no picnicking or consumption of food without prior Township approval.
- (p) 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.
- (q) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (r) There shall be no littering or dumping.
- (s) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (t) There shall be no private signs, moving displays or changeable copy on a sign placed within the cemetery grounds.
- (u) There shall be no fires, candles or open flames except as part of an authorized memorial event.
- (v) No children under 12 years of age shall be allowed in any township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (w) 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 or during any authorized memorial event.
- (x) No person shall engage in any fight, quarrel or disturbance on cemetery grounds.

(y) Cremains or ashes of a deceased person shall not be scattered or dispersed.

(z) Hanging baskets and hanging flower pots are not allowed.

(aa) Flags provided and placed by a veterans organization on the graves of military veterans for Memorial Day will be removed the week after the Independence Day holiday on July 4th. Personal flags, if appropriately identified, will remain on site and their removal will be the responsibility of the site owner.

(bb) Cement, stone or masonry urns are not allowed to be placed in the cemetery after the effective date of this ordinance.

Section 19. Authority of the Township Sexton

(a) The Wells Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township 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 20. Fees

The Wells Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but not limited to, a fee or fees for burial permit, disinterment permit, grave opening, setting of foundations, grave closing, holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 21. Applicability of this Ordinance.

- (a) This Ordinance shall apply to cemeteries owned, controlled or operated within Wells Township.
- (b) The provisions of this Ordinance shall not apply to Wells Township Officials, or their agents or designees involved with the upgrading, maintenance, administration or care of Wells Township cemeteries.
- (c) The provisions of this Ordinance shall not apply to police officers, firefighting officials or officers involved in carrying out their official duties.

Section 22. Interpretation/Appeals to the Wells Township Board

- (a) The Wells 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 Wells 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 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 Wells Township Sexton or any Wells Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Wells 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 Wells Township Board. Any such appeal shall be in writing and shall be filed with the Wells Township Board within 30 days of the date of the decision, determination or other matter being appealed from. The Wells Township Board shall give the aggrieved party who filed the written appeal with the Wells Township Board at least ten days prior written notice of the meeting at which the Wells Township Board will address the matter unless an emergency is involved, in which case the Wells

Township Board shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Wells Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Wells Township Board shall be final.

c. The Wells Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 23. Authority of the Wells Township Board to Remove Unauthorized or Unlawful items from a Wells Township Cemetery

Any monument marker, memorial, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except lawful veteran's flags), or other item that has been placed, installed, left or maintained in any Wells Township cemetery in violation of this Ordinance, any Wells Township rule or regulation regarding Wells Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Wells Township cemeteries at any time and destroyed or disposed of by the Township without any prior notice to, permission from, liability or obligation to the person or persons who left, installed, maintained or kept such item in the Wells Township cemetery. No such item may be installed, placed, maintained or kept in a Wells Township cemetery unless expressly authorized by this Ordinance or written permission of the Wells Township Sexton and/or Wells Township Board. Even if such an item is authorized to be installed, kept, maintained or left in the Wells Township cemetery, the Township shall retain 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 a Wells Township cemetery.

Section 24. 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 permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally acts 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 infraction shall be not less than **one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) 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 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 permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 25. Township Officials Who Can Enforce this Ordinance

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

- * Wells Township Supervisor
- * Wells Township Clerk
- * Wells Township Sexton
- * Wells Township Zoning Administrator
- * Any deputy of the Marquette County Sheriff's Department
- * Any Michigan State Police Officer

Section 26. 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 27. Effective Date, Conflicts

This Ordinance shall become effective 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 Wells Township Board Member Patti Mammone and was seconded by Wells Township Board Member Robert Johnson, the vote being as follows:

YEAS: 5 _____

NAYS: 0 _____

ABSENT/ABSTAIN 0 _____

WELLS TOWNSHIP CEMETERY ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Wells Township Board at a regular meeting held on 2/14/22, at the Wells Township Hall, pursuant to the required statutory procedures.

Dated: 2/14, 2022

Respectfully submitted,

By Patti Mammone, Wells Township Clerk