

**BEARINGER TOWNSHIP
PRESQUE ISLE COUNTY, MICHIGAN
(Ordinance No. 2019-006)**

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 or operated by the Township of Bearinger, in Presque Isle County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith. This ordinance is in accordance with Michigan Township Ordinance Act MCL 41.181, et seq and MCL 456.530(1).

THE TOWNSHIP OF BEARINGER("Township"), COUNTY OF PRESQUE ISLE, MICHIGAN ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the "Bearinger Township Cemetery Ordinance."

Section 2. Purpose and Intent

The Bearinger Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or future cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burial, disinterment 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 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 plot" shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least forty-eight (48) inches wide and ninety-six (96) inches in length.
- (b) "Township" means Bearinger Township.
- (c) "Township cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.
- (d) "Immediate Family Member" means parents, step-parents, spouse, children, step-children and siblings.
- (e) "Owner of Record" means the person who purchased the cemetery plot from the Township.
- (f) "Burial Right Owner" means the person whose name was assigned by the owner of record to be interred in a cemetery plot.

Section 4. Sale of Cemetery Plots

- (a) After the effective date of this Ordinance, cemetery plot interment rights shall be sold by the Township for the purpose of burial for the purchaser of a cemetery plot, or their designated immediate family member. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales of cemetery plots shall be made on a form approved by the Township Board and signed by the designated Township official, which grants a right of burial only and does not convey any other title, ownership or right to the cemetery plot or burial space sold. Such forms shall be signed by the Township Sexton/Clerk or other designated official, and shall constitute a permit when approved.
- (c) Cemetery plots may be sold by the Township to any resident or taxpayer of the Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved. Any decision by the Township Clerk granting such a variance shall be approved the Township Board and any decision by the Township Clerk denying such a variance may be appealed to the Township Board pursuant to Section 23 hereof.

- (d) At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Listing a future occupant facilitates inheritance transfers, prevents disputes of interment rights and clarifies the owners intent. Each such person must either be a resident or taxpayer of the Township, or be a member of the immediate family of a qualified purchaser.
- (e) A cemetery a plot is non-transferable, but may be sold back for the original purchase price to the Township. This can be accomplished by providing the Township with a complete Burial Plot Interment Rights Re-Purchase/Buy Back Application.
 - (1) Reassignment. Only the owner of record while living may change the name of the Burial Right Owner of a cemetery plot. This shall be done by sending the Clerk the Township Burial Plot Reassignment Application. At the death of the owner of record the burial right owner shall be the owner of the cemetery plot with the right to either be interred in the cemetery plot or sell the cemetery plot back to the Township as provided in Section 4(e).
- (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, relatives, or other-than-family-members. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular 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 should more then one cemetery exist. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery plots available and whether family, relatives, or other-than-family-members 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 shall have the right to correct any errors that may be made concerning interment, disinterment, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a 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.

Section 5. Purchase Price for Cemetery Plots; Indigent Burials

- (a) The cost of each cemetery plot shall be set by the Board and are shown in a separate document approved by the Township Board. Burial spaces for infants or cremains shall cost the same as other plots. The lawful owner of any cemetery plot burial rights within the Township shall promptly provide the Township Sexton with any changes in that owner's mailing address.
- (b) All charges shall be paid to the Township Treasurer.
- (c) The Township Board may waive some or all fees for the burial of indigent persons with appropriate documentation of socioeconomic status. Furthermore, the Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent persons (aka Potters Field).
- (d) The Township Board may by resolution periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 6. Grave Opening Charges

- (a) The Township may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board and be remitted to the Township Treasurer. Fees are shown in a separate document approved by the Board.
- (b) No cemetery 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 Board. 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 or law enforcement agency; 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 shall occur.

Section 7. Markers, Memorials & Monuments;

(a) All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.

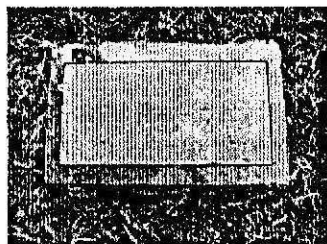
(b) Except for monuments that existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery.

(i) Definitions. 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 exceeds thirty (30) inches in width including the foundation for a single monument.

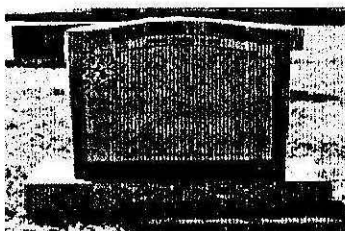
(ii) Grave Marker Rules. Only one (1) marker, memorial or monument shall be permitted per cemetery plot, or optionally one for up to four adjoining plots in the same family. Markers or memorials shall be no more than thirty (30) inches in width for a single grave or thirty-six (36) inches in width for a double marker, with an overall height of no more than thirty (30) inches above ground level, including the foundation. Monuments may exceed the thirty (30) inch height but shall not be more than seventy-two (72) inches in height. Monuments like memorials may cover up to four graves in width provided there is an exposed foundation of three inches on all sides.

(iii) Additional Cremain Markers. In addition to the rules outlined herein, there may be up to four (4) markers per grave site for up to four (4) individual cremains in lieu of or in addition to the one (1) marker, memorial or monument allowed for each burial plot. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by eleven (11) inches.

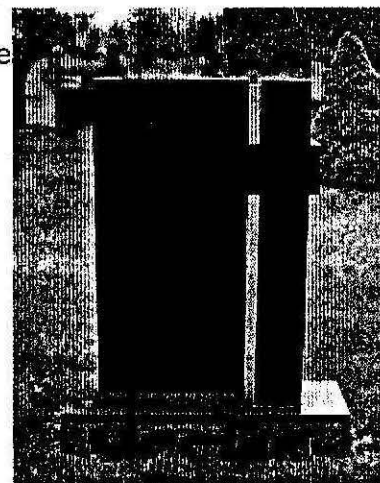
(iv) Examples of acceptable markers, memorials and monuments.



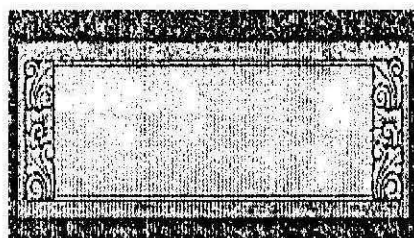
Single Flat Marker



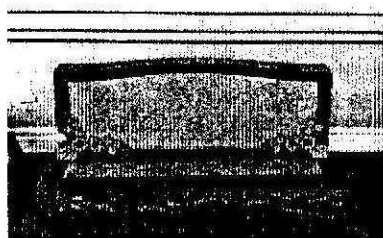
Single Memorial



Single Wide Monument



Double Wide Flat Marker



Double Wide Memorial



Four Wide Monument

- (c) The footing or foundation upon which any marker or memorial must be placed shall be constructed in accordance with the Township requirements. The foundation for a flush marker shall be one (1) inch wider and one (1) longer than the flush marker and be of sufficient depth to keep the marker from sinking. The foundation for a memorial shall be six (6) inches wider and six (6) inches longer than the memorial with sufficient depth to keep the marker from sinking, tipping or falling over. Footings and foundations are the responsibility of owner of the plot interment rights. Foundation for government bronze markers will have a three (3) inch precast foundation. All memorial and markers must be made to conform to the contour of the ground and in no case will the ground be changed to conform to the stonework. No foundations will be poured in frosty weather. The right is reserved to refuse to allow stonework to be done at any time until the ground and access ways are thoroughly settled and in good condition.
- (d) Should any marker, memorial or monument (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 or their heirs of the cemetery plot, to correct the condition or remove same. The Township shall make reasonable attempts to contact the owner or their heirs of the cemetery plot prior to any such work is done.
- (e) 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 upkeep regarding any such marker, memorial, urn or similar item.

Section 8. Interment Regulations

- (a) Only one (1) person shall be buried in a cemetery plot, except for a parent and infant child (less than six (6) months old) if buried at the same time and approved by the Township.
- (b) The Township shall be given not less than thirty-six (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 done only by a contractor approved and experienced to do such work and at the expense of the plot owners or their heirs. The Township reserves the right to disapprove any selected contractor should the Township feel their work would cause damage to the cemetery or other grave sites.
- (c) The appropriate permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit or cremation authorization permit from the health department, shall be presented to the Township Sexton (or designated Township official) prior to interment. Where such permit or form has been lost or destroyed, the Township Sexton may satisfy this requirement from other available records, that the deceased person to be buried in the cemetery plot is an authorized internee and the appropriate person for that space before any interment is commenced or completed.
- (d) The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved. No walls or other structures, such as statues, benches or other similar items shall be allowed on the plot area.

Section 9. Disinterment

- (a) No disinterment or the digging up of an occupied grave shall occur without a Township Disinterment Permit. (See section 6(b) for exceptions.)
- (b) 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 the Township.
- (c) 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 in fact.

- (d) No disinterment permit shall be issued by the Township until the Township disinterment application form (as authorized by the Township Board) has been fully completed (and signed by a properly authorized person) and filed with the Township.


Section 10. Winter Burials

- (a) The Township may charge additional fees for winter burials. Such fees are to cover the extra cost of uncovering and marking of plots.
- (b) If a winter burial cannot occur due to inclement weather, frozen ground or similar condition, the deceased person shall be kept in storage, at a site chosen by the deceased person's estate or next of kin, 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. The Bearinger Township Cemetery has no storage facilities.
- (c) No winter burials shall occur without the prior consent of the Township Sexton.
- (d) All expenses to remove snow for access to the burial plot, thawing of the ground and the digging of the grave will be the responsibility of the deceased person's estate or next of kin.

Section 11. Cremains

- (a) Cremains may be buried in a container approved by the Township in a cemetery plot or in a columbarium that has been installed by the Township within a Township cemetery (should one exist).
- (b) No cremains shall be scattered or dispersed within a Township cemetery.
- (c) No more than four cremains shall be placed in any burial plot.

Section 12. Grounds Maintenance

- (a) Flower pots or urns may be placed and maintained at the head stones of graves no earlier than May 1 and must be removed no later than October 1 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. *Grave wreaths or grave blankets are allowed on graves for one month after interment.* Winter holiday wreaths may be placed on the grave no sooner than 1 November and must be removed no later than 30 March.
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- (b) No grading, leveling or excavating within a cemetery shall be allowed without the prior permission of the Township Sexton. Furthermore, no tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Township Sexton. Plot areas are to be kept free of objects that inhibit maintenance or are a safety hazard.
 - (c) No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. 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 trees, plants or shrubs 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 lawn mower equipment or other gardening apparatus used for cemetery maintenance are prohibited.
 - (f) The Township Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are 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, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within ten (10) days after a burial.
 - (i) No glass or plastic containers or similar items are allowed to be left in the cemetery. No live ammunition, shell casings, knives or weapons shall be left in the cemetery.

- (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, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials, weapons, coins, tires 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 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 cemetery plot, burial site or anywhere in a Township cemetery. The purchaser of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, and/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, contractor or agent acting on the Township's behalf.

Section 14. Forfeiture of vacant cemetery plots or burial spaces

Cemetery plots or burial spaces 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 the occurrence of the following events:

- (a) Notice shall be sent by the Township Sexton by first-class mail to the last known address of the owner of record informing them of the expiration of the 40-year period and that all rights with respect to said plots or spaces will be forfeited if they do not affirmatively indicate in writing to the Township Sexton, Clerk or Supervisor, within sixty (60) days from the date of mailing of such notice, of their desire to retain such burial rights; and
- (b) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Sexton from the owner of record of said plots or spaces, or their heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 15. Repurchases of Plots or Burial Spaces

The Township may repurchase any cemetery plot from the owner for the original price upon the written request of said owner or their 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. Vaults

- (a) A concrete vault is not required for burials in Township cemeteries. A vault may be used at the discretion of the owner. Green interments are allowed with a biodegradable body container.
- (b) Cremains shall be in a container approved by the Township. The container shall be semi-ridged. The container may be made of a biodegradable material such as a wooden or cardboard box. Metal containers are allowed. Plastic containers or non-biodegradable containers are not allowed.

Section 18. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed during the hours from 9 p.m. until 7 a.m. the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in the Township cemetery when 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, emergency medical personnel or firefighting official when engaged in the pursuit of their lawful duties of any such office or position.

Section 19. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- (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 Township 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 Township cemetery property.
- (f) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a Township cemetery.
- (g) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- (h) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- (i) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles on any portion of the Township cemetery.
- (j) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral or memorial service occurring concurrent with burial).
- (k) There shall be no disinterment or grave openings unless approved by the Township.
- (l) There shall be no possession or consumption of any alcoholic beverage in the Township cemetery and no picnicking or consumption of food without prior Township approval.
- (m) 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, a funeral or memorial service.
- (n) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (o) There shall be no littering or dumping.
- (p) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (q) There shall be no private signs, lighting, moving displays or automated/changing signs.
- (r) There shall be no fires, candles or open flames.
- (s) No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and must be properly supervised by an adult.
- (t) There shall be no exceeding of posted speed limits, if any are posted.
- (u) There shall be no domestic animals of any kind or pets allowed within the Township cemetery grounds. However, this prohibition shall not apply to dogs assisting persons with a disability.
- (v) Only military or veteran groups are allowed to discharge weapons as part of a veteran's honor ceremony in the Township cemetery.
- (w) No person shall engage in any fighting, quarreling or disturbance.
- (x) Cremains or ashes of a deceased person shall not be scattered or dispersed.

Section 20. Authority of the Township Sexton

- (a) The 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 volunteer/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. 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 permit, disinterment permit, grave opening, setting of foundations, grave opening or closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters. Current fees are shown in Appendix A.

Section 22. Applicability of this Ordinance

- (a) This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
- (b) The provisions of this Ordinance shall not apply to Township officials or their agent or designee involved with the upgrading, maintenance, administration or care of a Township cemetery.
- (c) The provisions of this Ordinance shall not apply to law enforcement officers or firefighting officials carrying out their official duties.

Section 23. 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 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 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 24. Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other items that have 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. No such item (including, but not limited to, a monument, marker,

planting, trellis, personal item, 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 a Township cemetery.

Section 25. 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 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 permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

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 Clerk
- Township Sexton
- Township Zoning Administrator (should one exist).
- Township Ordinance Enforcement Officer (should one exist).
- Township Cemetery Caretaker
- Any deputy of the county Sheriff's Department
- Any State Police officer

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 Board Member Emilie Stawiarski and was seconded by Township Board Member Beverly Rossetto, the vote being as follows:

YEAS: Archie Patterson, Duane Walker, Beverly Rossetto, Emilie Stawiarski NAYS: Patricia Frost
ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Bearinger Township Board at a general meeting held on August 13, 2019, at the Bearinger Township Hall, pursuant to the required statutory procedures.

Dated: August 13, 2019

Respectfully submitted,

By *Beverly Rossetto*, Bearinger Township Clerk
Beverly Rossetto