

Approved Minutes
Of the December 19, 2023
Conway Township
Regular Board Meeting
7:00 pm

REGULAR MEETING

Supervisor W Grubb called the meeting to order at 7:00 p.m. with the pledge of allegiance to the American flag.

Roll call: Supervisor William Grubb, Clerk Elizabeth Whitt, Treasurer Debra Grubb, Trustee George Pushies, Trustee Amy Crampton-Atherton.

Present: Abby Cooper, Township Attorney.

Motion to approve the Consent Agenda, made by Whitt, supported by D Grubb. Motion passed.

Call to the public: four attendees spoke regarding Secluded Acres and shipping containers.

Motion to approve agenda with the following changes: add 9a election worker pay, add 17a storage containers and move 19 to 17b; made by D Grubb, supported by Pushies. Motion passed.

Whitt removed herself from the board table during discussion regarding Secluded Acres at 7:19 pm. Whitt returned to board table at 7:20 pm.

9:35 pm D Grubb left the meeting.

9:37 pm D Grubb joined the meeting.

Resolution No 231219-03 regarding international fire code ordinance as presented and amended offered by Whitt, supported by Crampton-Atherton. Roll call vote: unanimous yes.

Motion to raise Election workers pay to \$15/hr. for election inspectors and \$18/hr. for chairperson. No raise since 2016. Made by Whitt, supported by D Grubb. Motion passed.

Resolution No231219-01 regarding Cemetery Ordinance offered by Whitt, supported by D Grubb. Roll call vote: unanimous yes.

Move to amend the poverty exemption policy as presented beginning January 1, 2024, made by Whitt, supported by D Grubb. Motion passed.

Motion to accept the bids for the New Ballot Box Camera (PTZ) and 32 CH NVR Upgrade, for a total of \$3,335, made by Whitt, supported by W Grubb. Roll call vote: Whitt, W Grubb, D Grubb, and Crampton-Atherton – Yes; Pushies – No.

Motion to accept the Premium Roofing bid to re-roof the hall and have the building committee pick the color, made by Crampton-Atherton, supported by Pushies. Roll call vote: unanimous yes.

Motion to make amendments to the planning commission training as recommended by the attorney, made by Whitt, supported by W Grubb. Motion passed.

Motion to refer storage container ordinance back to Planning Commission for further review, made by Pushies, supported by Crampton-Atherton. Motion passed.

9:20 pm D Grubb left the meeting.

9:21 pm D Grubb return to the meeting.

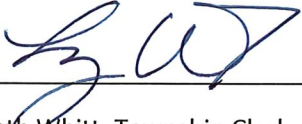
9:35pm motion that the board meet in closed session under section 8(h) of the Open Meetings Act to consider attorney-client privilege material in the form of a written opinion from legal counsel, which is exempt from disclosure by the Freedom of Information act. Made by W Grubb, supported by Pushies. Motion passed.

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Motion to return from closed session to open session effective 10:49 p.m., made by W Grubb, supported by Crampton-Atherton. Motion passed.

Call to the public: one attendee spoke regarding Secluded Acres.

Motion to adjourn at 10:54 p.m., made by Pushies, supported by Crampton-Atherton. Motion passed.



Elizabeth Whitt, Township Clerk



Gabi Bresett, Township Deputy Clerk

**RESOLUTION TO AMEND THE CONWAY TOWNSHIP
CEMETERY ORDINANCE**

Resolution No. 231219-01

CONWAY TOWNSHIP

WHEREAS, the Conway Township Board of Trustees ("Board") has adopted a Cemetery Ordinance on July 20, 2010, as general law ordinance No. 22 and subsequently amended that ordinance on November 20, 2018, May 16, 2023 and December 19, 2023.

WHEREAS, the Board desires to further amend that ordinance to provide for certain additional and revised regulations for the Township owned cemeteries;

WHEREAS, authority is provided to the Board to establish and amend such ordinance pursuant to MCL 41.181;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby adopts the proposed amendments to the Conway Township Cemetery Ordinance, general ordinance No. 22, as presented.
2. All other ordinances, policies, and procedures that are in conflict are hereby repealed.

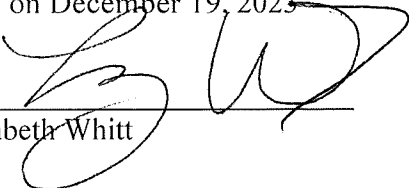
The foregoing resolution offered by Board Member Whitt

Second offered by Board Member D Grubb

Upon roll call vote the board members voted as follows:

Grubb, B: *Yes*
Whitt, E: *Yes*
Grubb, D: *Yes*
Pushies, G: *Yes*
Crampton-Atherton, A: *Yes*

The Supervisor declared the resolution adopted at a regular meeting of the Board of Trustees held on December 19, 2023



Elizabeth Whitt

CONWAY TOWNSHIP CEMETERY ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN

(Ordinance No.22)

As amended on December 19, 2023

An 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 Conway, in Livingston County, Michigan; to provide procedures in the event of violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1. Title

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

Section 2. Purpose and Intent

The Conway 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 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

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section:

- (a) *Cemetery plot* shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person for interment. It shall consist of a land area at least thirty-eight (38) inches wide and ninety-six (96) inches in length. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.
- (b) *Burial Right* means the right to one interment on a particular cemetery plot; no actual title to property associated with the cemetery plot is granted. Burial rights will be issued on written certificates by the Township.
- (c) *Contractor* means any person, firm or corporation, or anyone other than an employee of the Township engaged in placing, erecting, or repairing any vault, memorial, monument or performing any work on cemetery grounds.
- (d) *Cremains* means the incinerated body of the deceased person.
- (e) *Foundation* means the supporting base or footing of a memorial or monument.
- (f) *Interment* means the disposition of the remains of a deceased human by earth burial.
- (g) *Lot* means an area generally containing a group of cemetery plots.
- (h) *Memorial* means any marker placed upon a cemetery plot for the purpose of identification or in memory of the interred. Permanent markers typically give the name of the deceased, date of birth, and date of death. Non-permanent memorials include flowers and other personal objects.
- (i) *Monument* means an upright memorial.
- (j) *Township* means Conway Township, Livingston County, Michigan.
- (k) *Township cemetery* or *cemetery* means any cemetery owned, operated and/or controlled by the Township.

Section 4. Sale of Burial Rights to Cemetery Plots; Nontransferable

- (a) After the effective date of this Ordinance, burial rights to cemetery plots shall be sold by the Township for the purpose of burial for the purchaser of a cemetery plot, or his or her immediate family. The Township shall provide to each purchaser a copy of this Ordinance, as amended, and the purchaser shall acknowledge receipt of the Ordinance and authority of the Ordinance, as amended, over the burial rights. No sale shall be made to funeral directors or others.
- (b) All sales and transfers of burial rights to cemetery plots shall be made on a form approved by the Township Board and signed by the Township Clerk or other official designated by the Township Board ("designated Township official") which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the Township Clerk or designated Township official and shall constitute a permit when approved.
- (c) Burial rights may be sold by the Township to any resident, taxpayer, or non-resident of the Township.
- (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. If the owner of a burial right to a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, the Township may allow an assignment or require that person to sell the burial right to that cemetery plot back to the Township and repurchase in the name of another person.
- (e) Burial rights to cemetery plots, purchased under this section, are nontransferable without prior written approval by the Township.
- (f) The Township Board shall have the authority to place a limit on the number of burial rights to 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 whether burial rights to particular cemetery plots will be sold to a specific person and where such cemetery 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 burial rights to a cemetery plots are buried adjacent or nearby the cemetery plots requested.
- (g) The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of burial rights to any cemetery plot, either by canceling the permit for a particular vacant cemetery plot and substituting in lieu thereof another vacant cemetery plot in a similar location within the cemetery at issue or by refunding the money paid for the burial rights to 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 the burial rights to every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 5. Purchase Price for Cemetery Plots

- (a) Each burial right to a cemetery plot shall cost a fee set by the Township Board. The lawful owner of the burial rights to any cemetery plot within the Township shall promptly provide the Township Clerk or designated Township official with any change in that owner's mailing address.
- (b) All charges shall be paid to the Township.
- (c) The Township Board may by resolution periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance, improvement, restoration, or 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, payable to the Township.
- (b) No cemetery plot shall be opened or closed except under the direction and control of the Township Sexton or such other individual as may be 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; however, even in such cases, the Township Sexton or other individual as is designated by the Township Board shall be given at least forty-eight (48) hours' prior notice of when such grave opening or closing will occur.

Section 7. Memorials

- (a) All permanent markers must be comprised of monument quality stone or other equally durable composition and shall face the same direction as the markers around them.
- (b) Except for those that existed in a Township cemetery before the effective date of this Ordinance, no monument, memorial, marker, statute, or similar item which exceeds sixty (60) inches in height above normal ground level, including the foundation, or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker) shall be permitted in any Township cemetery. Only one (1) permanent marker shall be permitted per cemetery plot, or one permanent marker in total where two adjoining plots share that one marker. 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 sixty (60) 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.
- (c) The foundation upon which any marker, memorial or monument must be placed, shall be constructed by the Township, or such person(s) as may be designated by the Township. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township.
- (d) All monuments need to be installed by a monument company. The Township will not receive monuments and is not responsible for installing monuments.
- (e) Should any marker or memorial (including any that was in place before the effective date of this Ordinance) 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 rights to the cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the burial rights to the cemetery plot prior to any such work beginning.
- (f) The maintenance, repair and upkeep of a cemetery memorial, marker, monument, 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 of any such marker, memorial, urn or similar item. These repairs must be done by an insured contractor approved by the Township Board.

Section 8. Interment Regulations

- (a) Only one (1) person shall be buried in a cemetery plot, except for a parent and infant child or two (2) children buried at the same time when approved by the Township.
- (b) The Township shall be given not less than 48 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 the Township or such person as are designated by the Township.
- (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 from the health department, shall be presented to the designated Township official prior to

interment. Where such permit or form has been lost or destroyed, the designated Township official must be satisfied, from applicable records, that the deceased person to be buried in the cemetery plot is an authorized and 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.

Section 9. Disinterments

- (a) No disinterment or the digging up of an occupied grave shall occur without a Township disinterment permit.
- (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.
- (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. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All winter storage costs shall be paid by next of kin.
- (b) If a winter burial cannot occur due to inclement weather, frozen ground or similar condition, the deceased person may be kept in winter storage provided any arrangements to do so are compliant with all existing laws and by arrangement with the funeral home director. The Township disclaims all liabilities, responsibility and costs associated with any delayed burial.
- (c) No winter burials shall occur without the prior consent of the Township Sexton or the designated Township official.

Section 11. Cremains

- (a) Cremains may be buried in a cemetery plot or in a columbarium that has been installed by the Township within a Township cemetery, provided the cremains are in a container approved by the Township.
- (b) No cremains shall be scattered or dispersed within a Township cemetery, except within areas designated as a cremains garden.
- (c) No more than six (6) cremains may be buried within one cemetery plot. This will be determined by the Township Board based on the cemetery plot size.

Section 12. Grounds Maintenance

- (a) Separate flowerpots, shepherds' hooks and 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 blankets may be placed no earlier than November 1 and must be removed no later than April 1 of each year.
- (b) No grading, leveling or excavating within a cemetery shall be. No tree, shrub, landscaping or similar plantings shall occur.

- (c) Except for the planting of annuals beside or in front of any permanent marker, no flowers, shrubs, trees or vegetation of any type shall be planted outside of a flowerpot or urn. Annuals planted shall be removed no later than October 1 of each year.
- (d) 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.
- (e) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (f) The Township Sexton or the designated Township official 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 10 days after a burial.
- (i) No glass containers or items are allowed.
- (j) Except for markers and memorials, including 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 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 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, transferee or beneficiary of any burial right to a cemetery plot or the equivalent (and all owners, subsequent transferees, assigns, heirs, or beneficiaries), as a condition of ownership, 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 memorial, 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, agent, committee member, or volunteer.

Section 14. Forfeiture of Vacant Cemetery Plots or Burial Rights

- (a) Cemetery plots or burial rights 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: (1) Notice shall be sent by the Township Clerk or the designated Township official by first-class mail to the last known address of the last owner of record informing the owner of the expiration of the 40-year period and that all rights with respect to said burial rights or plots will be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk or the designated Township official within sixty (60) days from the date of mailing of such notice of the owner desire to retain such burial rights; and (2) No written response to said notice indicating a desire to retain the cemetery plots or burial rights in question is received by the Township Clerk or the designated Township official from the last owner of record of said plots or spaces, or the owner's heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

- (b) Unused cemetery plots and burials rights may also be terminated and forfeited after a period of seven (7) years for failing or neglecting to care for and maintain burial spaces pursuant to the procedures and conditions set forth in 1931 PA 46, MCL 128.11, *et seq.*

Section 15. Repurchases of Plots or Burial Rights; Right of First Refusal

- (a) The Township may repurchase any cemetery plot or burial right from the owner for the original purchase price, or other price set by the Township Board, upon the written request of said owner or the owner's legal heirs or representatives.
- (b) The Township shall retain the right of first refusal for the purchase of the burial rights to any plot or lot sold at the original purchase price, or other price set by the Township Board.

Section 16. Records

The Township Clerk or designated Township official shall maintain records concerning all burials, cemetery plots, burial rights, 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 Township business hours.

Section 17. Vaults

- (a) All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township. Burial without vaults shall be done only in an area set aside for such burials, if any, and a waiver of liability sign and settlement must be filled in by the heirs.
- (b) Cremains shall be in a container approved by the Township.

Section 18. Cemetery Hours and Rules

- (a) 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 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.
- (b) The Township may post signs on the site of any cemetery displaying hours, applicable rules, and/or maps upon determination by the Township Board that such signs will assist in the safe and peaceful use of the cemetery.

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 memorial, 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) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- (d) There shall be no destruction of cemetery property.
- (e) There shall be no destruction, defacing, or cutting of any tree or plant within a cemetery.
- (f) 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.
- (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 driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- (j) There shall be no snowmobiles, four-wheelers, go-carts or similar vehicles permitted.
- (k) 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).
- (l) There shall be no disinterment or grave openings unless approved by the Township.
- (m) There shall be no possession or consumption of any alcoholic beverage.
- (n) 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.
- (o) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (p) There shall be no littering or dumping.
- (q) There shall be no unlawful interference with or disruption of a funeral or funeral procession.
- (r) There shall be no private signs, lighting, moving displays or changeable copy on a sign.
- (s) There shall be no fires, candles, or open flames.
- (t) No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (u) There shall be no exceeding of posted speed limits (5 miles per hour).
- (v) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to service and support animals.
- (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.
- (x) No person shall engage in any fight, quarrel or disturbance.
- (y) Cremains or ashes of a deceased person shall not be scattered or dispersed.
- (x) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.
- (aa) No rubbing of or use of any chemicals on or around the memorials or headstones.
- (bb) No weed killer shall be placed around memorials or headstones.

Section 20. Authority of the Township Sexton

- (a) The Township Board may 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 21. Fees

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

Section 22. Applicability of this Ordinance

- (a) This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
- (b) The maintenance and care restrictions of this Ordinance shall not apply to Township officials or their agents or designees involved with the restoration, improvement, 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 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 designated Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, burial 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 memorial, monument, marker, planting, trellis, personal item, 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 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 persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a memorial, 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. Enforcement

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction and may be prosecuted according to the policies and procedures of the Conway Township Municipal Civil Infraction Ordinance. The Township may enforce the provisions of this Ordinance by any other method permitted by ordinance or applicable law. Each day during which any violation continues shall be deemed a separate violation. 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, the following officials shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Sworn Law Enforcement 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

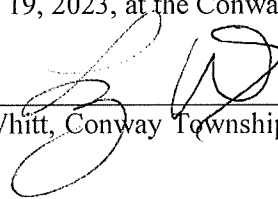
This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof), or any amendments as applicable, appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE DECLARED ADOPTED on July 20, 2010, Resolution Number 2010-07-20-3.
Amended on November 20, 2018, Resolution Number 181120-01, May 16, 2023, Resolution Number 230516-01 and on December 19, 2023, Resolution 231219-1.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance amendment by Resolution by the Conway Township Board at a general meeting held on December 19, 2023, at the Conway Township Hall, pursuant to the required statutory procedures.

December 19, 2023



Elizabeth Whitt, Conway Township Clerk

RESOLUTION TO ADOPT INTERNATIONAL FIRE CODE ORDINANCE

**Resolution No. 231219-03 ____
Conway Township**

WHEREAS, the Conway Township Board of Trustees (“Board”) desires to enact a general law ordinance establishing and adopting the International Fire Code Ordinance as General Law Ordinance No. 28;

WHEREAS, authority is provided to the Board to establish such an ordinance pursuant to MCL 41.181; and

WHEREAS, there is an urgent need in the Township for a Fire Code Ordinance to be in place therefore the Board has decided to vary from its administrative Policy No. 2 in this instance;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby adopts the International Fire Code Ordinance and establishes General Law Ordinance No. 28, as presented.
2. All other ordinances, polices, and procedures that are in conflict are hereby repealed.

The foregoing resolution offered by Board Member E Whitt.
Second offered by Board Member A Crampton - Atherton.

Upon roll call vote the board members voted as follows:

Grubb, B: Yes
Whitt, E: Yes
Grubb, D: Yes
Pushies, G: Yes
Crampton-Atherton, A: Yes

The Supervisor declared the resolution adopted at a regular meeting of the Board held on December 19, 2023.



Elizabeth Whitt, Clerk

ORDINANCE TO ESTABLISH FIRE CODE ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 28

An ordinance to promote the enforcement of a fire code in Conway Township, Livingston County, Michigan by adopting by reference the International Fire Code, 2021 edition. This adoption is in the interest of the health, safety and welfare of the residents, property, and other persons within Conway Township through the provisions of the International Fire Code, 2021 edition.

SECTION 1. ADOPTION BY REFERENCE

Pursuant to the International Fire Code, 2021 edition, including all Appendices, as published by the International Code Council, are adopted by reference as if the same were fully set forth herein, save and except such portions as may be later amended or deleted, and they shall hereafter be known as the "Fire Prevention Code" for Conway Township.

SECTION 2. PURPOSE

The purpose of this ordinance is to adopt the Fire Prevention Code as an enforceable regulation governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of commercial and industrial buildings and premises.

SECTION 3. FIRE CODE OFFICIAL; BOARD OF FIRE CODE APPEALS

(1) All references made in the Fire Prevention Code to the fire code official shall be a reference to the Fowlerville Area Fire Authority Chief, or his or her designee, and the Fowlerville Area Fire Authority Chief is hereby given authority and charged with the administration and enforcement of this Code.

(2) Any appeal of an order, decision, or determination of the fire code official relative to the application and interpretation of the Fire Prevention Code shall be made to the Conway Township Clerk. Upon receipt of an appeal, the Conway Township Board of Trustees shall appoint at least three (3) members to serve as the Board of Appeals pursuant to Section 111 of the Fire Prevention Code. The Board of Appeals shall decide all appeals pursuant to the Fire Prevention Code.

SECTION 4. FILE AND DISTRIBUTION COPIES

The Fire Prevention Code, as adopted in Section 1, shall be kept in the office of the Township Clerk, available for inspection by and distribution to the public at all times.

SECTION 5. CONFLICTS

In the event of a conflict between any of the provisions of the Fire Prevention Code, as adopted in Section 1, and a provision of any local ordinance, resolution, rule or regulation, the stricter standard

shall prevail. However, in the event of a conflict between any of the provisions of the Fire Prevention Code, the less restrictive standard shall prevail. In the event of a conflict between the Fire Prevention Code and a provision of any State of Michigan regulation adopted by reference by the Township, the provision of the State regulation shall prevail.

SECTION 6. REINSPECTIONS

The following fees may be charged for a second re-inspection and any subsequent inspections thereafter. These fees shall be paid in full prior to the 2nd re-inspection being performed.

- (1) \$100.00 per re-inspection after the second inspection.

SECTION 7. VIOLATION PENALTIES

Persons who shall violate a provision of the Fire Inspection Code or this ordinance, or who shall erect, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under provision of this ordinance, shall be responsible for a municipal civil infraction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this ordinance, plus any costs, damages, expenses and other sanctions.

- (1) The civil fine for a violation shall be a minimum of \$100.00 (one hundred dollars and no cents) and a maximum of \$500.00 (five hundred dollars and no cents), plus the cost and other sanctions, for each infraction.

- (2) Increased civil fines may be imposed for repeated violations. As used in this section, "repeat offense" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by the same person within a 24-month period and (ii) for which the person admits responsibility or is determined responsible. The increased fine for repeat offenses shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be a minimum of \$250.00 (two hundred fifty dollars and no cents) and a maximum of \$750.00 (seven hundred fifty dollars and no cents), plus costs.
- b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be a minimum of \$ 400.00 (four hundred dollars and no cents) and a maximum of \$900.00 (nine hundred dollars and no cents), plus costs.

SECTION 8. APPLICATION AND ALLOCATION FOR FEES, FINES

Payment for any fees or violation fines shall be paid to the Fowlerville Area Fire Authority.

SECTION 9. ISSUING OF TICKETS FOR VIOLATION

The Fire Chief and any chief's designee is authorized to issue tickets for violations of this

ordinance, in addition to the Conway Township Ordinance Enforcement Officer.

SECTION 10. FAILURE TO COMPLY

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a civil infraction per Section 7 and a minimum fine of \$25.00 (twenty-five dollars and no cents) and a maximum fine of \$500.00 (five hundred dollars and no cents).

SECTION 11. COLLECTION OF CHARGES

The Fowlerville Area Fire Authority may proceed in a court of appropriate jurisdiction to collect any monies remaining unpaid for services provided as a mature debt of the Fowlerville Area Fire Authority and shall have any and all other remedies provided by law for the collection of all charges.

SECTION 12. SEVERABILITY

That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. Conway Township hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses and phrases be declared unconstitutional.

SECTION 13. NOTICE

That the Clerk of the Conway Township is hereby ordered and directed to cause a notice to be published as required by law that this ordinance has been adopted and that a copy of the same are available to the public for inspection during regular business hours at the Fowlerville Area Fire Department main station, 9110 W. Grand River Ave., Fowlerville, MI 48836, and one copy is available at the Township Clerk's office during normal business hours.

SECTION 14. EFFECTIVE DATE

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect thirty days after publication, until revised, amended, or repealed from and after the date of its final passage and adoption.

ADOPTED by the Conway Township Board at its regular meeting this 19th day of December, 2023.



BY: ELIZABETH WHITT, CLERK


PLEASE SIGN IN:

Conway Township

Board of Trustees

Monthly Meeting

December 19, 2023

Name	Email Address (optional)
Donald Smith	
Steve Smith	
Doug Holzerman	