

**MARATHON TOWNSHIP BOARD**

**Regular Meeting Agenda**

**January 8, 2025**

**6:00 PM**

**4575 Pine Street, Columbiaville, MI 48421**

**MEMBERS ATTENDING**

**Dennis Hogan, Supervisor**

**Michelle Coultas, Clerk**

**Lori Hollis, Treasurer**

**Justin Church, Trustee**

**Bill Sickner, Trustee**

**DRAFT**

- I. ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES of regular scheduled meeting held December 11, 2024.**
- V. FINANCIAL REPORT**
- VI. PUBLIC COMMENT**
- VII. UNFINISHED BUSINESS**
  - a. clerk & deputy clerk hours worked election**
  - b. marijuana ordinance**
- VIII. NEW BUSINESS**
  - a. public hearing park master plan**
  - b. renew Ron and John ZBA**
  - c. renew Lenny and Fred BOR**
  - d. Sandi MRS**
  - e. construction code ordinance**
  - f. Wilkinson's contract**
  - g. repeal ordinance deferred compensation**
  - h. tax roll & assessing roll fee**
  - i. cemetery ordinance**
- IX. APPROVAL TO PAY BILLS**
- X. CORRESPONDENCE**
- XI. ADJOURNMENT**



## Minutes of REGULAR MEETING

Held December 11, 2024

6:00PM

TOWNSHIP OF MARATHON

Michelle Coultas, Clerk

### CALL TO ORDER

Meeting was called to order at 6:10pm by Supervisor Hogan.

### ROLL CALL

Dennis Hogan, Supervisor  
Michelle Coultas, Clerk  
Lori Hollis, Treasurer – absent  
Justin Church, Trustee - late  
Bill Sickner, Trustee

**DRAFT**

### Others in attendance:

Amanda Renius  
Michael Carls  
Larisa – DTE  
Teresa - DTE

**AGENDA:** Hogan made a motion, supported by Coultas, to approve the agenda with changes.

**ALL AYES. NAYS:** None. **Motion carried.**

**MINUTES:** Hogan made a motion, supported by Coultas, to accept the minutes of the regular meeting held November 20, 2024 as presented. **ALL AYES. NAYS:** None. **Motion carried.**

**FINANCIAL REPORT:** The financial report was read and accepted into record.

**PUBLIC COMMENT:** DTE came to talk a little about the solar farms.

### UNFINISHED BUSINESS

### NEW BUSINESS

**Clerk and deputy clerk election bonus:** Tabled.

**Lapeer County sheriff contract:** Hogan made a motion, supported by Church, to approve the Lapeer County Sheriffs contract for 2025. Roll call vote was taken. **AYES:** Hogan, Coultas, Hollis - absent, Church and Sickner. **NAYS:** None. **Motion carried.**

**Raise for Sandi:** Coultas made a motion, supported by Hogan, to approve Sandi a raise to \$16.50 from \$15.50. Roll call vote was taken. **AYES:** Coultas, Hollis - absent, Church, Sickner, and Hogan. **NAYS:** None. **Motion carried.**

**Park board member changes:** Hogan made a motion, supported by Church, to approve Tiffany Glesenkamp's resignation from the Park Board and Luann Thompson as the new park board member. **ALL AYES. NAYS:** None. **Motion carried.**

**MAMC 3<sup>rd</sup> year clerks institute:** Coultas spoke about going in 2025 for the 3<sup>rd</sup> and final year of the institute.



**Deputy Treasurer pay:** Hogan made a motion, supported by Coultas, to approve Star's pay at \$14 p/h as the deputy treasurer. Roll call vote was taken. **AYES:** Hollis - absent, Church, Sickner, Hogan and Coultas. **NAYS:** None. **Motion carried.**

**Tabulator extra cost:** Church made a motion, supported by Hogan, to approve the overage of the tabulator of \$593.00. Coultas received a \$6,000.00 election grant and the tabulator cost \$6,593.00. Roll call vote was taken. **AYES:** Church, Sickner, Hogan, Coultas and Hollis – absent. **NAYS:** None. Motion carried.

**APPROVAL TO PAY BILLS**

Hogan made a motion, supported by Coultas, to approve warrants 10762 – 10779 in the amount of \$21,714.21 (including direct deposits from payroll checks) from General Fund. **AYES:** Sickner, Hogan, Coultas, Hollis – absent and Church. **NAYS:** None. **Motion carried.**

**CORRESPONDENCE:** PC notes on the information that happened in this year 2024.

**ADJOURNMENT:** Meeting was adjourned at 6:35pm by Supervisor Hogan.

Submitted by \_\_\_\_\_  
Michelle Coultas, Clerk

Approved by \_\_\_\_\_ Date \_\_\_\_\_  
Dennis Hogan, Supervisor



TOWNSHIP OF MARATHON  
COUNTY OF LAPEER, STATE OF MICHIGAN

ORDINANCE NO. 2019-1

ADOPTED: MARCH 28, 2019

EFFECTIVE: APRIL 28, 2019

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Marathon Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF MARATHON  
LAPEER COUNTY, MICHIGAN

ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Marathon Township Prohibition of Marihuana Establishments Ordinance.

SECTION II DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

SECTION III NO MARIHUANA ESTABLISHMENTS

Marathon Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

SECTION IV VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction that is punishable as specified in Ordinance No. \_\_\_\_, ~~for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court.~~ The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.





4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VI REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION EFFECTIVE DATE

This ordinance shall take effect April 28, 2019.

At a special meeting of the Board of Trustees for the Township of Marathon held on March 28, 2019, Sandi Glesenkamp moved for adoption of the foregoing ordinance and Dale Fuller supported the motion.

Moorhouse AYE

Glesenkamp AYE

Johnson AYE

Fuller AYE

Hollis AYE

The Supervisor declared the ordinance adopted.

Dawn Johnson, Township Clerk, certifies the forgoing resolution was made and passed by the Marathon Township Board at a special meeting on the 28<sup>th</sup> day of March, 2019.

Dawn Johnson  
Dawn Johnson, Clerk



**TOWNSHIP OF MARATHON  
ORDINANCE NO. \_\_\_\_\_**

An ordinance to repeal Ordinance No. 2019-1 and to adopt a new ordinance prohibiting adult-use marijuana facilities in the Township.

**THE TOWNSHIP OF MARATHON HEREBY ORDAINS:**

**Section 1. Prohibition on Marihuana Establishments.**

All marihuana establishments as defined by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., are prohibited within the Township.

**Section 2. Violations and Penalties.**

- (a) Any person who violates the provisions of this ordinance shall be responsible for a municipal civil infraction and the penalties specified in Ordinance No. \_\_\_\_.
- (b) A violation of this ordinance is also deemed to be a nuisance per se.

**Section 3. Repealer.**

Ordinance No. 2019-1 is hereby repealed in its entirety.

**Section 4. Effective date.**

This ordinance shall take effect thirty days after publication.

Voting for:

Voting against:

The supervisor declared the ordinance adopted.

\_\_\_\_\_  
Dennis Hogan, Supervisor

\_\_\_\_\_  
Michelle Coultas, Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. \_\_\_\_\_ which was enacted by the Marathon Township Board of Trustees at a regular meeting held on \_\_\_\_\_.





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Michelle Coultas  
Township Clerk



Jan. mtg

Dear Township Board Members,

On behalf of the Marathon Township Park Board, I am writing to inform you that we have completed the review of the park's updated master plan.

This process included a public hearing to invite community feedback, during which no additional changes or suggestions were brought forward. As a result, the park board believes the master plan is now ready for your review.

We are happy to address any questions or provide further information.

Amanda Renius  
Chairperson, Marathon Township Parks and Recreation Board





**Marathon Township**  
**2025 Parks and Recreation Plan**

Resolution of Recommendation To  
Marathon Township Board

WHEREAS, the Marathon Township Park and Recreation Board has undertaken a Five Year Parks and Recreation Plan which describes the physical features, existing recreational facilities and the desired actions to be taken to acquire, develop, and maintain recreational facilities over the next five years.

WHEREAS, a public survey was conducted and a public hearing was held on November 25<sup>th</sup>, 2024 at the Marathon Township Hall to provide opportunities for citizens to express their opinions, ask questions and discuss all aspects of the Recreation Plan, and

WHEREAS, the Marathon Township Parks and Recreation Board has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreational needs of the community.

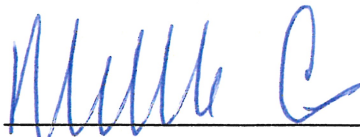
NOW, THEREFORE BE IT RESOLVED THAT the Marathon Township Parks and Recreation Board hereby recommends that the Marathon Township Board adopt the Marathon Township Five Year Parks and Recreation Plan as a guideline for acquiring, developing, and maintaining recreation for the residents of Marathon Township.

CERTIFICATION

I, Michelle Coultas, Marathon Township Clerk, do certify that the above Resolution was duly adopted in conformance with Act 267, Public Acts of Michigan, 1976, at a special meeting of the Marathon Township Parks and Recreation Board held at the Marathon Township Hall, November 25, 2025 by the following vote.

Amanda Renius	AYE	Ron Klocek	AYE
Michelle Coultas	ABSENT	Dawn Johnson	ABSENT
Betty Moorhouse	AYE	Tiffany Glesenkamp	AYE
Crystal Klebba	AYE		

Dated 11.25.24

  
\_\_\_\_\_  
Michelle Coultas, Township Clerk



**Township of Marathon**  
**2025 Parks and Recreation Plan**  
**Resolution of Adoption by the Marathon Township Board**

2025-01

WHEREAS, The Marathon Township Parks and Recreation Board has undertaken a Five-Year Parks and Recreation Plan which describes the desired action to be taken to acquire, develop and maintain recreation facilities over the next five years

WHEREAS, a survey questionnaire and public hearing were conducted to accept public comments and provide opportunities for citizens to express opinions, on all aspects of the Recreation Plan; and

WHEREAS, after the 30-day review period the Marathon Township Board held a public hearing to accept public comments and provide opportunities for citizens to express opinions, ask questions and discuss all aspects of the Recreation Plan and

WHEREAS, after the public hearing the Marathon Township Board voted to adopt the said Recreation Plan.

NOW, THEREFORE LET IT BE RESOLVED THAT the Marathon Township Board hereby adopts the Marathon Township Five Year Park and Recreation Plan as a guideline for acquiring, developing, and maintaining park facilities.

CERTIFICATION

I, Michelle Coultas, Marathon Township Clerk, do certify that the above resolution was duly adopted in conformance with Act 267, Public Acts of Michigan 1976 at a special Township Board meeting held on \_\_\_\_\_ by the following vote.

Dennis Hogan

Justin Church

Michelle Coultas

Bill Sickner

Lori Hollis



# Municipal Retirement Systems, Inc.

Phone: 989-826-3779 • Fax: 989-792-2335

## Advanced Contributions Reimbursement

Since the Township has paid contributions in advance for the plan year, the employee who is surrendering his/her pension did not earn all contributions based on the termination date provided. Please review and complete the information below and send this form back to us with the surrender paperwork. We will need this information in order to adjust the surrender check to reimburse the Township for unearned contributions.

Employee Name: \_\_\_\_\_

Employee address: \_\_\_\_\_

Termination Date: \_\_\_\_\_ Contributions paid through: \_\_\_\_\_

Based on estimated earnings of \$ \_\_\_\_\_ for \_\_\_\_\_

Employer Contributions Owed Back: \_\_\_\_\_

Employee Contributions Owed Back: \_\_\_\_\_

Total amount owed back to the Township: \$ \_\_\_\_\_

Agree; The surrender check will be adjusted according to the above.

Disagree; The amount owed back should be: \_\_\_\_\_

The Township does not want to be reimbursed for any advanced contributions. The participant will be entitled to all funds that were deposited in advance to their account.

\_\_\_\_\_  
Clerk/Supervisor Signature

**Send completed form to:**

Municipal Retirement Systems, Inc.

Fax: 989-792-2335

Email: [sophia@mannongroup.com](mailto:sophia@mannongroup.com)

Mail: 1750 Tittabawassee Rd, Saginaw, MI 48604



# MARATHON TOWNSHIP

## ORDINANCE NO. \_\_\_\_\_

An ordinance to establish a construction board of appeals concerning the Stille-Derossett-Hale Single State Construction Code.

### THE TOWNSHIP OF MARATHON HEREBY ORDAINS:

#### **Section 1. Establishment; membership; appointment and term of members.**

(a) The construction board of appeals is hereby created, consisting of five members who are qualified by experience and training to pass upon pertinent matters specified by PA 230 of 1972, MCL 125.1501 et seq., hereinafter referred to as the Code.

(b) All members shall be appointed by the supervisor and subject to approval of the board by majority vote.

(c) The term of each appointed member shall be for three years or until his or her successor takes office.

(d) The terms of the first members of the construction board of appeals shall begin December 1 of the calendar year in which they are appointed.

#### **Section 2. Powers and Duties.**

(a) The construction board of appeals shall have the following responsibilities and duties:

- (1) Determine and decide whether or not a structure is unsafe under the Property Maintenance Code.
- (2) Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Code.
- (3) Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Code.
- (4) Approve alternate materials and methods of installation.
- (5) Establish means and methods of determining the qualifications of an applicant for a license issued under the Code.

- (6) Perform all duties and powers conferred by state law and/or this ordinance.

(b) After a public hearing, the board may grant a specific variance to a substantive requirement of the Code if the literal application of the substantive requirement would result in exceptional practical difficulty to the applicant, and if both of the following requirements are satisfied:

- (1) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from the performance required by the Code for that particular item or part for the health, safety and welfare of the people of the Township, and the spirit of the Code shall be observed, public safety secured and substantial justice done.
- (2) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment to the Code with respect to the condition reasonably practical or desirable.

### **Section 3. Conditions on variances.**

The construction board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of the Township. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall more than minimum variance from the Code be granted that is necessary to alleviate the exceptional practical difficulty.

### **Section 4. Decisions.**

The construction board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the administrative official charged with enforcement of the Code not more than 30 days after submission of the appeal. Failure by the construction board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the state construction code commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

### **Section 5. Meetings and Rules of Procedure.**

(a) At the first meeting of the construction board of appeals, it shall adopt bylaws and rules of procedure covering any matter necessary to enable the board to act. The secretary of the board shall keep records of the meetings. The minutes of the meetings shall be in writing and state the substance of the matters considered. An order of the board shall be set out in full and shall state the grounds of that order in a manner



to apprise the petitioner of the basis thereof. The business of the board of appeals performed shall be conducted at a public meeting of the board of appeals held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.), and public notice of the time, date and place of the meeting shall be given in the manner required by that act.

(b) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used or in the possession of or retained by the board of appeals in the performance of an official function, shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq., MSA 18.1801(1) et seq.).

**Section 6. Quorum and Officers.**

A majority of the members of the construction board of appeals shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson and secretary.

**Section 7. Effective Date.**

This ordinance shall take effect thirty days after publication.

Voting for:

Voting against:

The supervisor declared the ordinance adopted.

\_\_\_\_\_  
Michelle Coultas  
Township Clerk

\_\_\_\_\_  
Dennis Hogan  
Township Supervisor

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. \_\_\_\_\_ which was enacted by the Marathon Township Board of Trustees at a regular meeting held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Michelle Coultas  
Township Clerk



MARATHON TOWNSHIP  
CONSTRUCTION BOARD OF APPEALS

Required per State Construction Code Act PA 230 of 1972

Section 125.1514

**PLUMBING**

Joe Martin - 8220699  
1690 Castle Rd  
North Branch, MI 48461 810-627-8077

**ENGINEER**

Cory Mabery - 800948141  
Davis Land Surveying  
415 W Nepessing  
Lapeer, MI 48446 810-667-6789

**MECHANICAL**

Jaksa Heating and Cooling - 7114323  
Tony's Mechanical  
4873 Klam Rd  
Columbiaville, MI 810-614-5689

**BUILDING**

Ace Contracting - 261900115  
Shane Obertien  
PO Box 893 Lapeer, MI 48446  
[acecontractinggroup@gmail.com](mailto:acecontractinggroup@gmail.com) 810-499-6442

**ELECTRIC**

Affordable Electric - 6112414  
Dave Retan  
3135 S. Hurds Corner Rd  
Caro, MI 48723 989-550-7543



## COSTS OF COMPENSATION

### CONSTRUCTION BOARD OF APPEALS

Compensation Per Member/Per Meeting:  $\$100 \times 5 = \$500.00$

Hall Rental: \$50.00

Mailing & Clerical: \$100.00

Total Costs: \$650.00



**Minutes of REGULAR MEETING**

Held December 15, 2011

7:00 PM

TOWNSHIP OF MARATHON

Dawn Johnson, Clerk

**CALL TO ORDER**

Meeting was called to order at 7:00 PM. Supervisor Moorhouse led those present in the pledge of allegiance.

**ROLL CALL**

Fred Moorhouse  
Sandi Glesenkamp  
Dawn Johnson  
Jim Chaffer  
Kathy RaCosta

Others in attendance, see attached sign in sheet.

**AGENDA**

Moorhouse made a motion, supported by Glesenkamp to approve the agenda. All YEAS. Motion carried.

**MINUTES**

Chaffer made a motion, supported by RaCosta to approve the minutes for the regular meeting held November 15, 2011 with minor corrections and the work session meeting held December 1, 2011 with minor corrections. All YEAS. Motion carried.

**FINANCIAL REPORT** The report was accepted into record.

**PUBLIC COMMENT** No public comment was made

**UNFINISHED BUSINESS**

**Building Inspector replacement** Moorhouse made a motion, supported by Chaffer to hire Joseph Israel as the Township's Building Official and to authorize him to conduct plan reviews for the Township. The Board also authorizes the Building Official to set up a Construction Board of Appeals pursuant to PA 230. Roll call was taken. AYE Moorhouse, Johnson, Glesenkamp, RaCosta, Chaffer. Motion carried.

**Camp Retreats** Moorhouse made a motion, supported by Glesenkamp to authorize Joseph Israel to do what is necessary to bring the expired permits that the Camp currently holds back into compliance with the Michigan Building Code. Mr. Israel will begin by writing a letter to Camp Retreats. Roll call was taken. AYE Johnson, Glesenkamp, RaCosta, Chaffer, Moorhouse. All YEAS. Motion carried.

**Corder gravel mining operation inspection fees** Chaffer made a motion, supported by Glesenkamp to refund the yearly inspection fees paid by Jerry Corder for his gravel pit operation. In the last ten years Mr. Corder has paid the yearly inspection fee, but has received only one inspection from the Township. The fee paid in advance for 2012 will be kept on hand and an inspection will be scheduled per the Township ordinance governing mining operations. Roll call was taken. AYE Glesenkamp, RaCosta, Chaffer, Moorhouse, Johnson. All YEAS. Motion carried.





**STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)**  
**Act 230 of 1972**

**125.1514 Construction board of appeals; creation; appointment, qualifications, and terms of members; appeal to board; hearing; decision; statement of reasons for decision; appeal to commission; copy of decision; additional powers or duties; procedures; conducting business at public meeting; notice; availability of certain writings to public.**

Sec. 14. (1) A construction board of appeals for each governmental subdivision enforcing the code shall be created consisting of not less than 3 nor more than 7 members, as determined by the governing body of the governmental subdivision. Unless otherwise provided by local law or ordinance, the members of the board of appeals shall be appointed for 2-year terms by the chief executive officer of a city, village, or township and the chairperson of the county board of commissioners of a county. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than 1 governmental subdivision. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

(2) This act does not prevent a governmental subdivision from granting its board of appeals additional powers or duties not inconsistent with this act, or from establishing procedures to be followed by its board of appeals insofar as the procedures do not conflict with this act. Except as otherwise provided by this act, or by other laws or ordinances, a board of appeals may by rules establish its own procedures.

(3) The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

**History:** 1972, Act 230, Eff. Jan. 1, 1973;—Am. 1977, Act 195, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978.

**Popular name:** Act 230

**Popular name:** Uniform Construction Code





RECEIVED  
MCC 12-18-24

Dear Dennis,

It's commonly accepted that with proper road stabilization and dust control, "One car making one pass on one mile of dirt or gravel road one time each day for one year creates one ton of dust." This translates to losing fifty tons of fine road material a year for each mile of road with an average of fifty vehicles per day. Simply stated, when there is dust, there is decay. Fine dust particles cannot act as binders to keep road surfaces together. Consequently, the aggregate is uncovered and unstable, eroding with each passing automobile or rainstorm, causing ruts and potholes. So, if we lose the fines, we lose the road. A well-graded aggregate with fines to lock everything together and keep it in place is critical.

At Wilkinson Solutions we are committed to operating our facilities in an environmentally sound manner, which is why we purposely produce our calcium chloride brine as opposed to many other alternatives such as oil field brine, brine-based waste streams, or other byproducts that are sometimes used for dust control. Our solution doesn't contain hydrocarbons, BTEX, or solvents, which often either originate from the source or as a result from processing the material. Wilkinson Solution's dust suppressants draw moisture from the air, binding those tiny particles with the aggregate, ensuring that roads stay hard, smooth, durable, and, most crucially, safe.

Rising gravel costs and budget constraints have led townships to face difficult choices about which projects to complete and which to push aside. You are further tasked with careful consideration of the budget when selecting your dust and sedimentation control program, though it is a cost-effective way to address rising costs by keeping the existing gravel in place. We recognize the importance of reviewing your program and having the flexibility to best allocate your resources, which is why we'd like to offer some additional program options for your consideration. As a starting point, we have included a 2025 contract based on the 2024 season with additional options for your review. If you're satisfied with these options, you can execute this copy. Otherwise, if you have any questions, would like to make changes, or have a different idea about what you're looking to accomplish in 2025, please contact us so we can work together to develop the best solution.

Sincerely,

**Eric Farnsworth**  
General Manager

To learn more about the benefits of dust and sedimentation control or Wilkinson Solutions please check out our website [www.wilkinsonsolutionsllc.com](http://www.wilkinsonsolutionsllc.com) or contact us at (989) 843-6163.



# WILKINSON SOLUTIONS

## CONTRACT FOR SEASONAL DUST CONTROL

This contract is entered into by **Wilkinson Solutions**, hereafter referred to as "**WS**" and **Marathon Township**, hereafter referred to as "**TOWNSHIP**," in accordance with the following terms and conditions:

**Contract** is for the summer season in the year **2025**. Adjustments to application types and gallon quantities needed to complete applications may be made, which may result in a change in total contract amount.

**WS** shall apply liquid calcium chloride-based mineral well brine to the Township's roads according to Township specifications as described below in this agreement.

**WS** shall provide insurance and permits as required by the Township and/or the County Road Commission.

**WS** shall coordinate application with County Road Commission grading to the best of **WS's** ability. **WS** is not responsible for establishing the County Road Commission grading schedule.

**Township** agrees to notify **WS** of changes in application(s), including but not limited to; newly paved roads, roads and bridges under construction, new gravel projects, special needs areas, agreements with residents, excluded roads and/or sections of road, and any other additional brine needs or cancellations prior to the application(s). **Township** agrees to pay for extra gallons ordered for special jobs/areas. **WS** agrees to credit **Township** for unused gallons due to the circumstances listed above, provided notice is given of changes prior to application start.

**Township** agrees to specify each border road and which application(s) for each border road that **Township** is responsible for on the information with this contract. **Township** agrees to pay for additional gallons necessary to complete the contract in the event of changes to border road applications after the contract is in effect.

**PLEASE note that the options presented below are based on the previous year's applications. We offer a variety of options and can update this contract to what suits you best. Please contact us for an updated contract if you would like to make updates or changes.**

### Application Specifications:

The first application on all interior roads and non-border roads will be:

Number of Passes:	<b>SINGLE (1)</b> <input type="checkbox"/>	<b>DOUBLE (2)</b> <input checked="" type="checkbox"/>	<b>TRIPLE (3)</b> <input type="checkbox"/>
Spread applied at rate of gallons per mile per pass	<b>1000</b> <input checked="" type="checkbox"/>	<b>1142</b> <input type="checkbox"/>	<b>1333</b> <input type="checkbox"/>
Over a total of:	<b>41 Miles</b>		
	<b>(A)82,000 Gallons</b> (# of Passes*Gallons/Mile*Miles)		

Number of Passes:	<b>SINGLE (1)</b> <input type="checkbox"/>	<b>DOUBLE (2)</b> <input type="checkbox"/>	<b>TRIPLE (3)</b> <input checked="" type="checkbox"/>
Spread applied at rate of gallons per mile per pass	<b>1000</b> <input checked="" type="checkbox"/>	<b>1142</b> <input type="checkbox"/>	<b>1333</b> <input type="checkbox"/>
Over a total of:	<b>4.5 Miles</b>		
	<b>(B)13,500 Gallons</b> (# of Passes*Gallons/Mile*Miles)		

### Second application:

Number of Passes:	<b>SINGLE (1)</b> <input type="checkbox"/>	<b>DOUBLE (2)</b> <input checked="" type="checkbox"/>	<b>TRIPLE (3)</b> <input type="checkbox"/>
Calcium Chloride Brine	<b>ThermaPoint®</b>	<b>Norwesco Tank</b>	

Spread applied at rate of gallons per mile per pass 1000  1142  1333   
 Over a total of 41 Miles  
 (C)82,000 Gallons (# of Passes\*Gallons/Mile\*Miles)

Number of Passes: SINGLE (1)  DOUBLE (2)  TRIPLE (3)   
 Spread applied at rate of gallons per mile per pass 1000  1142  1333   
 Over a total of 4.5 Miles  
 (D)13,500 Gallons (# of Passes\*Gallons/Mile\*Miles)

**Application Specifications:**

The applications will be a **Double Pass** spread applied at a rate of **2000 gallons per mile** on all roads except:

**LaValley Road will be a Triple Pass on the first two applications.**

**Washburn from Pyles to Dodge will be Triple pass**

**Marathon Road from Howell Rd to Barnes Lake Rd will be a Triple Pass on All applications.**

**Application Price:**

Prepay price for application #1			
Total Gallons(A+B)	95,500 gallons	\$.19 =	\$ 18,145.00
Prepay price for application #2			
Total Gallons(C+D)	95,500 gallons	\$.19 =	\$ <u>18,145.00</u>
	<b>Total Due</b>		<b>\$36,290.00</b>

Marathon Township can elect to pay 25% of the total for two applications and receive the discount rate for all of 2025

Please send contract and prepay/ Deposit by March 1, 2025

Contracts not electing to prepay will be invoiced at the base price of (.20) after each application with terms of Net 30.

Extra passes ordered during contracted applications, and additional applications not included in the contract, will be invoiced after completion of the application at the contracted price.

WS and Township agree that this is a binding contract and that the undersigned have the authority to enter into this contract.

Signature Eric Farnsworth 12/10/2024 \_\_\_\_\_

Eric Farnsworth  
 Operations Manager, Wilkinson Solutions  
 8290 Lapeer Road  
 Mayville MI 48744

Dennis Hogan  
 Supervisor, Marathon Township  
 PO Box 457  
 Columbiaville MI 48421

Date



TOWNSHIP OF MARATHON  
Deferred Compensation Ordinance No. 91-2

*repeal*

In the Township of Marathon, County of Lapeer, on the 27<sup>th</sup> day of June, 1991, the following among other proceedings, were had, viz:

IN THE MATTER OF ESTABLISHING A DEFERRED COMPENSATION PLAN FOR THE TOWNSHIP OF MARATHON.

WHEREAS, The Township has considered the establishment of a deferred compensation plan to be made available to all eligible Township employees, elected officials and independent contractors pursuant to section 457 of the Internal Revenue Code permitting such plans; and

WHEREAS, Certain tax benefits could accrue to employees, elected officials and independent contractors participating in said deferred compensation plan; and

WHEREAS, Such benefits will act as incentives to Township employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their township retirement and social security (if applicable); and

NOW THEREFORE THE TOWNSHIP GOVERNING BODY DOES HEREBY RESOLVE AS FOLLOWS;

The township governing body, meeting in special scheduled session, this 27<sup>th</sup> day of June, 1991 hereby adopts the deferred compensation program and hereby establishes the Township of Marathon deferred compensation plan for the voluntary participation of all eligible Township employees, elected officials, and independent contractors.

The PEBSCO is hereby authorized to execute for the Township, individual participation agreements with each said employees requesting same, and to act as the "administrator" of the plan representing the Township, and to execute such agreements and contracts as are necessary to implement the program.

IT IS HEREBY FURTHER ORDERED, that a true copy of this ordinance/resolution be spread on the official township record of this date.

Laura Ring,  
Marathon Township Clerk.





**MARATHON TOWNSHIP  
HOLLENBECK CEMETERY  
RATES**

**Grave Plots**

Resident	\$100. per plot
Non-Residnet	\$300. per plot

**Grave Openings**

**April 15 - Novemeber 15**

Cremation	\$100. per plot
Infant	\$50. per plot
Regular	\$400. per plot

**November 16 - April 14**

Cremation	\$200. per plot
Infant	\$150. per plot
Regular	\$550. per plot

**Monument Foundation**

Single	24 x 30	\$ 300.00 *
Double	24 x 48	\$ 475.00 *

\* Must be paid at time of Grave Opening



**TOWNSHIP OF MARATHON  
ORDINANCE NO. \_\_\_\_\_**

An ordinance to establish regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by the Township of Marathon in Lapeer County, Michigan; to prescribe penalties for violations thereof; and to repeal Ordinance No. 2011-2 in its entirety.

**THE TOWNSHIP OF MARATHON HEREBY ORDAINS:**

**Section 1. Repeal of Ordinance No. 2011-2.**

The Township hereby repeals Ordinance No. 2011-2 in its entirety.

**Section 2. Adoption of New Ordinance Regulating Township Cemeteries.**

The Township adopts a new ordinance known and cited as the Marathon Township Cemetery Ordinance.

**Section 3. Purpose and Intent.**

The Marathon Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterment and other matters associated with a municipal cemetery are handled in a respectful and proper way 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 4. Definitions.**

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 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.

"Township" means Marathon Township.

"Township cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.

## **Section 5. 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 of a cemetery plot or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

(b) All sales and transfers 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 or right to the cemetery plot or burial space sold. Such forms shall be signed by the Township Clerk 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 intended in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by the Township Board pursuant to Section 23 thereof.

(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 plot upon death. 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. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must sell the cemetery plot back to the Township and repurchase that space in the name of another eligible person, since cemetery plots are otherwise nontransferable.

(e) 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 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. 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.

(f) The Township shall have the right to correct any errors that may be made concerning interments, 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 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.

(g) The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

#### **Section 6. Purchase price for cemetery plots; Indigent Burials.**

(a) Each cemetery plot shall cost a fee set by the Township Board by resolution. (See current fee chart).

(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. Furthermore, the Township Board may set aside a portion of a Township cemetery 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 and acquisition.

#### **Section 7. 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 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; however, even in such cases, the Township Sexton shall be given at least twenty-four (24) hours prior notice of when such grave opening or closing will occur.

#### **Section 8. Markers or Memorials; No 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. For purpose of this Ordinance, "monument" shall be defined as any marker, memorial,

statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation Only one (1) marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial. Markers shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by twenty-four (24) inches in size.

(c) At the time of burial, the footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township.

(d) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the 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 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 9. 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 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 the Township or such person or persons 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 either the Township Sexton or the Township Clerk (or designated Township official) prior to interment. Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied from his or her 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 10. Disinterment.**

(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 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.

(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 11. Winter Burials.**

(a) The Township may charge additional fee for winter burials.

(b) No winter burials shall occur without the prior consent of the Township Sexton.

#### **Section 12. Cremains.**

(a) Cremains may be buried in a container approved by the Township in a cemetery plot.

(b) No cremains shall be scattered or dispersed within a Township cemetery.

(c) Two separate cremain containers may be buried in one grave.

#### **Section 13. Grounds Maintenance.**

(a) Flower pots, urns and grave blankets 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 holder shall be governed by the Veteran's Administration rules and guidelines.

(b) No grading, leveling or excavating within a cemetery shall be allowed without the prior permission of the Township Sexton or the Township Clerk. Furthermore, no tree shrub, landscaping or similar plantings shall occur without the prior permission of the Township Sexton or the Township Clerk.

(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 with 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 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, 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 boarder materials or other structures) shall be installed or maintained with 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 14. 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 or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also any employee, officer, official or agent.

### **Section 15. Records.**

The Township Clerk 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 16. 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.

(b) Cremains shall be in a container approved by the Township.

### **Section 17. 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 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.

(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.

(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.

(l) There shall be no gathering of persons in exceeds of 75 people without prior Township 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.

(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 use of any amplification devise 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, lighting, moving displays or changeable copy on a sign.

(u) There shall be no fires, candles or open flames.

(v) 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.

(x) There shall be no exceeding of posted speed limits.

(y) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped persons.

(z) No firearms or archery arrows shall be discharged or shot except those that military or other veterans organizations may carry for the purpose of firing over the grave at the burial of a member.

(aa) No person shall engage in any fight, quarrel or disturbance.

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

(cc) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.

(dd) No person shall possess or consume any alcoholic.

#### **Section 18. 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 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 19. 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 closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

#### **Section 20. 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 agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.

(c) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

### **Section 21. Interpretation/Appeals to the Township Board.**

(a) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulations adopted pursuant to this Ordinance, as well as their applicability. The Township Board is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

(b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township, within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days prior written notice of the meeting at which the Township Board will address the matter, unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal the decision of the Township Board shall be final.

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

### **Section 22. 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, statue 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 23. 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 (\$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 24. 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, Township Ordinance Enforcement Officer, Any deputy of the county sheriffs department, and any State Police officer.

### **Section 25. 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 26. Effective Date.**

This ordinance shall take effect thirty days after publication.

Voting for:

Voting against:

The supervisor declared the ordinance adopted.

\_\_\_\_\_  
Dennis Hogan, Supervisor

\_\_\_\_\_  
Michelle Coultas, Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. \_\_\_\_\_ which was enacted by the Marathon Township Board of Trustees at a regular meeting held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Michelle Coultas  
Township Clerk