

CEMETERY ORDINANCE 16-1

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF ALMIRA, BENZIE COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

TOWNSHIP OF ALMIRA, COUNTY OF BENZIE, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A Cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to six (6) burial spaces.
- B. A burial space shall consist of sufficient space to accommodate one (1) burial or two (2) cremains.
- C. All burial spaces shall consist of a land area three (3) feet six (6) inches wide and ten (10) feet in length.

Section 3: SALE OF LOTS OR BURIAL SPACES

- A. The Cemetery is Non-Denominational. Burial rights may be purchased regardless of race, color, creed, religion or country of origin.
- B. Hereafter, Cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as set forth herein. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- C. All Cemetery property shall be sold as individual gravesites with a limit of six (6) gravesites sold to one individual.

- D. All sales of burial spaces shall be made on a form approved by the Township Board, which grants a right of burial only and does not cover any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk *or designee*.
- E. Burial rights may be transferred only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township, approved by said Clerk *or designee*, and entered upon the official records of said Clerk *or designee*. Upon such assignment, approval and record, said Clerk *or designee* shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. Each burial space shall cost the sum of \$100.00.
- B. Payments for burial rights should be paid to the Township Treasurer or his or her *designee*. Checks are to be made payable to "Almira Township." Upon full payment, a Certificate of Burial Rights will be issued by the Clerk or his or her *designee*.
- C. Purchaser of Burial Rights must agree to all Rules and Regulations in force at the time of purchase and all Rules and Regulations to be enacted in the future.
- D. The Township Board, by resolution, may periodically alter the foregoing fees.

Section 5: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- B. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and interment of bodies and remains, which matters are under the supervision of the local Health Department.
- C. No interment will be allowed unless the burial rights have been completely paid.

Section 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be made of either granite or bronze. Any other material must be approved by the Township Board. No sandstone, marble or natural stones will be permitted.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. The footing or foundation upon which any monument, marker or memorial will be placed, shall be placed flush with the ground and extend at least 3 (three) inches beyond the monument, marker or memorial to enable easy maintenance of the burial site. A sexton shall install the foundation. Cost of such footing or foundation shall be the responsibility of the owner of the burial right.
- D. The Township Board will not be responsible for loss, damage or vandalism to any marker or memorial.
- E. All memorials are considered the private property of the owner (owner's family) of the burial rights and therefore owners are responsible for loss, damage or vandalism to their memorial.
- F. Prior to any memorial installation, the Clerk or designee must be notified so that he or she can mark the correct location for the placement of the memorial.

Section 7: INTERMENT REGULATIONS

- A. Funeral Directors, upon arrival at the Cemetery, must present to the Clerk or Sexton a Burial Transit Permit and the burial fees payable to Almira Township before interment is made.
- B. No interment shall be permitted on a Sunday, a Holiday or after November 1st and before April 1st unless special arrangement and additional fees are agreed upon with the Clerk or his or her designee.
- C. Disinterments or removals must have a removal permit issued by the County Board of Health and be under the direction of a licensed Funeral Director.
- D. Orders for interments shall be given in time to allow at least forty-eight (48) hours to prepare the grave and one week notice prior to any disinterment or removal.

- E. All orders for interments, other than for the owner of the burial rights or spouse, must be authorized by the owner or their legal representative in writing.
- F. Only one person may be buried in a burial space except for a parent and child or two children at the same time.
- G. The Sexton shall have the responsibility of the burial of cremains. See Section 5 B.
- H. In case of error, such as a clerical or boundary error, the Township Board has the right to make correction. Any removal or transfer of interred remains, due to error, must have a County Board of Health Removal Permit or a Court Order and be under the direction of a licensed Funeral Director.
- I. The Township Board is not responsible for any interment orders given without precise or proper instructions as to location where interment is desired.
- J. Burial of pets in the cemetery is not permitted.
- K. The Township Board reserves the right of ingress or egress over graves for funerals, interments, disinterments, removals, maintenance of the cemetery and placing of memorials.
- L. There shall be no burials in the winter unless authorized by the Township Clerk and the Cemetery Sexton.

Section 8: GROUND MAINTENANCE

- A. No shrubs or trees shall be planted without the approval of the Township Board. Any of the foregoing items planted without such approval may be removed by the Township.
- B. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the Cemetery in the interest of maintaining proper appearance and the use of the Cemetery.
- C. Planting of annual flower beds should be no larger than the size of the memorial (marker, stone or monument.)
- D. Owners or their legal heirs have the right to visit the cemetery and care for their burial site.

- E. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers, that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
- F. No mounding or raising of grave elevation, fences, chains, borders, crushed stone or other definitive border markings are allowed. Nothing but grass or flowers will be allowed as a grave covering. Surfaces other than soil or sod for a grave covering are prohibited.
- G. No glass jars are allowed.
- H. The Township Board will not be responsible for any floral pieces or baskets left in the cemetery.
- I. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

Section 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

- A. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk with 30 days from the date of mailing of the within notice, his or her desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or their heirs or legal representative within 30 days from the date of mailing of said notice.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lot or burial space from the owner for the original purchase price paid the Township upon written request of said owner of their legal heirs or representatives.

Section 11: RECORDS

- A. The Township Clerk or designee shall maintain records concerning all burials, issuance of burial permits, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.
- B. The Township Clerk shall keep a record of the ownership of all burial rights, record of all interments, showing name, age (when available), date of death and burial, grave location and whether or not they are a veteran. These records shall be kept in a fireproof safe place and made available to the general public during normal working hours.
- C. The Township Board reserves the right to enlarge, reduce, replat or change the boundaries or grading of the cemetery including the right to change the locations, remove, or regrade roads, drives or walkways.
- D. The Township Board disclaims all responsibility for loss or damage from the elements, thieves, vandals, strikers, malicious mischief, explosions, and military or civil authority.
- E. It is the duty of the owner of burial rights to notify the Township Clerk of any address change. See Section 9 A.

Section 12: VAULT

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 13: CEMETERY HOURS

- A. The Cemetery shall be open to the general public from dawn to dusk each day.
- B. No person shall be permitted in the Township Cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the sexton of the Cemetery.

Section 14: PENALTIES

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 15: SEVERABILITY

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decisions and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

Section 16: EFFECTIVE DATE

This Ordinance shall take effect on July 13, 2016. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

X 
Township Clerk

This ordinance was published on June 22, 2016.