

CHAPTER 6

TOWNSHIP CEMETERIES

Sec. 6.1 Township Cemeteries.

This chapter applies only to cemeteries owned by the Township.

Sec. 6.2 Definitions.

The following words and phrases used in this chapter shall have the meanings stated respectively in this section:

Burial right means a right of earth interment.

Burial space means a land area four feet wide and ten feet in length, except that a burial space in sections 1, 2 and 3 in the Algoma Township Cemetery shall be four feet by eight feet in length.

Cemetery means a burial park for earth interments.

Cemetery lot means burial spaces sufficient to accommodate one or more burial spaces.

Cremation means the incineration of the body of a deceased person.

Interment means the permanent disposition of human remains by cremation and inurnment, entombment or burial.

Marker means a monument that is flush with the ground.

Monument means a tombstone or memorial of granite or marble which shall extend above the surface of the ground.

Nonresident means a person who does not currently live within the Township.

Resident means a person who is currently residing in the Township.

Township sexton means the person so designated by the Township Board to open and close burial spaces.

Sec. 6.3 Administration and Enforcement.

The Township Board is hereby empowered to enforce all rules and to exclude from the cemetery any person violating such rules. The Township Board shall have charge of the grounds and buildings, including the conduct of funerals, traffic, employees, burial space owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

Sec. 6.4 Record Keeping.

The Township Clerk shall maintain records concerning all burials and issuance of burial permits separate and apart from any other records of the Township, and the records shall be open to public inspection during reasonable office hours.

Sec. 6.5 Sale of Burial Rights in Cemetery Lots or Burial Spaces.

- (a) Burial rights in cemetery lots and burial spaces shall be sold and conveyed to the Township residents and nonresidents, but the Township Board may establish a higher charge for nonresidents, as compared to residents. The sale and conveyance of such burial rights shall be only for the purpose of burial for the purchaser and/or his heirs at law or next of kin. No such sales shall be made to funeral directors or others, unless they otherwise qualify as purchasers under the terms of this subsection.
- (b) Notwithstanding other provisions of this section, however, such burial rights may be sold, and such sale may be approved by the Township Clerk, in those situations where the purchaser, or the person for whom burial rights are sought, has been a previous resident of the Township, or is a descendant or other relative of residents or previous residents of the Township, so that the sale of burial rights would make possible the burial of persons who have another family member already buried in a Township cemetery, or there are other sufficient personal reasons for burial in the Township cemetery by reason of previous residents or family or other relationships to persons interred therein.
- (c) All such sales of burial rights shall be made only on a form of burial rights certificate approved by the Township Board. Such certificate grants a right of burial only, and shall not convey any other title or interest to the cemetery lot or burial space sold. Such burial rights certificate shall be executed by the Township Clerk, and shall be entered into the official cemetery records of the Township.
- (d) A maximum of eight burial spaces per family may be purchased in advance; additional burial spaces for a family shall be sold on an as-needed and available basis.
- (e) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial rights upon the original burial rights certification issued by the Township Clerk, approved by such clerk, and entered upon the official records of such clerk. Upon such assignment, approval and record, such clerk shall issue a new burial rights certificate to the assignee and shall cancel and terminate upon such records the original permit thus assigned.

Sec. 6.6 Purchase Price and Transfer Fees.

- (a) The cost of each cemetery lot and burial space shall be determined by the Township Board.
- (b) A fee shall be charged for any transfer of one or more burial spaces.
- (c) The charges described in subsections (a) and (b) of this section shall be paid to the Township treasurer and shall be deposited in the Township general fund under the cemetery activity account.
- (d) The Township Board, by resolution, may periodically alter fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Sec. 6.7 Opening and Closing of Burial Spaces.

- (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 subsection 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) An extra cost may be charged by the Township sexton for opening a burial space in the winter months.
- (d) No Township employee may solicit or accept any form of payment or gratuity for work or services rendered in or associated with a Township cemetery or any burial space therein. Township cemetery employees shall not perform work for burial space owners or other parties other than the Township, except as specifically permitted by the Township Board.
- (e) The full purchase price of a burial space and the charge for grave openings shall be paid prior to any interment in the burial space. The charge for any disinterment shall be paid in advance.

Sec. 6.8 Forfeiture of Vacant Cemetery Lot or Burial Spaces.

Cemetery lots and burial spaces sold after March 30, 1998 (the effective date of Township Ordinance No. 157) and remaining vacant 40 years after the date of their sale shall automatically revert to the Township upon occurrence of both of the following events:

- (a) 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 of the expiration of the 40-year period and that all rights with respect to such lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk, within 60 days from the date of mailing of the written notice, his desire to retain such burial rights.
- (b) No written response to such 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 such lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of such notice.

Upon the occurrence of the events stated in subsections (a) and (b) of this section, the Township shall become the owner of such cemetery lots and burial spaces, without any other conveyance or proceedings. The Township may thereupon sell and convey such cemetery lots and burial spaces to others, or may otherwise deal with such lots and spaces as permitted by this chapter.

Sec. 6.9 Repurchase of Cemetery Lots or Burial Spaces.

Upon written request of the owner, or his or her legal heirs, designees or representatives, and upon approval of the Township Board, the Township may repurchase any cemetery lots or burial space from the owner thereof for the actual price originally paid for the lot or space, or one-half of the currently-established selling price for a cemetery lot or burial space, whichever is the greater.

Sec. 6.10 Interment Regulations.

- (a) Only one person may be buried in a burial space; provided, however, that one burial space may be used for the burial of (1) a parent and an infant; (2) two children; (3) the cremated remains of one or two persons; or (4) one person and the cremated remains of one person.
- (b) A minimum of 36 hours' notice shall be given in advance of any funeral to allow for the opening of the burial space.
- (c) The appropriate cemetery lot certificate for the burial space involved, with appropriate identification of the person to be buried therein, and, where necessary, shall be verified by the cemetery sexton or the Township Clerk prior to interment. Where such certificate has been lost or destroyed, the Township Clerk shall be satisfied, from his records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- (d) All graves shall be located in an orderly and neat appearing manner, within the confines of the burial space involved.
- (e) The Township Board has by resolution established certain cemetery lots and burial spaces to be reserved for burials of eligible persons in those situations in which, by reason of indigence, there are not funds or not sufficient funds for the purchase of a burial space. Such burial spaces may be allocated and used in the discretion of the Township Clerk, consistent with the terms of this chapter. Upon a determination that a burial space shall be made available and used in such circumstances, the clerk shall prepare and execute an appropriate burial rights certificate and mark the Township cemetery records accordingly.
- (f) Disinterments and reinterments shall be under the supervision of the Township sexton, a licensed funeral director, and the local health officer.
- (g) Disinterment of remains shall take place only upon issuance of a permit by the local health officer; provided, however, that a permit shall not be required to disinter cremated remains. A duplicate copy of any disinterment or reinterment permit shall be maintained by the Township Clerk as part of the permanent records of the cemetery. For the disinterment of cremated remains, a request for such purpose may be made to the cemetery sexton, by the surviving next of kin, on an affidavit or other form, which shall be maintained by the Township Clerk as part of the permanent records of the cemetery.
- (h) A permit shall not be required to open a casket in order to remove an article therefrom or to place an article therein. The opening of a casket for such purpose shall be under the supervision of the Township sexton.

Sec. 6.11 Markers and Monuments.

- (a) All markers and monuments must be of stone or other equally durable composition.
- (b) Any large upright monument must be located upon a suitable foundation two inches larger than the marker on all sides to maintain the marker in an erect position with the exception of bronze markers which will be installed in cement at ground level.
- (c) Only one marker or monument shall be permitted per burial space with the exception of veteran markers.

- (d) The footing or foundation upon which any marker or monument must be placed shall be constructed by the Township, or person so designated by the Township. The placement of the marker or monument and the construction of the footing or foundation shall be the responsibility of the monument company or other designee selected by the family or by the person acting on behalf of the deceased person. All costs for the purchase and placement of markers and monuments shall be paid directly to the monument company or other responsible party.

Sec. 6.12 Ground Maintenance and Care.

- (a) The general care of the cemetery is assumed by the Township and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed at the discretion of the Township Board and/or the Township sexton.
- (b) No grading, leveling or excavation upon a burial space shall be allowed without the permission of the cemetery sexton.
- (c) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.
- (d) The Township Board reserves the right to authorize the removal or the trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- (e) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (f) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration or damage are determined to be unsightly, a source of litter or a maintenance problem.
- (g) Landscape materials (i.e. bark mulch, stone, etc.), other than earth or sod, are prohibited unless approved by the sexton and/or the Township.
- (h) Urn/containers may be placed on burial spaces from May 1 through November 1. The Township sexton or person so designated by the Township Board may remove any or all refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower urns/containers which have not been removed or deposited in containers located within the cemetery by November 1.
- (i) No advertisement or posting of any sign is to be permitted with the exception of the Township notices.
- (j) No hunting or trapping on the cemetery ground shall be permitted.
- (k) Vehicles may be operated within the cemetery only upon the roads, and only as directed by traffic signs or other signs. The use of off-road or all-terrain vehicles anywhere in the cemetery is prohibited.

- (l) All objects and items placed at a cemetery lot or burial space that are not consistent with a pleasing and uniform appearance in the cemetery are subject to removal by the Township. The Township Board reserves the right to regulate the method of decorating burial spaces and cemetery lots, so that an appropriate appearance can be maintained throughout the cemetery. Any monument, effigy or other structure or object not in compliance with this section or that is inconsistent with a reasonably uniform and character appearance of the cemetery is subject to removal by the Township.
- (m) Any plants, flowers, emblems, displays, containers and any other objects that have become unsightly or a hindrance to proper ground maintenance within the cemetery may be removed by the Township. All refuse of any kind, including dried flowers, wreaths, flower containers, papers and other debris must be fully and promptly removed from the cemetery by the persons who placed such materials there, or by other persons who may be caring for the grave sites where any such materials may have been placed.
- (n) The Township shall not be responsible for damage to grave markers or grave sites as a result of the elements, vandalism, thievery, or by other causes beyond the control of the Township.

Sec. 6.13 Conduct of Persons within the Cemetery.

- (a) The cemetery grounds shall not be used as a place for recreational activity. Proper and dignified conduct, appropriate to a place of public burial, shall be observed within the cemetery at all times. The Township may remove from the cemetery any person who acts in a disrespectful manner, inappropriate to the character and nature of the cemetery. Persons are prohibited from picking flowers, breaking or injuring any tree, shrub or plant, writing upon, defacing or destroying any grave marker, memorial, or other structure. No person shall destroy or otherwise disturb the birds or other animal life in the cemetery if not authorized to do so by the Township Board.
- (b) No person shall bring in alcoholic beverages, or consume them, in the cemetery, nor disturb or interfere with any funeral or memorial service or prevent or disturb other persons who are at grave sites or elsewhere in the cemetery for the purpose of honoring or memorializing those interred at any grave site. No person other than a law enforcement officer or other person authorized by state law shall possess, carry or transport any firearm or weapon within any cemetery within the Township. Furthermore, no weapon or firearm shall be discharged in any cemetery within the Township. This prohibition on discharge of a firearm shall not apply to any firearm discharge that is performed in lawful self-defense as defined by the laws of the State of Michigan, nor shall this prohibition apply to any law enforcement officer or Township official who is authorized to possess, carry or discharge a gun or firearm in carrying out their authorized law enforcement duties. Nor shall this section apply to any firearm or ceremonial weapon discharged in any cemetery for ceremonial purposes in connection with a funeral or related matter if such discharge is performed by a nationally recognized veteran's organization or a recognized law enforcement organization, and if approved in advance by the Township Supervisor.
- (c) The owners of a grave site, their relatives and invited friends and guests shall be permitted at any time to approach and remain at any grave site, for purposes of meditation or in memory or honor of any person interred in the cemetery. Only authorized persons shall enter any cemetery building.
- (d) Children under 18 years of age shall not be permitted in the cemetery unless they are accompanied by at least one adult who is responsible for them.

- (e) No loud talking or any other vocal disturbance shall be permitted in the cemetery within hearing distance of persons attending funeral services. No signs, notices or advertisements of any kind shall be allowed in the cemetery, unless placed there by authorized Township employees. Littering within the cemetery is prohibited; smoking in any cemetery building is prohibited.
- (f) Motor vehicles within the cemetery shall always keep to the right side of a cemetery road. Motor vehicles shall not park or come to a complete stop in front of an open grave unless the occupants of the vehicle are in attendance at a funeral.
 - (1) Motor vehicles shall not be driven off a cemetery road or be driven in a manner such as to damage any grass, tress, shrubbery or plants in the cemetery. No person shall park or leave a motor vehicle in such a location as to prevent any other motor vehicle from passing.
 - (2) A vehicle shall not be operated in the cemetery for recreation purposes. Any motor vehicle improperly parked within a cemetery may be removed by the Township, and the owner and/or operator of the vehicle shall be responsible for all costs of such removal.

Sec. 6.14 Vaults.

All casket burials shall be within a standard concrete vault installed or constructed in each burial space before interment. All cremated remains shall be placed in a durable container.

Sec. 6.15 Cemetery Hours.

- (a) The cemetery shall be open to the general public during the daylight hours.
- (b) No person shall be permitted in the Township cemeteries at any time other than the hours described in subsection (a) of this section, except upon the permission of the Township Board or the sexton of the cemetery.

Sec. 6.16 Absence of Township Liability.

The Township owns and maintains the Township cemeteries in its governmental function as a Township. The Township shall not be liable for liability or damage of any kind with respect to any matter arising out of or in any way related to the ownership or operation of any Township cemetery or any part thereof. No officer, agent, or employee of the Township shall have any liability for any damage which may occur to any persons or property as a result of any act, decision or other consequence or occurrence arising out of any duties or conduct associated with the Township cemeteries. The Township shall not be responsible or liable for any flowers, plants, floral designs, or any other type of decoration or object used on or at any grave or grave site, nor liable or responsible for any grave marker, other than to accept such items for use in the cemetery.