

## CLARENDON TOWNSHIP CEMETERY ORDINANCE No. 2016-1

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 Clarendon, Calhoun County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CLARENDON, COUNTY OF CALHOUN, MICHIGAN ORDAINS:

### **Section 1: Title**

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

### **Section 2: Definitions of Cemetery Lots and Burial Spaces**

- A. A cemetery lot shall consist of burial space sufficient to accommodate one (1) body.
- B. A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. All gravesites shall be used only for human remains

### **Section 3: Sale of Lots or Burial Spaces**

- A. 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 other person other than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales when the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- B. All sales of lots shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such forms shall be executed by the Township Clerk.
- C. 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 permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- D. In the event an original certificate cannot be located, the Township Board will make a determination whether or not to proceed with the transfer based on the information the Township Clerk may have available.

#### **Section 4: Purchase Price and Transfer Fees**

- A. Each burial space shall cost the sum of \$250.00 for residents \$550.00 for non-residents.
- B. Any transfer of one (1) or more burial spaces from an original purchaser to a qualified assignee shall cost \$10.00.
- C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund.
- D. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **Section 5: Grave Opening Charges**

- A. The opening and closing of any burial space, prior to and following a burial therein, shall be \$500.00, the interment of ashes, shall be \$250.00 payable to the Township Treasurer and from time to time may be changed by resolution of the Township Board to accommodate increased costs. An additional surcharge of \$100.00 for interment of ashes and \$150.00 for opening and closing of burial space will be charged for holiday and weekend burials.
- 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 re-interment of bodies and remains, which matters are under the supervision of the local Health Department.

#### **Section 6: Markers or Memorials**

- A. All markers or memorials must be of stone or other equally durable composition. Markers may not be homemade
- B. All monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one (1) monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township Sexton at cost to the owner of the burial right payable to the Township Sexton.
- E. If any monument, effigy, or structure whatever or any inscription be placed in or upon any lot which shall be determined by the Township Board to be offensive or improper or injurious to the surrounding lots or grounds or public, the Township Board reserves the right to enter upon such lot and remove, or cause the same to be removed.

#### **Section 7: Interment Regulations**

- A. Only one (1) person may be buried in a burial space except for a parent and infant or two (2) infants buried at the same time.
- B. Two (2) cremations may be placed on top of one (1) full burial.
- C. Two (2) to four (4) cremations may be buried in a burial space without a full burial.
- D. Not less than thirty-six (36) hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- E. Maximum total length of headstone shall not exceed forty (40") inches per gravesite

F. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, must be presented to either the Cemetery Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

G. Policy for burial of cremains

- Urns containing cremains must be placed in a small vault
- Vault must be at least twelve (12) inches below ground level
- A Marker must be placed above vault to indicate the place of burial

H. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

### **Section 8: Ground Maintenance**

A. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

B. No shrubs, trees or vegetation of any type shall be planted. Any of the foregoing items planted may be removed by the Township or the Cemetery Sexton.

C. 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.

D. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.

E. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers will be removed when unsightly.

H. Flowers and plants placed in containers must be of a durable composition, and shall NOT be glass. All live flowers will be removed when dead or wilted.

I. Artificial flowers shall be removed and disposed of by the sexton or the Township on October 1<sup>st</sup> through October 31<sup>st</sup> and April 1<sup>st</sup> through April 30<sup>th</sup> so the grounds may be totally cleaned.

### **Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

A. Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

1. 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 forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the notice his desire to retain said burial rights.

2. 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 his heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

#### **Section 10: Repurchase of Lots or Burial Spaces**

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

#### **Section 11: Records**

A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection during reasonable business hours by appointment.

#### **Section 12: Vault**

A. 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 till dusk each day.

#### **Section 14: Cemetery Conduct**

A. The following conduct is prohibited within the Township Cemeteries

- Possessing or consuming alcohol
- Picking flowers or doing damage to trees or shrubs
- Hunting or discharging firearm, except in connection with veteran's memorial services
- Operating a motor vehicle in the excess of ten (10) miles per hour
- Operating any unlicensed vehicle, motorcycle, snowmobile, dirt bike or ATV.
- Operating a motor vehicle on or in any area other than a designated traffic lane.

#### **Section 15: Errors May be Corrected**

A. The Township clerk shall have the right to correct any errors that may be made, either in making interments, disinterment, or removals, or in the description transfer of conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment of equal value and similar location as near as possible, or as may be selected by the Township Clerk, or by refunding the amount of money paid on account of that purchase

**Section 16: Penalties**

A. Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be charged with a municipal civil infraction and shall be subject to a fine of up to \$100.00 Each day that a violation continues to exist shall constitute a separate offense. Any prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

**Section 17: Severability**

A. 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 decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 18: Ordinances in Conflict**

A. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

**Section 19: Publication**

A. This Ordinance shall be published once in full in a newspaper of general circulation within Clarendon Township, Calhoun County, Michigan, within thirty (30) days after its adoption, and shall be recorded in the Book of Ordinances of Clarendon Township. Such recording shall be authenticated by the Clarendon Township Clerk. An attested copy of this ordinance shall be filed with the Clerk of Calhoun County, Michigan.

**Section 20: Effective Date**

A. This ordinance shall become effective the day following the date upon which it is published in the manner set forth in Section 19 above.

PASSED AND ADOPTED by the Township of Clarendon, Calhoun County, Michigan on the

\_\_\_\_\_, Township Supervisor

YEAS:

NAYS:

ABSENT: None

\_\_\_\_\_, Township Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance \_\_\_\_\_ duly adopted by the Township Board of the Township of Clarendon, County of Calhoun, State of Michigan at a regular meeting held on \_\_\_\_\_, and that public notice of said meeting was given pursuant to Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that the following Board Members were present at said meeting \_\_\_\_\_ and that the following Board Members were absent at said meeting.

I further certify that Board Member \_\_\_\_\_ moved adoption of said ordinance and that Board Member \_\_\_\_\_ supported said motion.

I further certify that the following Board Members voted for adoption of said ordinance \_\_\_\_\_ and that the following Board Members voted against adoption of said ordinance.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township of Clarendon and such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

\_\_\_\_\_, Township Clerk