

copy

LAKE TOWNSHIP ORDINANCE NO. 20

Cemetery Ordinance

An ordinance to protect the public health, safety, and general welfare by establishing the operation, control, and management of cemeteries owned by the Township of Lake, Missaukee County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances in conflict therewith.

THE TOWNSHIP OF LAKE, COUNTY OF MISSAUKEE, MICHIGAN ORDAINS:

**Section 1: Title**

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

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

A cemetery lot shall consist of sufficient space to accommodate from one to six burial spaces. A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

**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 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 heretofore set forth. The township clerk or cemetery sexton, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser disclosed sufficient personal reason for burial within the township through previous residence in the township or relationship to person interred therein.

B. All such sales shall be 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 or cemetery sexton.

C. Burial rights may only be transferred to those person eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by the endorsement of an assignment of such burial permit on the original burial permit form issued by the township clerk or cemetery sexton, approved by said clerk or sexton, and entered upon the official records of said clerk or sexton. Upon assignment, approval, and record, said clerk or sexton 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 cost an amount to be determined by the township board.

B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost an amount to be determined by the township board, per burial space

transferred.

C. The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund for the cemetery(s) involved in the sale or transfer.

D. The township board, by resolution, may periodically alter fees to accommodate increased costs and needed reserve funds for cemetery acquisition and maintenance.

**Section 5: Grave Opening Charges**

A. The opening and closing of any burial space, prior to and following a burial therein, 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 treasurer.

B. No burial spaces shall be opened or 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.

B. Any upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. Only one monument, marker, or memorial shall be permitted per burial space.

**Section 7: Interment Regulations**

A. A maximum of two (2) people may be buried in a burial space, provided the first to be buried is placed at a depth in the ground adequate to assure that the second to be buried can be buried to the depth normally used for single burials. As noted in section 6, only one monument, marker, or memorial shall be placed on a single burial space.

B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for opening of the burial space(s).

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the township clerk or the cemetery sexton, 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.

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

E. No person whose burial is paid by the Michigan Family Independence Agency shall be eligible for burial in any cemetery within Lake Township, unless that person was a resident of the township at the time of his or her death.

**Section 8: Ground Maintenance, Access, and Security**

A. The township will contract for periodic mowing of the grass and grounds cleanup within the township cemeteries; however, there is no specific schedule for these mowings and cleanups, expressed or implied.

B. While a fence has been constructed around each of the township cemeteries, there shall be no implication or commitment that these fences will be maintained, or that the gates, of any, will be open for access or closed for security at any particular times.

C. The access drive from the adjacent country road into the cemetery, and the drives within the cemetery, will be maintained by the township to provide access to all appropriate areas within the cemetery, EXCEPT that these drives will not be plowed or otherwise kept open during times when there is snow on the ground. Similarly, there may be times when the drives are too wet and/or muddy for ready access to specific cemetery areas.

D. No grading, leveling, or excavating upon any burial space shall be allowed without the permission of the cemetery sexton or the township clerk.

E. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.

F. The township board reserves the right to remove any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

G. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

H. 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.

I. Surfaces other than earth and sod are prohibited.

J. All refuse of any kind or nature including but not limited to dried flowers, wreaths, papers, and flower containers must be removed from the cemetery or deposited in trash containers if such trash containers are provided within the cemetery.

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

Cemetery lots or burial spaces sold after the original effective date of this ordinance, and which remain vacant 40 years from their date of 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 owner of record informing him/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/she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the written notice his/her desire to retain said burial rights.

This notice may be sent by the township clerk at any time after the expiration of the 40-year period -- there shall be no mandatory window period during which notice must be sent.

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 last owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.

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

At the discretion of the township, the township will repurchase any cemetery lots or burial spaces from the owner for the original price paid the township, upon written request of said owner or his/her legal heirs or representatives.

### **Section 11: Records**

The township clerk and/or cemetery sexton shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund that may exist. These records shall be kept separate and apart from any other records of the township, and the same shall be open to public inspection during reasonable business hours.

### **Section 12: Vault**

All burials shall be within a standard concrete vault (or vault of other material specifically approved by the township board), installed or constructed in each burial space before interment.

### **Section 13: Cemetery Hours**

A. The township cemeteries shall be considered open to the public between sunrise and sunset of each day.

B. While, as noted in Section 8 above, the gates to the cemeteries (if any) will not be opened or closed at any specific times, the cemeteries will be considered closed to the public between sunset and sunrise of each day. Any persons present within the boundaries of a township cemetery during these closed hours will be considered to be trespassing, and shall be subject to any and all laws pertaining to trespass, unless that person has specific,

written permission from the township board or the cemetery sexton to be present in the cemetery during those hours.

**Section 14: Municipal Civil Infraction Penalties**

Any person, firm, partnership, or corporation, or the officer, employee, agent or partner of such firms, partnership, or corporation who violates, neglects, omits, or refuses to comply with the provisions of this ordinance, shall be liable for a fine up to and not more than \$500.00 under a Municipal Civil Infraction as defined by statute and with procedures established under the Lake Township Municipal Civil Infraction Ordinance No. 15. In order to promote compliance, for each day this Ordinance is violated, the offender shall be deemed to have committed a separate offense. Enforcement of a municipal civil infraction violation shall be by the township ordinance enforcement officer created under the Lake Township Ordinance No 5, the Ordinance Enforcement Officer Ordinance.

**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 decision, 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 30 days after publication. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Thomas R. Duddles  
Thomas R. Duddles, Supervisor

Bonnie J. Brown, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on 5-8-03.

Bonnie J. Brown  
Bonnie J. Brown, Clerk