**SHIAWASSEE TOWNSHIP**

**Shiawassee County, Michigan**

**CEMETERY ORDINANCE**

**Ordinance No. \_2015-2\_**

At a meeting of the Township Board of Shiawassee Township, Shiawassee County, Michigan, held at the Shiawassee Township Hall on \_\_\_November 12th \_\_\_\_\_\_\_, 2015, at \_6:30\_\_\_ p.m., Township Board Member \_\_John Sedlock \_\_\_\_\_\_\_\_ moved to adopt the following Ordinance, which motion was seconded by Township Board Member \_\_Richard Godfrey \_\_\_\_\_\_\_\_:

*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 Shiawassee Township, Shiawassee County, Michigan; to achieve a peaceful and respectful setting for the burial of the dead while permitting reasonable opportunities for persons to care for, beautify, adorn and improve gravesites within the Cemetery; to provide penalties for the violation of said ordinance, and to repeal all prior ordinances or parts of ordinances in conflict herewith.*

**Shiawassee Township, Shiawassee County, Michigan, Ordains:**

**Section 1. Title:** This Ordinance shall be known and cited as the Shiawassee Township Cemetery Ordinance.

**Section 2. Definitions:** The following terms, when used in this Ordinance, shall have the following meanings unless otherwise suggested by the context:

A. “Cemeteries” shall include: Fremont Cemetery on Grand River Road, Bancroft, Michigan; Fremont-North Cemetery on Grand River Road, Bancroft, Michigan; and Newburg Cemetery on Bancroft Road, Bancroft, Michigan.

1. “Cemetery Lot” includes, in the Fremont Cemetery, from one (1) to four (4) Burial Spaces; in the Fremont-North Cemetery, from one (1) to twelve (12) Burial Spaces; and in the Newburg Cemetery, from one (1) to five (5) Burial Spaces.
2. “Burial Space” means a space within a Cemetery Lot intended for the Interment of one (1) deceased person. An adult Burial Space shall consist of land area four (4) feet wide and ten (10) feet in length. An infant or stillborn Burial Space shall consist of a land area three (3) feet wide and three and one-half (3 ½) feet in length in areas set aside specifically for such Interments.

D. “Interment” means the burial of the remains of one (1) deceased person.

E. “Cemetery Sexton” means the person appointed by the Township Board to be responsible for the maintenance of the Cemetery grounds, ground preparation before and after Interment, pouring of Monument foundations or enforcement of this Ordinance or any Cemetery rules and regulations.

F. “Marker or Monument” means a stone or plaque, either flush or above the ground, indicating the given and/or family name(s) of the deceased. It is usually located on the west side of the Burial Space.

**Section 3. Sale and Transfer of Cemetery Lots or Burial Spaces:** The Township may sell one or more Cemetery Lots or Burial Spaces in a Cemetery for the purpose of granting to the purchaser the right of Interment of human remains within the Cemetery. The sale of a Cemetery Lot or Burial Space grants only a right of Interment and does not convey absolute title to the Cemetery Lot or Burial Space or any other interest in real property.

A. No Burial Space shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the disinterment and re-interment of bodies and remains, which are under the supervision of the local health department.

B. All Cemetery Lots, Burial Spaces, Interments and other activities within a Cemetery shall be subject to this Ordinance and any rules or regulations adopted by the Township Board.

1. Cemetery Lots and Burial Spaces shall be sold only to residents or taxpayers of Shiawassee County for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale of Cemetery Lots or Burial Spaces shall be made to funeral directors or others than as heretofore set forth. The Township Clerk has authority to vary these restrictions on sales if the purchaser discloses sufficient personal connection with the Township through previous residence in the Township or family relationship to persons interred in the Cemetery.
2. All such sales shall be made on a burial permit form approved by the Township Board, which grants a right of Interment only and does not convey any other title to the Cemetery Lot or Burial Space. Each burial permit form shall be executed by the Township Clerk.
3. Cemetery Lots or Burial Spaces may only be transferred to a person eligible to be an original purchaser of a Cemetery Lot or Burial Space and transfer may be effected only by the Township Clerk’s endorsement of an assignment on the original burial permit, which shall be entered upon the Township’s official records by the Clerk. Upon such assignment, endorsement and record, the Township Clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original burial permit thus assigned.

**Section 4. Fees:** All fees related to the administration of this Ordinance, including without limitation the fees for a Cemetery Lot, Burial Space, Interment, burial permit, transfer, opening, foundations, cremation or disinterment, shall be established by resolution of the Township Board. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for Cemetery maintenance and acquisition. The fees shall be paid to the Township Treasurer and shall be deposited in the Cemetery fund for the particular Cemetery involved in the sale or transfer.

**Section 5. Markers and Monuments:** All Markers and Monuments must be of stone or other equally durable composition. Any large upright Monuments must be located upon a suitable foundation to maintain the same in an erect position. Only one Monument or Marker shall be permitted per Burial Space. The footing or foundation upon which any Monument or Marker must be placed shall be constructed by the Township at the cost to the owner of the Burial Space.

**Section 6. Interment Regulations**

1. Only one person may be buried in a Burial Space, except for a mother and infant, or two children, buried at the same time.
2. All funerals and Interments within the Cemetery shall be under the direction of the Cemetery Sexton.
3. Not less than a 36-hour notice shall be given to the Cemetery Sexton in advance of any funeral to allow for the opening of the Burial Space.
4. The appropriate burial permit for the Burial Space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Cemetery Sexton and 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.
5. All Internments shall be located in an orderly and neat appearing manner within the confines of the Burial Space involved.
6. All Internments shall be within a standard concrete vault installed or constructed in each Burial Space before Interment.

**Section 7. Cemetery Maintenance**

1. No grading, leveling or excavating upon a Burial Space shall be allowed without the permission of the Cemetery Sexton and the Township Clerk.
2. No flowers, shrubs, trees, or vegetation of any type shall be planted in a Cemetery without the approval of the Cemetery Sexton and the Township Clerk. Any of the foregoing items planted without approval may be removed by the Township or the Cemetery Sexton.
3. The Township reserves the right to remove or trim any tree, plant or shrub located within a Cemetery in the interest of maintaining the proper appearance and use of the Cemetery.
4. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
5. The Cemetery Sexton 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.
6. Surfaces other than earth or sod are prohibited.
7. All refuse of any kind, including without limitation dried flowers, wreaths, papers and flower containers must be removed or deposited in trash containers located within the Cemetery.
8. All plants or containers must be kept within 12 inches of the Marker or Monument.
9. Trucks or delivery vehicles must stay on the graded drives – if ruts are made on the grounds, the Township will bill for the cost of repairs.

**Section 8. General Rules**

A. Vehicle entrance and exit to the Cemetery shall be made at established drives only. Vehicles are to use established roads and not to be driven on lawn. Parking shall be on the roads and not the grassy areas.

B. Speed limit within the Cemetery shall be 10 miles per hour. Excessive speeds and unsafe or reckless driving within the Cemetery is prohibited.

C. The Township shall not be liable for any personal or property damage caused by any person or vehicle, including damage caused as result of the regular course of Cemetery care, maintenance, or subsequent Interments. Damage caused by persons or vehicles within the Cemetery shall be the responsibility of the person, driver and/or owner of the vehicle and may be subject to prosecution. The Township shall not be responsible for the theft or damage to anything placed on Cemetery Lots or Burial Spaces.

D. Recreational vehicles, such as snowmobiles, go-carts, all-terrain vehicles or dirt bikes, shall not be permitted within the Cemetery at any time.

E. Animals are not permitted in the Cemetery, unless they are confined within a vehicle (service animals are permitted). Interment of animals is prohibited.

F. The consumption or use of intoxicating beverages or mind-altering drugs within the Cemetery is prohibited.

G. Profanity or boisterous language that disturbs the quiet and peaceful atmosphere of the Cemetery is prohibited.

H. The use of firearms in the Cemetery is unlawful and prohibited, except where firearms are used in conjunction with Township-authorized Cemetery ceremonies.

I. Picking, mutilating or disturbing flowers, trees or shrubs or anything of a memorial nature is prohibited, except as required by or under the direction of the Cemetery Sexton.

J. Advertising in any form, either on Markers, Monuments or in the Cemetery, shall be prohibited, except for a monument company insignia on the base of Monuments.

K. Chairs, settees and benches on Cemetery Lots or Burial Spaces are prohibited except during a burial ceremony.

L. The Township reserves the right to maintain all Burial Spaces, including, but not limited to filling settled areas and reseeding.

M. The placing of stone, limestone, woodchips, edging or wood borders anywhere within Cemetery Lots or Burial Spaces is prohibited.

N. Permanent benches, chairs, and similar items, as well as toys, ornaments, metal designs, ceramic figurines, and home-made markers are prohibited.

O. No plantings of any sort may take place before the foundation and Monuments are permanently in place.

P. Artificial arrangements, wreaths and grave blankets may be placed on Burial Spaces immediately after Interment between November 1 and April 1. Any decorations remaining after April 1 will be removed and disposed of by the Cemetery Sexton.

Q. If the grave site becomes unsightly, has shrubbery that is not planted correctly, plantings that obstruct the vision of the monument or are not in accordance with this Ordinance may be removed by the Cemetery Sexton.

R. Any lot owner requesting removal of shrubs and/or trees shall contact the Cemetery Sexton or Township Clerk and sign a Request/Release Liability form before removal by Cemetery personnel.

S. Each Cemetery shall be open to the general public from the hours of \_\_\_\_ a.m. to \_\_\_\_ p.m. each day. No person shall be permitted in a Cemetery at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

**Section 9. Forfeiture of Vacant Cemetery Lots or Burial Spaces:** Cemetery Lots or Burial Spaces remaining vacant 40 years from the date of their sale upon occurrence of the following procedures:

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 or her of the expiration of the 40-year period and that all rights with respect to said Cemetery Lots or Burial Spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the notice his or her desire to retain said Cemetery Lots or Burial Spaces.
2. If 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 from his or her heirs or legal representative, within 60 days from the date of mailing of said notice, the Cemetery Lots or Burial Spaces shall automatically revert to the Township and any and all rights of the original owner or his or her heirs or legal representative shall be forfeited and extinguished.

**Section 10. Cemetery Advisory Committee:** The Township Board shall appoint a committee of four (4) Township residents, at least one of which shall be a representative of the general public, who shall make recommendations to the Township Board regarding the Township Cemeteries.

**Section 11. Records:** The Township Clerk shall maintain records concerning all Internments, issuance of the burial permits, and any perpetual care fund, separate and apart from any other records of the Township, and those records shall be open to public inspection at all reasonable business hours.

**Section 12. 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 all 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 13. 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 the court of competent jurisdiction, such decision shall only affect the particular provisions, section, or part involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 14. Effective Date:** This ordinance shall take effect 30 days following its publication as required by law.

**Section 15. Repeal:** Ordinance No. 6 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll Call Vote:

YEAS: Richard Godfrey, Tiffany Harvey, John Sedlock, Lisa Fall, Anthony Karhoff\_\_\_\_\_

NAYS: \_\_\_\_\_0\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT/ABSTAIN\_\_\_\_\_0\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Anthony Karhoff, Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of Ordinance No. 2015-2\_\_, adopted by the Shiawassee Township Board at a duly scheduled and noticed meeting of that Township Board held on November 12th, 2015, pursuant to the required statutory procedures.

2. A summary of the Ordinance was duly published in the \_Argus Press\_ newspaper, a newspaper that circulates within Shiawassee Township, on \_\_November 20th, 2015.

3. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015

Lisa Fall, Township Clerk