

## MEYER TOWNSHIP CEMTERY ORDINANCE

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 Meyer, Menominee 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 MEYER, MENOMINEE COUONTY, MICHIGAN, ORDAINS:

### **Section 1: Title**

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

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

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.

An adult 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**

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 heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient person reason for burial with the Township through previous residence in the Township or relationship to persons interred therein.

All such sales 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 form shall be executed by the Township Clerk.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces with 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.

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

Each burial plot shall be at a cost to be determined from time to time by the Meyer Township Board. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost an amount to be determined from time to time by the Meyer Township Board. The foregoing charges shall be paid to the Township Clerk to

be deposited with the Township Treasurer who shall then deposit in the cemetery fund involved in the sale or transfer.

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**

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 the Township Board, payable to the Township, and paid in full prior to interment or winter storage.

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 reinterment of bodies and remains, which matters are under the supervision of the local health department.

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

All markers or memorials must be of stone or other equally durable composition. Installation must be done by a Monument Company. All monuments/markers must be located upon a suitable foundation to maintain the same in an erect position. Only one monument, marker or memorial shall be permitted per burial space.

All monuments and markers shall be placed on foundations. Footings shall be installed to a depth of four (4) inches. The footing or foundation upon which any monument, marker or memorial is placed shall be inspected by the Sexton. A 4-6" base of pea gravel shall be placed under foundation for drainage. Foundations (Footings) will be left no more than two inches below the grade of the lot, and shall exceed the dimensions of the gravestone or monument by three and one half (3 ½) inches on all sides at ground level.

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

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. The number of cremains placed in one grave space will be limited to four. No other remains will be allowed in that grave space. One urn maybe buried above a casket burial or at the foot of grave if space is determined available by Sexton.

Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

No burials shall be made on Sundays or National Holidays except by order of the Township Supervisor. Funeral Directors shall arrange the time of a funeral so that Cemetery workmen can complete interment by 4:30 p.m., except in cases of emergency. Burials commencing after 3:00 p.m. and/or weekends shall pay an additional after hours charge as determined from time to time by the Meyer Township Board.

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 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.

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

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

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

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton. Approved plantings shall immediately become the property of the Cemetery.

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.

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

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.

Winter decorations, plastic decorations, floral designs, baskets, artificial flowers placed on the grave site may be maintained on the grave from November 1<sup>st</sup> until May 1<sup>st</sup> at which time they may be removed by Cemetery Employees. Summer decorations, plastic decorations, floral designs, baskets, artificial flowers placed on the grave site may be maintained on the grave from May 20<sup>th</sup> until October 1<sup>st</sup> at which time they may be removed by Cemetery Employees.

Annual and perennial flowers may be planted within a protective border that shall not exceed the width of the headstone with a 2 foot depth. Upkeep of the area within the protective border shall be the sole responsibility of the lot owner or person who installed the items.

Surfaces other than earth or sod are prohibited.

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 the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

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 said 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 within notice his desire to retain said burial rights.

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 60 days from the date of mailing of said notice.

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

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 legal heirs or representatives.

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

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 at all reasonable business hours.

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

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

#### **Section 13: Perpetual Care**

The Perpetual Care Fund previously established shall remain as is with no further funds being deposited. No part of this previously established fund, except for the interest which shall accrue on such monies, shall be drawn from such bank or banks, except for permanent investment in registered bonds of the United States, the State of Michigan, the County of Menominee, or the Township of Meyer, and such bonds shall be registered in the name of the Township Treasurer and Board of the Township of Meyer for the "Cemetery Perpetual Repair and Maintenance fund of the Township of Meyer." All monies collected by sale of lots after adoption of this ordinance shall be placed in the Cemetery General Fund Account. The Meyer Township Treasurer shall give an annual accounting of the funds available for use and care of the Meyer Township Cemetery. Perpetual care of a grave, lot or parcel of land shall consist of mowing the lawn where said graves are sodden as often as necessary, weather conditions permitting; also topsoil,

seed and fertilize, filling in sunken graves and trimming trees or shrubs where necessary. The cost of such care shall be forever the responsibility of Meyer Township. Perpetual Care shall not include the care of flowers or plants, vigil lights nor the repair of monuments, markers, memorials or any other structures or improvements of said lots of parcels of land, any monument, structures, or improvement thereof, caused by the elements or damages beyond the control of the Township authorities or the Cemetery Sexton. Perpetual care shall only include care of grave sodden level with the lawn and shall not include take care of mounds.

#### **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 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. Violation of this ordinance is also subject to civil penalties including a fine of not less than \$100. Each day a violation continues shall be treated as a separate offense and subject to a separate fine in the amount of \$100 per diem.

#### **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 a 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:**

The above amended ordinance was adopted by the Meyer Township Board on Sept. 17, 2008. The amended ordinance shall take effect Oct. 25, 2008.

The above amended ordinance was offered by Barb Kell, supported by Mari negro

ADOPTED: 9-17-08 5/0

**MEYER TOWNSHIP BOARD**

**ROLL CALL VOTE:**

PAUL DANI Aye  
BOB WHITENS Aye  
BOB GURGALL Aye  
MARI NEGRO Aye  
BARB KELL Aye

I hereby certify that the above is a true amended Ordinance adopted by the Meyer Township Board at a regular meeting held at the Township Hall on Sept 17, 2008. The amended ordinance was published in the Menominee County Journal on Sept. 25, 2008.

Mari L Negro

Mari Negro, Meyer Township Clerk