

VERNON TOWNSHIP

ORDINANCE NO. 26

CEMETERY ORDINANCE

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operational control and management of cemeteries owned by Vernon Township, Shiawassee County, Michigan; to provide penalties and enforcement remedies for violations of this Ordinance, and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF VERNON ORDAINS:

SECTION 1 Title

This Ordinance is to be known and cited as the Vernon Township Cemetery Ordinance.

SECTION II Purpose and Preamble

The purpose of this Ordinance is to regulate the operation, control, and management of cemeteries within the Township, and otherwise provide for the health, safety, and general welfare of residents and property owners of the Township by the prohibitions described in this Ordinance.

The Township is authorized by 1945 Public Act 246, as amended (now MCL 41.181) to adopt ordinances regulating the public health, safety, and general welfare of persons and property, and to provide penalties for violating ordinances such as this Ordinance; the Township is also authorized by 1937 Public Act 215, as amended (now MCL 128.1 *et seq.*), 1931 Public Act 46, as amended (now MCL 128.11 *et seq.*), 1909 Public Act 95, as amended (now MCL 128.71 *et seq.*), to regulate cemeteries and cemetery-related matters.

SECTION III Definition of Cemetery Lots

As used in this Ordinance, the following definitions control:

- A. "Burial space" means a space within a cemetery lot appropriate for burial.
- B. "Cemetery lot" means a burial space sufficient to accommodate one burial in accordance with Section VIII of this Ordinance.
- C. "Marker" means a stone or plaque, either flush or above the ground, indicating the given or family name of the deceased.

- D. "Monument" means a stone extending above the ground inscribed with the family name only.
- E. "Memorial" means any other structure defined to pay tribute to one buried in a cemetery lot.

SECTION IV Sale of Lots

- A. After the effective date of this Ordinance, a cemetery lot may be sold only for the purpose of burying persons in accordance with this Ordinance under the following structure:
 - 1. The Township may sell a cemetery lot to a resident or taxpayer of the Township for the purpose of the burial of such purchaser (or his or her heirs at law or next of kin) at the purchase price set forth in Section V(A) of this Ordinance.
 - 2. Additional lots may be purchased by residents or taxpayers at the non-resident price set forth in Section V(B).
 - 3. Non-residents may purchase lots for the price set forth in Section V(B).
 - 4. No sale may be made to funeral directors or others except as allowed in this Ordinance.
- B. Sales must be made on a Township Board-approved form, which grants a right of burial only and does not convey any other title to real property on which the cemetery lot exists (i.e., title to the real property remains vested in the Township). The Township Clerk must sign the burial right form. Sales are final when paid in full.
- C. Transfers. Requests for resident- or taxpayer-purchased lots to be transferred to a non-resident may only be done as follows:
 - 1. The owner of the lot must first re-sell the lot to the Township for the original purchase price, whereupon the Township will then sell the lot to the non-resident for the appropriate current purchase price set forth in Section V(B) (or as amended by Township resolution per Section V(E)) plus the amount of the applicable transfer fee listed in Section V(C) (or as amended by Township resolution).
 - 2. The Township Clerk must approve the transfer to the non-resident by entering such in the Clerk's official records, issuing a new permit to the non-resident (assignee), and cancelling the old burial permit.

SECTION V Purchase Price and Transfer Fees

- A. The Township Board is authorized to adopt by resolution a fee schedule to establish the following fees:
 - 1. Burial space (resident or taxpayer).
 - 2. Burial space (non-resident).
 - 3. Transfer fee under Section IV(C) of this Ordinance.
- B. The above charges are payable to the Township Treasurer.
- C. The Township Board by resolution may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION VI Grave Opening Charges

- A. The cost of opening and closing any burial space, before and after a burial therein (and including the interment of ashes), is to be set by Township Board resolution and payable to the Township.
- B. Burial spaces may only be opened and closed under the direction and control of the Township Clerk. This provision does not apply to proceedings for removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

SECTION VII Markers, Memorials, and Monuments

- A. Number Permitted.
 - 1. Only one of the following is allowed per cemetery lot: a monument, marker, or memorial.
 - 2. Any monument, marker, or memorial placed in violation of this Ordinance may be removed by the Township, with the costs of doing so borne by the cemetery lot owner (and/or those otherwise responsible for its placement).
- B. Type Permitted.
 - 1. Marker or Memorial. If a marker or memorial is placed on a cemetery lot, the marker or memorial must be of stone or other equally durable

composition and may not exceed 24 inches in height, 48 inches in width, and 16 inches in depth.

2. Monument. If a monument is placed on a cemetery lot, the monument must be located on a suitable solid foundation to maintain the same in an erect position, and may not exceed 48 inches in height.
- C. The footing or foundation upon which any monument, marker, or memorial is placed must be constructed by a monument company at the cost of the owner of the burial right.

SECTION VIII Interment Regulations

- A. Only deceased persons may be buried in a cemetery lot (burial space). Pets may not be buried in a cemetery lot.
- B. Limitations on Burial Space Use. As to each single burial space within a cemetery lot, that burial space may contain:
1. One deceased person; or
 2. One deceased mother or father, plus one deceased infant less than 2 years old at the time of death; or
 3. Two deceased infants, each of whom were less than 2 years old at the time of the respective passings.
- C. At least 36 hours notice must be given in advance of any funeral to allow for the opening of the burial space.
- D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, must be presented to the Township Clerk before interment. However, where such permit has been lost or destroyed, the Township Clerk may authorize interment to commence if the Township Clerk is presented information establishing to the Clerk's satisfaction that the person to be buried in the burial space is authorized.
- E. All graves must be located in an orderly and neat manner within the confines of the burial space involved.

SECTION IX **Ground Maintenance**

- A. Grading, Leveling, Excavation. Grading, leveling, or excavating upon a burial space without the prior written permission of the Township Clerk is prohibited.
- B. Planting Activities. No item (including without limitation flowers, shrubs, trees, plants, or other similar vegetation of any type) may be planted in a cemetery without the prior written permission of the Township Clerk. If the Township discovers any items planted in violation of this Ordinance, the Township may remove and discard that item without notifying the lot owner, and collect from the lot owner the expense of doing so by any lawful means.
- C. Activities Interfering With Cemetery Maintenance. No item (including without limitation dirt, growth, emblems, displays, containers, pots, plants, flowers, urns, monuments, markers, memorials, or other similar items) may be placed within a cemetery lot in a way that in the Township Clerk's sole judgment unreasonably interferes with the use of lawn mowers, lawn maintenance equipment, or other related equipment to maintain the cemeteries. If the Township discovers any item existing in violation of this Ordinance, the Township may remove and discard the item without notifying the lot owner, and collect from the lot owner the expense of doing so by any lawful means.
- D. Mounds. Mounds that hinder the free use of a lawn mower or other lawn maintenance equipment are prohibited.
- E. Unsightly or Litter Items; Maintenance Problems. The Township may remove and dispose of any growth, emblems, displays or containers that in the Township Clerk's view is (1) a source of litter through decay, deterioration, damage, or otherwise, or (2) a hindrance to the orderly and efficient maintenance of cemeteries.
- F. Surfaces. Except as otherwise indicated in this Ordinance, surfaces other than earth or sod are prohibited.
- G. Refuse. All refuse of any kind, including but not limited to dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

SECTION X **Forfeiture of Vacant Cemetery Lots or Burial Spaces**

- A. Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale automatically revert to the Township if:

1. The Township Clerk sends notice by first class mail to the last known address of the last owner of record informing that owner of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice of a desire to retain said burial rights; and
2. The Township Clerk receives no written response within 60 days of the date the Clerk mailed the notice referenced in the preceding paragraph, from either the last owner of record of said lots or spaces or that owner's heirs or legal representative, indicating a desire to retain the cemetery lots or burial spaces in question.

SECTION XI Repurchase of Lots or Burial Spaces

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

SECTION XII Records

The Township Clerk must maintain records concerning all burial and burial permits, separate from any other records of the Township, and the same must be open to public inspection at all reasonable business hours.

SECTION XIII Vault

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

SECTION XIV Cemetery Hours

- A. The cemeteries must be open to the general public from the hours of sunrise to sunset of each day.
- B. No person is allowed in the cemeteries at any time other than the foregoing hours, except upon permission of the Township Clerk.

SECTION XV Penalties

- A. The Township may enforce any violation of this Ordinance by:

1. Criminal Penalties. A violation of this Ordinance constitutes a misdemeanor; any person who violates this Ordinance must, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 90 days, or both. Each day a violation exists is considered a separate offense.
2. Injunction and Abatement. In addition to any other remedies that may be available under this Section, the Township may commence proceedings in a court of proper jurisdiction to enjoin or abate a violation of this Ordinance. Such proceedings are to be governed by applicable statutes and court rules of the State of Michigan, and if in such a proceeding a person is found in violation of this Ordinance the Township may recover its costs and reasonable attorney's fees in initiating the proceeding.

SECTION XVI **Severability**

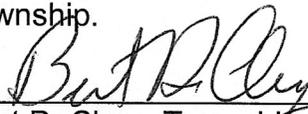
The provisions of this Ordinance are declared severable. If any provision of this Ordinance (or part thereof) is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not the subject of such declaration.

SECTION XVII **Repealer**

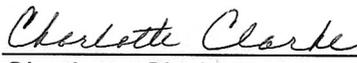
All ordinances or parts of ordinances that conflict with this Ordinance are repealed.

SECTION XVIII **Effective Date**

This Ordinance will become effective thirty days after publication in a newspaper of general circulation within Vernon Township.



Bert DeClerg, Township Supervisor



Charlotte Clark, Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF SHIAWASSEE)

I, the undersigned, the duly qualified and acting Clerk of the Township of Vernon, Shiawassee County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board on the 11 day of June, 2007, and that such Ordinance was duly published in the Argus Press on the 15 day of June, 2007.

Charlotte Clarke
Charlotte Clark, Township Clerk